

# **General Code of Ordinances for Marathon County Chapter 18 – Land Division and Surveying Regulations**



Approved by Marathon County  
Environmental Resources  
Committee December 5, 2019

Approved by Marathon County  
Board of Supervisors  
December 17, 2019



# TABLE OF CONTENTS

TABLE OF CONTENTS.....i

**TITLE 1 AUTHORITY AND GENERAL PROVISIONS .....1**

**Chapter 18.001 .....1**

[Section 18.001.01](#) Statutory Authority..... 1  
[Section 18.001.02](#) Title..... 1  
[Section 18.001.03](#) Purpose and Intent..... 1  
[Section 18.001.04](#) Geographic Jurisdiction..... 1  
[Section 18.001.05](#) Compliance ..... 2  
[Section 18.001.06](#) Relationship to other Laws and Agreements..... 2  
[Section 18.001.07](#) Interpretation..... 2  
[Section 18.001.08](#) Severability..... 2  
[Section 18.001.09](#) Repeal ..... 2  
[Section 18.001.10](#) Adoption and Effective Date ..... 2  
[Section 18.001.11](#) Successor Statutes..... 2  
[Section 18.001.12](#) Amendments..... 2

**TITLE 2 APPLICABILITY AND DIVISIONS GOVERNED.....3**

**Chapter 18.002 .....3**

[Section 18.002.01](#) Purpose and Applicability..... 3  
[Section 18.002.02](#) Land Divisions and Other Surveying Governed by this Code..... 3  
[Section 18.002.03](#) Land Divisions and Other Surveying Exceptions Not Governed  
by this Code..... 3  
[Section 18.002.04](#) Extraterritorial Plat Approval Jurisdiction ..... 3

**TITLE 3 SUITABILITY STANDARDS APPLICABLE TO BOTH MINOR AND MAJOR  
SUBDIVISIONS.....4**

**Chapter 18.003 .....4**

[Section 18.003.01](#) General Purpose ..... 4  
[Section 18.003.02](#) General Suitability Standards ..... 4  
[Section 18.003.03](#) Zoning..... 5

**TITLE 4 PROCEDURES FOR APPLICATION AND REVIEW OF LAND DIVISIONS..... 6**

**Chapter 18.004 .....6**

[Section 18.004.01](#) Purpose ..... 6  
[Section 18.004.02](#) Classification of Land Divisions ..... 6  
[Section 18.004.03](#) Special Land Division Circumstances and Procedures..... 7  
[Section 18.004.04](#) Dedications ..... 8  
[Section 18.004.05](#) Pre-Application Consultation/Suitability Determination ..... 9  
[Section 18.004.06](#) Minor Subdivision (CSM) Procedure without Dedications or Improvements 9  
[Section 18.004.07](#) Minor Subdivision (CSM) Procedure with Dedications or Improvements10  
[Section 18.004.08](#) General Review of Minor Subdivisions (CSMs).....12  
[Section 18.004.09](#) Effect of Approval Disapproval for Minor Subdivisions (CSMs) .....12  
[Section 18.004.10](#) Major Subdivision/County Subdivision Procedure .....13  
[Section 18.004.11](#) Major Subdivision/State Subdivision Procedure .....13

<a href="#">Section 18.004.12</a>	Concept Plat Stage Procedure .....	13
<a href="#">Section 18.004.13</a>	Preliminary Plat Stage Procedure .....	14
<a href="#">Section 18.004.14</a>	Improvement Plan Stage Procedure.....	16
<a href="#">Section 18.004.15</a>	Final Plat Stage Procedure.....	18

**TITLE 5 CSM, PLAT, AND IMPROVEMENT PLAN SUBMITTAL SPECIFICATIONS ..... 20**

<a href="#">Chapter 18.005</a>	.....	20
<a href="#">Section 18.005.01</a>	Purpose .....	20
<a href="#">Section 18.005.02</a>	General.....	20
<a href="#">Section 18.005.03</a>	Minor Subdivision (CSM) Specifications .....	20
<a href="#">Section 18.005.04</a>	Concept Plat Specifications .....	22
<a href="#">Section 18.005.05</a>	Preliminary Plat Specifications .....	22
<a href="#">Section 18.005.06</a>	Improvement Plan Specifications.....	25
<a href="#">Section 18.005.07</a>	Final Plat Specifications.....	25

**TITLE 6 SUBDIVISION DESIGN STANDARDS ..... 28**

<a href="#">Chapter 18.006</a>	.....	28
<a href="#">Section 18.006.01</a>	Subdivision and Site Design .....	28
<a href="#">Section 18.006.02</a>	Blocks .....	28
<a href="#">Section 18.006.03</a>	Lots .....	28
<a href="#">Section 18.006.04</a>	Soil & Site Evaluation/Preplanning .....	30
<a href="#">Section 18.006.05</a>	Utility Easements .....	30
<a href="#">Section 18.006.06</a>	Master Grading Plan Requirements.....	30
<a href="#">Section 18.006.07</a>	Surface Drainage and Erosion Control.....	30
<a href="#">Section 18.006.08</a>	Lands near Water's Edge .....	31
<a href="#">Section 18.006.09</a>	Reservation of Land .....	31

**TITLE 7 ROAD DESIGN AND CONSTRUCTION STANDARDS ..... 32**

<a href="#">Chapter 18.007</a>	.....	32
<a href="#">Section 18.007.01</a>	General Purpose .....	32
<a href="#">Section 18.007.02</a>	Road Planning Principles .....	32
<a href="#">Section 18.007.03</a>	Road Right of Way Widths and Grades .....	34
<a href="#">Section 18.007.04</a>	Public Roads .....	34
<a href="#">Section 18.007.05</a>	Private Roads.....	34
<a href="#">Section 18.007.06</a>	Driveways and Shared Driveways.....	35
<a href="#">Section 18.007.07</a>	Access Easements.....	35
<a href="#">Section 18.007.08</a>	Bridges and Culverts .....	36
<a href="#">Section 18.007.09</a>	Road Signs .....	36
<a href="#">Section 18.007.10</a>	Uniform Site Address.....	36
<a href="#">Section 18.007.11</a>	Traffic Impact Analysis .....	36

**TITLE 8 WATER, WASTEWATER, AND UTILITY DESIGN AND CONSTRUCTION STANDARDS ..... 37**

<a href="#">Chapter 18.008</a>	.....	37
<a href="#">Section 18.008.01</a>	General.....	37
<a href="#">Section 18.008.02</a>	Design for Water and Wastewater.....	37
<a href="#">Section 18.008.03</a>	Stormwater Management Requirements .....	37
<a href="#">Section 18.008.04</a>	Underground Utilities.....	38

<b>TITLE 9</b>	<b>REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS.....</b>	<b>39</b>
<u>Chapter 18.009</u>	.....	39
<u>Section 18.009.01</u>	<i>Developer Agreement.....</i>	39
<u>Section 18.009.02</u>	<i>Approval.....</i>	39
<u>Section 18.009.03</u>	<i>Estimated Cost.....</i>	39
<u>Section 18.009.04</u>	<i>Performance Bonds/Financial Assurance.....</i>	39
<u>Section 18.009.05</u>	<i>Plat Approval Withheld.....</i>	40
<u>Section 18.009.06</u>	<i>Recording of Final Plat.....</i>	40
<u>Section 18.009.07</u>	<i>Construction.....</i>	40
<u>Section 18.009.08</u>	<i>Maintenance.....</i>	41
<u>Section 18.009.09</u>	<i>Final Acceptance.....</i>	41
<b>TITLE 10</b>	<b>CONDOMINIUMS.....</b>	<b>43</b>
<u>Chapter 18.010</u>	.....	43
<u>Section 18.010.01</u>	<i>Intent.....</i>	43
<u>Section 18.010.02</u>	<i>Zoning.....</i>	43
<u>Section 18.010.03</u>	<i>Condominium Plats.....</i>	43
<u>Section 18.010.04</u>	<i>Standards.....</i>	43
<u>Section 18.010.05</u>	<i>Units.....</i>	44
<u>Section 18.010.06</u>	<i>Approval.....</i>	44
<b>TITLE 11</b>	<b>CONSERVATION DESIGN STANDARDS.....</b>	<b>45</b>
<u>Chapter 18.011</u>	.....	45
<u>Section 18.011.01</u>	<i>Intent.....</i>	45
<u>Section 18.011.02</u>	<i>Design Standards.....</i>	45
<u>Section 18.011.03</u>	<i>Design and Evaluation Criteria.....</i>	45
<b>TITLE 12</b>	<b>ADMINISTRATION AND ENFORCEMENT.....</b>	<b>47</b>
<u>Chapter 18.012</u>	.....	47
<u>Section 18.012.01</u>	<i>Environmental Resources Committee.....</i>	47
<u>Section 18.012.02</u>	<i>Administrator.....</i>	47
<u>Section 18.012.03</u>	<i>Revision of Final Plat after Approval.....</i>	47
<u>Section 18.012.04</u>	<i>Fees, Enforcement, Modification and Appeals.....</i>	47
<u>Section 18.012.05</u>	<i>Recording and Conveyance of Lots or Parcels Included within Land Division requiring County Approval.....</i>	48
<b>TITLE 13</b>	<b>DEFINITIONS.....</b>	<b>50</b>
<u>Chapter 18.013</u>	.....	50
<u>Section 18.013.01</u>	<i>General Terms.....</i>	50
<u>Section 18.013.02</u>	<i>Definitions.....</i>	50

<b>APPENDICES</b> .....	<b>56</b>
<a href="#">Appendix A: Ownership and Maintenance of Open Space</a> .....	56
<a href="#">Appendix B: Construction &amp; Effect of Ordinances</a> .....	59
<a href="#">Appendix C: Examples of Common Certificates, Notes or Restrictions</a> .....	60
<a href="#">Appendix D: Land Survey Chart</a> .....	62
<a href="#">Appendix E: Parcel Combination Document</a> .....	64
<a href="#">Appendix F: Classification of the Thoroughfare System</a> .....	65
<a href="#">Appendix G: Developer Agreement Template</a> .....	66
<a href="#">Appendix H: WPDES Construction Site Stormwater Runoff General Permit Checklist</a> Notice of Intent Application Checklist.....	69
<a href="#">Appendix I: Additional Regulations for Town Consideration</a> .....	73

# Title 1: AUTHORITY AND GENERAL PROVISIONS

## Chapter 18.001

## AUTHORITY

### Section 18.001.01 STATUTORY AUTHORITY

These regulations are adopted under the authority granted by Wis. Stats., 59.02, 82.27(6), 281.31, 236 and 703.

### Section 18.001.02 TITLE

This code shall be known as the "General Code of Ordinances for Marathon County Chapter 18 Land Division and Surveying Code."

### Section 18.001.03 PURPOSE AND INTENT

The purpose of Chapter 18 is to regulate the division of land, and to promote the public health, safety, and general welfare of the community. The regulations are intended to encourage the most appropriate use of land, to provide the best possible environment for human habitation and to conserve the value of buildings placed upon the land and to achieve the following objectives:

- A. The orderly, efficient, and appropriate development of land for the promotion of public comfort, convenience, and prosperity.
- B. The proper arrangement of roads or highways in relation to existing or proposed roads and highways for safe and convenient vehicular and pedestrian movement.
- C. Adequate and convenient open spaces for traffic, utilities, access for emergency response vehicles and equipment, recreation, light and air, and the avoidance of congestion of the population.
- D. Conserving and protecting valuable natural resources such as floodplain areas, wetlands, and prime agricultural land and wooded land.
- E. Facilitating the orderly and efficient provision of Private Onsite Wastewater Treatment Systems (POWTS).
- F. Facilitating the orderly and efficient provision of municipal facilities such as transportation, water, sewerage, schools, parks, and playgrounds and the utilization of alternative energy sources at minimum cost and maximum convenience.
- G. Securing safety from fire, flooding and other dangers.
- H. Facilitating further re-subdivision of large parcels into smaller parcels of land.
- I. The accurate surveying of land, preparing and recording of plats, and other land divisions.
- J. Providing uniform and accurate maps and boundary descriptions of parcels of land.
- K. The consistent processing of all subdivision and condominium plats by providing uniform procedures and standards by both the approving authority and subdivider as defined herein.

### Section 18.001.04 GEOGRAPHIC JURISDICTION

The provisions of this Code apply to all unincorporated lands within Marathon County. Where a duly adopted town subdivision ordinance is more restrictive than this code, the town's greater restrictions shall apply.

The provision of the Chapter shall not apply to condominium developments that existed as of **January 1, 2020**, except to the extent that such condominium developments are expandable pursuant to Wis. Stats., 703.26, and except that the provisions in Title 10 apply to all condominium developments regardless of when they were first established.

## Section 18.001.05 COMPLIANCE

- A. Except as provided in Section [18.002.03](#), no owner shall divide any land located within the jurisdiction of these regulations which results in a subdivision, certified survey, condominium plat or replat as defined in this code, and no such subdivision, certified survey, condominium, or replat shall be entitled to be approved or recorded, and no *Road* shall be laid out or improvement made without compliance with all the requirements of this code of the general code of ordinances, state law, and Wisconsin Administrative Code and official municipal regulations or plans.
- B. No approval pursuant to this code shall be issued where the applicant is in violation of this or any code administered by the department, nor for any parcel(s) of land which have an outstanding violation until the violation has been corrected. A request for waiver of this provision may be made to the Department Director.

## Section 18.001.06 RELATIONSHIP TO OTHER LAWS AND AGREEMENTS

This code is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law.

However, wherever this code imposes greater restrictions, the provisions of this code shall govern. The provisions of this code shall be liberally construed in favor of the health, safety, and welfare of Marathon County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Whenever a town has adopted a zoning regulation, pursuant to Wis. Stats., 60.61(4) and 59.69, all proposed subdivisions shall meet both the requirements of said zoning regulation, and the provisions of these land division and surveying regulations.

These land division and surveying regulations shall be interpreted as minimum requirements.

## Section 18.001.07 INTERPRETATION

The provisions of these land division and surveying regulations shall be broadly construed and interpreted so as to achieve their essential purposes.

## Section 18.001.08 SEVERABILITY

If any article, section, paragraph, clause, or part of these land division and surveying regulations is held to be invalid by a court, such judgment shall not affect the validity of the remaining provisions of these land division and surveying regulations.

## Section 18.001.09 REPEAL

All prior land division and surveying regulations and amendments thereto are hereby repealed, except to the extent where there is a pre-existing violation.

## Section 18.001.10 ADOPTION AND EFFECTIVE DATE

This General Code of Ordinances for Marathon County Chapter 18 Land Division and Surveying Code shall take effect and be in force upon the adoption date by County Board and publication according to law on **January 1, 2020**.

## Section 18.001.11 SUCCESSOR STATUTES

All references to "Wisconsin Statutes" or "Wis. Stats." or "Stats." shall mean the current Wisconsin Statutes and their successor statutes.

## Section 18.001.12 AMENDMENTS

These Land Division and Surveying Code may be amended periodically, pursuant to and in accordance with the provisions of Wisconsin Statutes and Marathon County.

# Title 2: APPLICABILITY AND DIVISIONS GOVERNED

## Chapter 18.002

## Applicability

### Section 18.002.01 PURPOSE AND APPLICABILITY

The purpose of this code is to specify the procedures that shall be followed to subdivide land. This code does not apply to transportation project plats that conform to Wis. Stats., 84.095.

### Section 18.002.02 LAND DIVISIONS AND OTHER SURVEYING GOVERNED BY THIS CODE

A. This code shall apply to:

1. The act of division, reconfiguration, or creation of a parcel by the owner thereof or the owner's agent for the purpose of recording where said act creates one or more new parcels smaller in area than herein provided.
2. The act of division of a parcel which creates parcels which are close in area to the minimum parcel size where the Administrator requires a survey for the purposes of verifying that the lots resulting therefrom are not reduced below the minimum size as required by this ordinance.
3. The exterior boundaries for proposed cemetery plats.
4. All parcels depicted on a Certified Survey Map (CSM), subdivision plat, and/or condominium plat.

### Section 18.002.03 LAND DIVISIONS AND OTHER SURVEYING EXCEPTIONS NOT GOVERNED BY THIS CODE

A. This ordinance, insofar as it may apply to divisions of less than 5 parcels, shall not apply to [see Wis. Stats., 236.45(2)(am)(1 to 4)]:

1. Transfers of interest in land by will or pursuant to court order.
2. Leases for a term not to exceed 10 years, mortgages or easements.
3. Such other divisions exempted by such ordinances, including the following:
  - a. Assessor's Plats made under Wis. Stats., 70.27.
  - b. Transfers of parcels which are larger than 10 acres excluding any right-of-way or easement of 20 feet or wider.
  - c. A CSM of an existing parcel within a previously recorded CSM or subdivision which does not result in a division as defined at Section [18.002.02\(A\)\(1\)](#).
  - d. A CSM prepared for the purpose of monumenting existing parcels that are metes and bounds or other property descriptions.
  - e. Lots and blocks within cemetery plats and sale or exchange of parcels of public utility or railroad right-of-way per Wis. Stats., 236.03(2) and (3), respectively.

### Section 18.002.04 EXTRATERRITORIAL PLAT APPROVAL JURISDICTION

No person, firm or corporation shall divide any land located within the extraterritorial plat approval jurisdiction of any city or village exercising such authority which shall result in a land division in accordance with this ordinance without filing for approval by the respective city or village planning commission. The administrator shall confirm whether the CSM or subdivision is located within an extraterritorial jurisdiction which may require additional review and approval by the extraterritorial jurisdiction.

The village or city planning commission having extraterritorial plat approval jurisdiction shall not consider any subdivision or land division unless prior approval by the approving authorities by both the town(s) and county has been secured. Recording a CSM or subdivision shall be required to meet all the applicable requirements of said city or village land division and surveying regulations and the provisions of Wis. Stats., 236.

# Title 3: SUITABILITY STANDARDS APPLICABLE TO BOTH MINOR AND MAJOR SUBDIVISIONS

## Chapter 18.003

## Suitability Standards

### Section 18.003.01 GENERAL PURPOSE

The purpose of good subdivision site design is to protect the public health, safety and general welfare of the county, to create a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to the county. To promote this purpose, these subdivision regulations shall set forth requirements for the manner in which roads, lots and other elements of a proposed subdivision or condominium plat shall be arranged on the land. Improvements required by these subdivision regulations shall facilitate convenient and safe roads and usable lots, and shall reserve adequate space for public utilities, as well as recreational, institutional, and other public uses.

The development shall be designed to avoid adversely affecting groundwater and aquifer recharge, to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; and to provide adequate access to lots and sites. Both minor and major subdivisions shall adhere to the following:

- A. Wis. Stats., 236.45 provides Marathon County the authority to regulate and/or prohibit the division of lands in accordance with this ordinance.
- B. The suitability standards of Section [18.003.02](#) are in addition to standards set forth in other regulatory ordinances.
- C. These suitability standards shall be applied to all proposed land divisions under the authority stated herein.
- D. The rules of the Department of Safety & Professional Services regarding private on-site wastewater treatment systems (POWTS).
- E. The rules of the Wisconsin Department of Transportation (WisDOT), and Marathon County Highway Department relating to safety of access.
- F. The requirements of any applicable federal, state, county or town regulations and/or ordinances.
- G. Continued harvesting of agricultural crops other than woodland products is permitted provided that such cropping has occurred within the last 5 years on the land under consideration.
- H. Any agreement, covenant, bylaw which protect the public health, safety, welfare as set forth in this code. In the case of land divisions and platted subdivisions, agreements, bylaws, provisions or covenants that govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities shall be submitted and approved by the administrator and the county corporation counsel prior to final approval of the development.

### Section 18.003.02 GENERAL SUITABILITY STANDARDS

No land shall be divided which is determined by the Administrator or Environmental Resources Committee, referred to herein as "Committee" to be unsuitable for its proposed use for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate supply of potable water or sewage treatment capabilities, or any other features or circumstances likely to result in the imposition of unreasonable costs or to be harmful to the health, safety or general welfare of the future residents of the land division or of the community as provided in the standards set forth in this Code.

**A. General Land Suitability.**

1. Floodplains. The Administrator may require the subdivider to conduct a Hydrologic and Hydraulic (H&H) study or another approved method approved by the WI DNR necessary to determine floodplain elevations.
  - a. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) should be used to determine if land is in a flood area. If any portion of the land within the subdivision is subject to flooding or other hazards that may increase danger to health, life, property; due consideration shall be given to such problems in the design of the subdivision.
2. Wetlands. The Administrator shall require the subdivider to provide the necessary information to determine wetland areas.
  - a. The DNR Wisconsin Wetland Inventory Maps shall be used to determine if the land contains wetlands. Land to be subdivided or developed should be designed and improved in a way to minimize wetland impacts. If the wetlands will be impacted, the developer is responsible for meeting all standards and securing all required permits from the United States Army Corp of Engineers (USACE) and the Wisconsin Department of Natural Resources (DNR) prior to approval of said division. If other local wetland ordinances are adopted that would supersede state or federal regulations, then the most stringent of the wetland protection and buffering regulations will apply.
3. Land requiring the use of private onsite wastewater treatment systems (POWTS) shall meet the requirements of SPS 383 and 385 of the Wisconsin Administrative Code and Chapter 15, Private Sewage Systems, Marathon County General Code of Ordinances.
4. Land which has inadequate drainage or may cause severe erosion or other detriment shall not be divided into building sites.
5. The Committee may require restrictive covenants to be filed with the final plat or certified survey which will have the effect of protecting environmentally sensitive areas such as steep slopes, wetlands, and watercourses from erosion, siltation and other damage, based on the standards in this Code and Chapter 17 as applicable.

**B. Access Suitability.**

1. All proposed major subdivisions shall have safe access to an improved public road.

**C. Groundwater Management and Drinking Water Supply.**

1. Areas that have documented groundwater contamination that exceeds State standards or areas that have an inadequate supply of safe potable water as set forth in State standards shall not be developed.

**Section 18.003.03 ZONING**

Lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the property is located. Divisions of lands under this ordinance shall be made in conformance with the provisions of the Marathon County Zoning Code if applicable or with the provisions of the town zoning code in the town in which the division is located.

# Title 4: PROCEDURES FOR APPLICATION AND REVIEW OF LAND DIVISIONS

## Chapter 18.004

## Procedures

### Section 18.004.01 PURPOSE

The purpose of this code is to specify the procedures that shall be followed to subdivide land.

### Section 18.004.02 CLASSIFICATION OF LAND DIVISIONS

The administrator shall determine whether the proposed land division satisfies the definition in Section [18.002.02](#) and this determination shall be subject to review by the Committee. Land divisions are classified under this code as either: Minor (CSM) or Major.

- A. **Minor Subdivision (CSM).** A minor subdivision shall include any of the following:
1. The division, reconfiguration, or creation of not more than 4 parcels of land which are 10 acres or less in size within any 5 year period, including outlots created for the purpose of a private road as set forth in Section [18.007.05](#). Outlots dedicated for public purposes shall not be included in the parcel count.
  2. The division of a lot or outlot within a recorded subdivision into not more than 4 parcels or building sites without changing the original exterior boundaries of the lot or outlot within any 5-year period.
  3. The reconfiguration or combination of existing parcels in common ownership where the resulting parcel is 10 acres or less in size exclusive of any right-of-way or easement which is 20 feet or wider except as provided in Section [18.004.03\(A\)\(8\)](#).
- B. **Major Subdivision (Subdivision Plat).** The administrator shall determine that a proposed subdivision of land is a major subdivision if it meets all of the following conditions:
1. There are two types of major subdivisions and are further categorized as the following:
    - a. County Subdivisions. A division of a lot, contiguous parcels or tract of land for the purpose of sale or building development, where:
      - 1) The act of division creates five or more parcels, lots, outlots or building sites of more than 1-1/2 acres each and which are less than 10 acres in size; or
      - 2) Five or more parcels or building sites of more than 1-1/2 acres each and which are less than 10 acres in size are created by successive divisions within a period of 5 years.
    - b. State Subdivisions. A division of a lot, contiguous parcel or tract of land for the purpose of sale or building development, where:
      - 1) The act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area; or
      - 2) Five or more parcels or building sites of 1-1/2 acres each or less in area are created by successive divisions within a period of 5 years.
      - 3) State subdivisions are subject to mandatory state review under Wis. Stats., 236 as well as county review as provided in the standards included in this Code.

## Section 18.004.03 SPECIAL LAND DIVISION CIRCUMSTANCES AND PROCEDURES

### A. Special Circumstances and Procedures.

1. Sale or Exchange (adjoining land owners). A CSM shall be submitted for a sale or exchange of parcels of land between owners of adjoining property if additional parcels are not thereby created is subject to review according to the following:
  - a. Application form and review fee.
  - b. Approval of the Administrator for the purpose of verifying that additional parcels are not thereby created and the parcels are not reduced below the minimum sizes required by this code or other applicable ordinances.
  - c. Approval by the County Surveyor with the purpose of verifying that the CSM meets all requirements under Wis. Stats., 236.34 and A-E7 of the Wisconsin Administrative Code.
2. Establishment of Public Right-of-way. A CSM submitted for the sole purpose of establishing public right-of-way shall be subject to county review and approval, according to the following:
  - a. Application form (exempt from review fee).
  - b. Review and approval by the Administrator
  - c. Approval by the town board.
3. Courtesy Review. A courtesy review may be requested for a land division that is not governed by this ordinance, subject to applicable fees.
4. Assessor's Plat. An assessor's plat shall adhere to Wis. Stats., 70.27.
5. Replat or alterations in recorded plats.
  - a. A replat of all or any part of a recorded subdivision, if it alters areas dedicated to the public, may not be made or recorded except after discontinuance or vacation of the original plat or the specific part thereof.
  - b. Upon submission to the county of a preliminary plat for an area for which a plat or portion thereof was vacated or altered by action pursuant to Wis. Stats., 236.40 through 236.44, the Committee shall hold a public hearing. While the proposed new plat is pending before the Committee, notices of the hearing shall be mailed to the owners of all properties within the area of the subdivision and to all landowners within 200 feet of the proposed replat.
6. Vacation Plat. A CSM or part of a CSM, may be vacated by the circuit court of the county in which the parcels of land are located in the same manner and with like effect as provided in Wis. Stats., 236.40 to 236.44, except that application for vacation of the CSM may be made by any of the following:
  - a. The owner of any lot or outlot in the land that is subject of the CSM.
  - b. The county board if the county has acquired an interest by tax deed in any lot or outlot in the land that is the subject of the CSM.
7. Discontinuance. Any county or town board may alter or discontinue any road, or alley in any recorded plat in any town in such county, not within any city or village, in the same manner and with like effect as provided in Wis. Stats., 66.1003.
8. Combination of Existing Parcels in Common Ownership. A minor subdivision shall not be required, at the discretion of the administrator, if the following conditions are satisfied:
  - a. Combined parcels resulting in a total acreage of 10 acres or less are lots within a platted subdivision, **or**
  - b. Combined parcels resulting in a total acreage of 10 acres or less have a certified survey map recorded with the Register of Deeds or a plat of survey on file at the County Surveyor's Office for all parcels included in the combination, **or**
  - c. Combined parcels result in a total acreage of greater than 10 acres, **and**
  - d. All parcels included in the combination shall:
    - 1) Be contiguous and within the same municipality.
    - 2) Have identical ownership.

- 3) Be located within the same taxation district.
  - 4) Have no taxes due on any of the parcels.
  - 5) Not conflict with any local, county, or state ordinances.
  - 6) Not be subject to a land contract.
  - 7) Not violate any covenants restricting the combination.
  - 8) Not alter the exterior boundary of any recorded subdivision.
- e. Documentation of the combination shall be through the following: A completed "Parcel Combination Affidavit" (refer to [Appendix E](#)) or a combination by deed shall be submitted with applicable fee, all appropriate signatures, and recorded at the Register of Deeds.
9. **Correction affidavit.** When a correction instrument is required to correct an error in mapping a minor, county or state subdivision, an affidavit shall be prepared in accordance with Wis. Stats., 236.295, recorded in the Register of Deeds office and a copy shall be filed with the department. A correction affidavit may be used to correct minor errors in mapping the minor, county or state subdivision, but shall not be used to reconfigure parcels.
10. **Private Roads.** Where it is proposed to create a private road or to extend an existing private road, the following procedure shall be followed:
- a. The subdivider and/or developer shall submit to the Administrator, a CSM which shows the location, length, and width of the proposed private road, the layout of the proposed lots, and the reasons for proposing the private road.
  - b. The Administrator shall review the proposal and recommend to the subdivider and/or developer that the proposed road be a public road, improved, and dedicated to the public. The Administrator forwards the proposal and recommendation to the town for consideration as follows:
    - 1) If the town and subdivider and/or developer agree to the public road, the subdivider and/or developer shall comply with this code, and the road becomes an improved, dedicated, and accepted town road, **or**
    - 2) If the town will not accept the recommendation for a public road, the private road is subject to review as follows:
      - a) If the town has a land division ordinance, the town approves or denies the land division with the private road pursuant to the town ordinance. If the town approves the land division with the private road, documentation of town approval and the requirements and/or standards for the private road shall be submitted to the county. If the town private road standards are less restrictive than private roads standards as set forth in Section [18.007.05](#), said county standards shall apply.
      - b) If the town does not have a land division ordinance, the roads standards as set forth in Section [18.007.05](#) shall apply.

<b>Section 18.004.04      DEDICATIONS</b>
---

- A. **Roads.** The subdivider may be required to offer for dedication to the county or town whichever is applicable all roads, utilities, and other public ways which are proposed to be established within the subdivision. Private roads may be allowed only if approved by the local municipality as set forth in Section [18.007.06](#).
- B. **Disclosure.** No person shall sell any parcel of land if it abuts on a road which has not been improved and accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the town or the county.
- C. **Public access to navigable waters.** State and county subdivisions abutting on a navigable lake or stream shall, according to the provisions of Wis. Stats., 236.16(3), and this section, provide access at least 60 feet wide to the water's edge so that there will be public access, which is connected to existing public roads at least 1/2 mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the DNR and the Department of Administration, and excluding shore areas where public parks or open space roads on either side of a stream are provided. No public access is required for minor subdivisions.

- D. **Terms of reservation.** Reservation of land for public acquisition shall be for a period specified by the committee not to exceed 5 years. Land so reserved shall be shown on the final plat and shall include the intended purpose and timeline of the reservation. A note shall be placed on the plat stating the date with which the reservation shall expire. The terms of the reservation shall be specified in the Developer's Agreement.
- E. **Method of offering dedications.** Dedications shall be effective as provided in Wis. Stats., 236.29. Dedications to the county shall require approval of the county board.
- F. **Method of dedicating areas.** A CSM may be used for dedication of roads and other public areas, and for granting easements to the public or any person, society, or corporation in accordance with the requirements of Wis. Stats., 236.34 (1m)(e).

**Section 18.004.05 PRE-APPLICATION CONSULTATION/SUITABILITY DETERMINATION**

- A. **Pre-application Consultation.** Prior to submitting an application for county approval of a preliminary plat, improvement plan(s), final plat or condominium plat, and in some cases, a CSM, the applicant and/or agent shall contact the administrator and appropriate staff for advice and assistance. The consultation does not require a formal application, or filing of a plat, but is intended to inform the applicant of the procedures and requirements of applicable regulations. The applicant should inform the administrator of the location and nature of the project which will be proposed. Based upon this information, the administrator may request a meeting and shall explain to the applicant the following:
  - 1. Whether the proposal will require any review from the administrator.
  - 2. Whether the proposal will require city or village extraterritorial, town, county, and/or county and state reviews.
  - 3. Which of the standards of this code and Wis. Stats., 236, will apply to the land division.
  - 4. Whether the proposal meets the general suitability standards in Section [18.003.02](#).
  - 5. Procedures and application packet requirements necessary to submit a land division for review and consideration.
- B. **Review Action by the Administrator.** The Administrator, in applying the provisions of this section, shall indicate the particular facts of why the land is not suitable for the proposed use and afford the subdivider the opportunity to present evidence regarding such suitability within 20 working days.
- C. **Environmental Resources Committee Action on Suitability Determination.** If the subdivider does not agree with the Administrators determination of suitability, the subdivider may request a determination by the Committee. Based on the evidence submitted by the Administrator and the subdivider, the Committee may affirm, deny, or modify the determination of suitability.

**Section 18.004.06 MINOR SUBDIVISION/CERTIFIED SURVEY MAP (CSM) PROCEDURE WITHOUT DEDICATIONS OR IMPROVEMENTS**

- A. **Minor Subdivision (CSM) Without Dedications or Improvements Review Procedure.** For a proposed CSM without dedications or improvements, the subdivider shall submit all information required to determine whether the proposed CSM is prepared in accordance with Section [18.005.03](#) of this code and pursuant to the requirements under Wis. Stats., 236.
  - 1. **CSM Submittal without Dedications or Improvements.** The subdivider shall submit a CSM to the administrator for review and possible modifications. The Administrator will identify deficient elements and provide review agency comments to the subdivider to be incorporated into the CSM proposal. A complete application shall include the following:
    - a. Application form and review fee.
    - b. CSM.
    - c. Other information deemed relevant to the proposed CSM as provided in the standards set forth in this Code.
  - 2. **CSM Submittal to Other Agencies.** Within 2 working days of the submittal of a complete application, the administrator and/or the subdivider or subdivider' s agent shall transmit an electronic copy of the CSM, or a copy of the CSM that is capable of clearly legible reproduction to the following:

- a. Wisconsin Department of Administration (DOA), if applicable; and
  - b. Wisconsin Department of Transportation, Division of Highways and Transportation Facilities if the CSM abuts a state trunk highway or connecting road, if applicable; and
  - c. Marathon County Highway Commissioner if CSM abuts a county highway, if applicable; and
  - d. Applicable town clerk; and
  - e. Clerk of any city or village, if the CSM lies within the extraterritorial approval jurisdiction, if applicable; and
  - f. Others as may be required.
- B. Review Action of a CSM by Reviewing/Objecting Agencies.**
- 1. Any city or village with extraterritorial jurisdiction, having authority to object shall notify the subdivider or subdivider's agent and all other agencies having the authority to object of any objection based upon failure of the CSM to comply with the statutes or rules that its examination is authorized to cover, or, if there is no objection, shall so certify on the face of the CSM.
  - 2. Failure of the town or extraterritorial jurisdiction, and other applicable agencies to act within 90 calendar days of the submittal of a complete application, or the time as extended by agreement with the subdivider, shall constitute an approval per Wis. Stats., 236.34(1M)(f).
- C. Review Action of a CSM without Dedications or Improvements by the Administrator.**
- 1. Within 20 working days, the Administrator shall provide an initial CSM review & written comments to the subdivider or subdivider's agent whether the proposed CSM conforms to the provisions of this code, state statutes, and general ordinances. The administrator shall not approve any CSM which is subject of an objection by a state or county objecting agency.
- D. Submittal of Final CSM without Dedications or Improvements.**
- 1. After the initial CSM review, the subdivider shall submit a final copy of the CSM addressing all deficiencies to the administrator.
  - 2. The final CSM shall be submitted a minimum of 10 working days prior to the statutory 90 calendar day period from the date of the submittal of the complete application, otherwise a mutually agreed upon date shall be established.
  - 3. If the applicant fails to successfully submit an accurate CSM in three submittals, in accordance with Section [18.005.03](#), the applicant shall be required to resubmit the CSM request per Section [18.004.06\(A\)\(1\)](#) including a new review fee.
  - 4. It shall be the responsibility of the subdivider or subdivider's agent to obtain all necessary signatures for recording purposes.
- E. Review Action of a Final CSM without Dedications or Improvements by the Administrator.**
- 1. The administrator, within 10 working days of the submittal of the final CSM, shall approve, approve conditionally or disapprove such CSM unless the time is extended by mutual agreement with the owner. If a CSM is disapproved, a letter setting forth the reasons for disapproval shall be conveyed in writing to the surveyor and the owner of the property.
  - 2. Failure of the administrator to act within 90 calendar days of the submittal of a complete application shall constitute an approval in accordance with Wis. Stats., 236.34(1m)(f).
  - 3. Review and effect of approval or disapproval of CSM's is further described in Section [18.004.08](#) and [18.004.09](#), respectively.
  - 4. The administrator shall submit a copy of the County approved CSM to the town clerk and extraterritorial jurisdiction (if applicable) for review and consideration by the town and/or town or village with extraterritorial jurisdiction.

<p><b>Section 18.004.07      MINOR SUBDIVISION (CSM) PROCEDURE WITH DEDICATIONS OR IMPROVEMENTS</b></p>
---

- A. Minor Subdivision (CSM) With Dedications or Improvements Review Procedure.** For a proposed CSM with dedications or improvements, the subdivider shall submit all information required to determine whether the proposed CSM is prepared in accordance with Sections [18.003](#), [18.005.03](#), [18.005.05](#), and [18.006](#) through [18.009](#) of this code and pursuant to the requirements under WI Stats., Ch. 236.
- 1. CSM Submittal with Dedications or Improvements. The subdivider shall make application to the administrator for review and possible modifications. The Administrator will identify deficient elements

and provide review agency comments to the subdivider to be incorporated into the CSM proposal. A complete application shall include the following:

- a. Application form and review fee.
  - b. CSM.
  - c. All information required by Sections [18.003](#), [18.005.03](#), [18.005.05](#), [18.006](#) through [18.009](#) and other applicable ordinances,
  - d. Improvement plan(s) as set forth in Section [18.004.14](#).
  - e. Other information deemed relevant to the proposed CSM including but not limited to the following:
    - 1) Draft copy of the on-site soil erosion control and stormwater management plan.
2. **CSM Submittal to other Agencies.** Within 2 working days of the submittal of a complete application, the administrator and/or subdivider or subdivider's agent shall transmit an electronic copy of the CSM, or a copy of the CSM that is capable of clearly legible reproduction to the following:
- a. Wisconsin Department of Administration, if applicable; and
  - b. Wisconsin Department of Transportation, Division of Highways and Transportation Facilities, if the CSM abuts a state trunk highway or connecting road, if applicable; and
  - c. Marathon County Highway Commissioner if CSM abuts a county highway, if applicable; and
  - d. Applicable town clerk; and
  - e. Clerk of any city or village, if the CSM lies within the extraterritorial approval jurisdiction, if applicable; and
  - f. Others as may be required.
- B. Review Action of a CSM with Dedications or Improvements by Reviewing/Objecting Agencies.**
1. Any town or village with extraterritorial jurisdiction, having authority to object shall notify the subdivider or subdivider's agent and all other agencies having the authority to object of any objection based upon failure of the CSM to comply with the statutes or rules that its examination is authorized to cover, or, if there is no objection, shall so certify on the face of the copy of the CSM.
  2. The town board shall approve, conditionally approve, or disapprove the dedication of roads or other public areas shown on the map over which the town has jurisdiction. When the dedications are conditionally approved or disapproved, the conditions or the reasons for disapproval shall be submitted to the department in writing. Any approved conditions shall be satisfied prior to the recording of the CSM. If the dedications are approved, the subdivider may execute any surety bond or other performance contract required by the town prior to recording.
  3. Failure of the town or extraterritorial area, and other applicable agencies to act within 90 calendar days of the submittal of a complete application, or the time as extended by agreement with the subdivider, shall constitute an approval per Wis. Stats., 236.34(1M)(f).
- C. Review Action of a CSM with Dedications or Improvements by the Administrator.**
1. Within 20 working days, the Administrator shall provide an initial CSM review & written comments to the subdivider or subdivider's agent whether the proposed CSM conforms to the provisions of this code, state statutes, and general ordinances. The administrator shall not approve any CSM which is subject of an objection by a state or county objecting agency.
- D. Submittal of Final CSM with Dedications or Improvements.**
1. After the initial CSM review, the subdivider shall submit a final copy of the CSM addressing all deficiencies to the administrator and if applicable, documentation indicating the availability of publicly-owned waste water treatment system facilities and/or centralized water facilities.
  2. The final CSM shall be submitted a minimum of 10 working days prior to the statutory 90 day period from the date of the submittal of the complete application, otherwise a mutually agreed upon date shall be established.
  3. If after three submittals, the applicant fails to successfully submit an accurate CSM in accordance with Section [18.005.03](#), the applicant shall be required to resubmit the CSM request per Section [18.004.07\(A\)\(1\)](#) including a new review fee.
  4. It shall be the responsibility of the subdivider or subdivider's agent to obtain all necessary signatures for recording purposes.

**E. Review Action of a Final CSM with Dedications or Improvements by the Administrator.**

1. The administrator, within 10 working days of the submittal of the final CSM, shall approve, approve conditionally or disapprove such CSM unless the time is extended by mutual agreement with the owner. If a CSM is disapproved, a letter setting forth the reasons for disapproval shall be conveyed in writing to the surveyor and the owner of the property.
2. Failure of the administrator to act within 90 calendar days of the submittal of a complete application shall constitute an approval in accordance with Wis. Stats., 236.34 (1m)(f).
3. Review and effect of approval or disapproval of CSM's is further described in Section [18.004.08](#) and [18.004.09](#), respectively.
4. The administrator shall submit a copy of the County approved CSM to the town clerk and extraterritorial jurisdiction (if applicable) for review and consideration by the town and/or town or village with extraterritorial jurisdiction.

**Section 18.004.08 GENERAL REVIEW OF MINOR SUBDIVISIONS (CSMs)**

- A. Minor Subdivision (CSM) shall comply with the requirements of Wis. Stats., 236.34 and submittal requirements as per Section [18.005.03](#):
- B. Review Action by the Administrator.**
1. The standards of Wis. Stats., 236.34, and A-E 7 of the Wisconsin Administrative Codes shall be applied to CSMs as defined by this ordinance.
  2. The administrator may send any CSM to state agencies for advisory review and comments upon a determination that such a referral could yield information that might be useful in the review process.
  3. Where the administrator finds that the county requires additional information relative to a particular problem posed by the proposed subdivision, the administrator shall have the authority to request such information in writing from the subdivider. Such additional information may include, but not be limited to the following:
    - a. All lands reserved for future public acquisition.
    - b. Soil Evaluation Report, as required by Wisconsin Administrative Code for all lots not served by public sewer as set forth in Section [18.006.04](#).
    - c. Two-foot contour intervals in the areas of the lots to be used for building sites and the installation of private water supplies and POWTS.
    - d. Documentation of floodplain elevations.
    - e. Documentation of delineated wetland boundaries.
    - f. Information addressing general suitability standards pursuant to Section [18.003.02](#).
- C. The application for any proposed CSM with lots or parcels abutting new public road(s), private roads, and/or shared driveways requiring direct access onto, a county, state, U.S. or Federal Highway shall be reviewed by the Commissioner or WI Department of Transportation (DOT) as appropriate.
1. If, within 10 working days, the administrator has not received comments pertaining to the application, the CSM review process may continue pursuant to Section [18.004.07\(E\)](#).
  2. When access is being requested onto a state, U.S. or Federal Highway, the provisions of any and all state statutes, transportation rules, and department policies shall be complied with. A copy of the decision of the DOT shall be submitted with the request for review of a CSM.
  3. If private roads and/or shared driveways are proposed the land division may be denied UNLESS it meets Section [18.007.05](#) and [18.007.06](#).

**Section 18.004.09 EFFECT OF APPROVAL/DISAPPROVAL FOR MINOR SUBDIVISIONS (CSMs)**

**A. Approval/Disapproval by the Administrator.**

1. Failure of the approving authority or its agent to act within the 90 calendar days, or any extension of that period, constitutes an approval of the CSM and, upon demand, a certificate to that effect shall be made on the face of the map by the clerk of the authority that has failed to act.
2. The administrator shall transmit one copy of the CSM to the clerk of the town in which the division has been approved.

3. A CSM may be used for dedication of roads and other public areas, and for granting easements to the public or any person, society, or corporation marked or noted on the map, when owners' certificates and mortgages' certificates which are in substantially the same form as required by Wis. Stats., 236.21 (2)(a), have been executed and the city council, village, or town board involved have approved such dedication or grant. Approval and recording of such CSMs shall have the force and effect provided by Wis. Stats., 236.29.
4. All applications for CSMs, in which the review process has been suspended, by mutual agreement with the subdivider, without an approval or disapproval, shall expire 12 months from the date it was submitted.

**B. Recording.**

1. CSMs prepared in accordance with Wis. Stats., 236.34(1) and (1m), shall be numbered consecutively by the register of deeds and shall be accepted by the register of deeds' office.
2. If the CSM is approved by a local unit of government, the register of deeds may not accept the CSM for record unless all of the following apply:
  - a. The CSM is offered for record within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map.
  - b. The CSM shall only be recorded with the county register of deeds after all certifications and affidavits are placed on its face as required under Wis. Stats., 236.34(1) and (1m).

**C. Use in Conveyancing.**

1. When a CSM has been recorded in accordance with this section, the parcels of land in the map shall be, for all purposes, including assessment, taxation, devise, descent, and conveyance, as defined in Wis. Stats., 706.01(4), described by reference to the number of the survey, lot or outlot number, the volume and page where recorded, and the name of the county.

**Section 18.004.10 MAJOR SUBDIVISION/COUNTY SUBDIVISION PROCEDURE**

- A. County subdivisions shall comply with the requirements and procedures outlined in Section [18.004.11](#) of this code except that no transmittals to or approvals from the state objecting agencies are needed unless required by the administrator where he/she finds a state review to be necessary.

**Section 18.004.11 MAJOR SUBDIVISION/STATE SUBDIVISION PROCEDURE**

- A. Major (state or county) subdivisions shall be processed in four (4) stages: Concept Plat Stage, Preliminary Plat Stage, Improvement Plan Stage and Final Plat Stage unless previously agreed upon at the Concept Plat Stage.
- B. Major subdivisions shall not be approved where easements and/or private roads are proposed to provide access. All lots in major subdivisions shall have access to dedicated, improved public roads.

**Section 18.004.12 CONCEPT PLAT STAGE PROCEDURE**

- A. **Concept Plat Stage Procedure.** The purpose of the concept plat stage is to hold a meeting with the administrator to provide information and assistance concerning the proposed subdivision so the subdivider may prepare a complete preliminary plat, final plat, and condominium plat consistent with the requirements of the County Land Division and Surveying Code. A concept plat review meeting provides an opportunity to discuss the review process, the scope of appropriate submittal requirements and compliance with the town (if applicable) and this code. Potential deficiencies may be identified before a formal preliminary plat is submitted. A concept plat review process provides a mechanism for determining if roads are needed, effectively coordinating needed road connections, addressing vehicle access management, availability of suitable soils for the installation of POWTS, discuss preliminary soil erosion control and stormwater management plans, and overall limitations of the natural features of the land.
  1. Concept Plat Submittal. The developer shall make application to the administrator for a concept plat meeting by submitting a complete concept plat application and related materials. All information including all items required by Section [18.005.04](#) shall be submitted to the administrator or as follows:
    - a. Application form and review fee.

- b. Concept plat drawing (11" x 17" or larger).
  - c. Other information that the Administrator deemed relevant to assist in understanding the scope of the proposed subdivision.
2. Concept Plat Transmission. The administrator may transmit at least one (1) copy of the concept plat to officials and agencies determined in the concept plat meeting for review, comments, and recommendations as follows:
- a. County Highway Department;
  - b. Local school district;
  - c. Local Sewer and Water Utilities (if required);
  - d. Town Board, Town Zoning Administrator, Fire/Emergency Medical Services (EMS) Department, Town Road Superintendent (if applicable); and
  - e. Others as may be required (i.e. extraterritorial municipality, reviewing/objecting and approving agencies).
3. Concept Plat Meeting.
- a. The concept plat meeting shall be scheduled within 7 working days from the date of submission of the applicant's form and materials. If additional information is requested prior to the meeting, the 7 day period may be extended. Other participants in the concept plat review meeting may include town representatives and the other reviewing/objecting agency representatives. Plan preparers are encouraged to meet with reviewers to determine required scope of plans during the concept plan stage.
4. Review Action of Concept Plat by Administrator.
- a. Within 10 working days after the concept plat meeting, staff shall provide written comments on the concept plat to the developer.

<b>Section 18.004.13      PRELIMINARY PLAT STAGE PROCEDURE</b>
--

- A. **Preliminary Plat Stage Procedure.** For the preliminary plat stage, the developer shall submit all of the information required to determine that the proposed subdivision or condominium development layout is prepared in accordance with Section [18.005.05](#) and the requirements of Wis. Stats., 236.

In the case of condominium developments, a condominium plat that conforms to Wis. Stats., 703.11 shall be submitted and is a substitute for a preliminary plat. The review procedure and submittal shall meet the requirements in this section to the extent the administrator determines practical, and the preliminary plat and final plat review stages shall be combined.

1. Preliminary Plat Submittal. After the necessary requirements identified during the concept plat meeting have been met, the developer shall make application for the preliminary plat to the administrator. A complete application shall be submitted a minimum of 20 working days prior to the Committee's regularly scheduled meeting for consideration of major subdivisions. The Committee is not required to consider a preliminary plat unless it is considered a complete application. All information required by Section [18.005.05](#), shall be submitted to the administrator on the preliminary plat as follows:
- a. Application form and review fee.
  - b. 4 copies of the preliminary plat.
  - c. Other information deemed relevant to the proposed subdivision as identified at the concept plat meeting.
2. Additional Information Required When Submitting the Preliminary Plat. Prior to administrator accepting the preliminary plat for review, it is the responsibility of the developer to submit the following data:
- a. Documentation from the county's private on-site wastewater treatment system (POWTS) program administrators indicating lot acceptability for individual systems, or documentation from the local water and sewer utilities indicating the availability of publicly-owned waste water treatment system facilities and/or centralized water facilities.
  - b. A draft copy of the soil erosion control and stormwater management plan.

- c. Additional information identified as being relevant to the proposed subdivision by the Administrator.
  - 3. **Preliminary Plat Submittal to Other Agencies.** Within 2 working days of the submittal of a complete application, the administrator and/or the subdivider or subdivider's agent shall transmit an electronic copy of the preliminary plat, or a copy of the preliminary plat that is capable of clearly legible reproduction to the following:
    - a. Wisconsin Department of Administration, if applicable;
    - b. Wisconsin Department of Transportation, Division of Highways and Transportation Facilities, if the plat abuts a state trunk highway or connecting road, if applicable; and
    - c. Marathon County Highway Commissioner if plat abuts a county highway, if applicable; and
    - d. Applicable town clerk; and
    - e. Clerk of any city or village, if the plat lies within the extraterritorial approval jurisdiction, if applicable; and
    - f. Others as may be required.
  - 4. **Notice to Contiguous Land Owners.** Following the submittal of a complete application, and at least 10 working days prior to consideration of the preliminary plat by the Committee, written notice may be mailed by the department, by regular mail, to all owners of property contiguous to and directly across the road from such area proposed to be subdivided. The notice shall state the date, time and location of the Committee meeting at which the preliminary plat for the proposed development will be considered.
- B. Review Action of Preliminary Plats by Reviewing Agencies.**
- 1. Any city and/or village with extraterritorial jurisdiction, having authority to object shall notify the subdivider or subdivider's agent and all other agencies having the authority to object of any objection based upon failure of the preliminary plat to comply with the statutes or rules that its examination is authorized to cover, or, if there is no objection, shall so certify on the face of the copy of the preliminary plat. The Department of Administration requires 30 calendar days and the Department of Transportation requires 20 calendar days for review and may request recommendations and/or comments to be considered by the committee. These recommendations and/or comments shall be submitted to the administrator a minimum of 5 working days prior to the scheduled committee meeting date.
  - 2. The town board shall approve, conditionally approve, or disapprove the dedication of roads or other public areas shown on the map over which the town has jurisdiction. When the dedications are conditionally approved or disapproved, the conditions or the reasons for disapproval shall be communicated to the department in writing. Any approved conditions shall be satisfied prior to the approval of the preliminary plat. If the dedications are approved, the subdivider may execute any surety bond or other performance contract required by the town.
  - 3. Failure of the town and/or village with extraterritorial jurisdiction, and other applicable agencies to act within 90 calendar days of the submittal of a complete application, or the time as extended by agreement with the subdivider, shall constitute an approval per Wis. Stats., 236.34(1M)(f).
- C. Review Action of Preliminary Plat by the Administrator.**
- 1. Within 10 working days of the receipt of a complete application, the department shall provide an initial preliminary plat review & written comments to the subdivider or subdivider's agent whether the proposed preliminary plat conforms to the provisions of this code, state statutes, and general ordinances.
  - 2. A preliminary plat addressing all deficiencies identified in the initial preliminary plat review shall be submitted to the administrator a minimum of 7 working days prior to the scheduled committee meeting date.
  - 3. The administrator shall provide all information deemed necessary for proper consideration of the preliminary plat to the committee members 3 working days prior to the scheduled committee meeting date.
- D. Environmental Resources Committee Action on Preliminary Plat.**
- 1. The Committee, within 90 calendar days of the date of the receipt of a complete application of a preliminary plat with the administrator shall approve, approve conditionally or disapprove such plat unless the time is extended by mutual agreement with the divider. A letter setting forth the conditions of approval or the reasons for disapproval shall be sent to the subdivider and all reviewing agencies

- the Administrator deems necessary. One copy each of the plat and letter shall be placed in the committee's permanent file.
2. Failure of the Committee to act within 90 calendar days of the date of the receipt of a complete application of a preliminary plat with the administrator, or the time as extended by agreement with the subdivider, shall constitute an approval in accordance with Wis. Stats., 236.34(1m)(f).
  3. The Committee or approving authority shall not approve any preliminary plat which is subject of an objection of an objecting agency.
- E. **Effect of Approval.** An approved preliminary plat is to be used as a guide for the preparation of a final plat for final approval and recording upon fulfillment of all conditions. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat or may extend the time for submission of the final plat. The final plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time.
1. In the case of a subdivision which has been the subject of a preliminary plat approved by the Committee, offers or contracts to convey parcels within the proposed land division may be entered into pending approval of the final plat if the contract or offer to convey stated on its face that it is contingent upon recording of the final plat and shall be void if such plat is not recorded within a specified time.
- F. **Extension of Preliminary Plat Approval by Committee.** In cases where regulatory conditions and requirements have not been fully addressed or met by the expiration of the approval and where the developer is legitimately pursuing approvals, the Committee may grant up to two 6 month extensions. In order for each extension requested to be reviewed by the committee, a letter must be received from the town zoning administrator (if applicable) indicating that it meets the local zoning regulations. If after all the extensions have been exhausted, any phase(s) or portion(s) of the original approved preliminary plat has not received final plat approval, then a new preliminary plat shall be submitted for Committee review. When a subdivision is proposed to be developed in phases, the preliminary plat approval will automatically be extended for 1 year from the final plat approval date of a phase.
- G. **Expiration of Preliminary Plat Approval.** Upon expiration of a preliminary plat approval, no approval of a final plat shall be given until the preliminary plat has been resubmitted and approved.
- H. **Changes in Preliminary Plat.** During the preparation of improvement plans, technical reasons may necessitate the modification of the approved preliminary plat. Whenever modifications would substantially change between the final plat and the approved preliminary plat, the change shall be submitted to administrator and appropriate agencies for consideration. Substantial changes include road or major easement reconfiguration, increase in the number of lots, or decrease in the area or change in the specified use of blocks. Within 15 working days after receipt of the notification of the change and with consultation with appropriate agencies, the Administrator will:
1. Give written approval for the modifications, or
  1. Give written notice that the proposed modifications must be reviewed by the Committee at its next scheduled public meeting.
- I. **Construction** shall not begin until the improvement plans have been approved as set forth in Section [18.004.14](#).

<b>Section 18.004.14      IMPROVEMENT PLAN STAGE PROCEDURE</b>
--

- A. **Improvement Plan Stage Procedure.** For a proposed CSM, county subdivision, or state subdivision with dedications and/or improvements, the developer/subdivider shall submit an improvement plan as set forth below.
1. **Improvement Plan Submittal.** The improvement plan stage requires the developer/subdivider to present engineering improvement plans to the town engineer, Commissioner, reviewing agencies, other agencies, and/or to the local sanitary sewer district and water utility, where applicable. The developer's engineer shall prepare and submit improvement plans which shall conform to the proposed CSM and/or approved preliminary plat and include all phases of the work to be performed to make the land suitable for development into the use proposed, as follows:
    - a. Application form and review fee.
    - b. Improvement plans. The cover page or signature page shall contain the following:

1. Date,
  2. Property owner,
  3. Name, address and phone number of the preparer.
  4. Signature line for the town board chairman or designee.
  5. Other information deemed relevant to the proposed improvement plan as provided in the standards as set forth in this Code.
2. Information Required When Submitting the Improvement Plan. Prior to the Administrator accepting the improvement plan for review, it is the responsibility of the developer/subdivider to submit the following data, if applicable:
- a. Complete plans and specifications of proposed public roads to be dedicated.
  - b. Documentation of plan submittal to the applicable local water and sewer utilities, when sanitary sewer or water mains are to be constructed.
  - c. Documentation of the draft on-site soil erosion control and stormwater management plan submittal for review and approval by the DNR.
  - d. Plans showing the total drainage area(s) and drawings showing cross sections, profiles, elevations, construction details, specifications, and all calculations and computations for all required and or proposed storm water management facilities.
  - e. Additional information identified as being relevant to the proposed subdivision by the Administrator.
3. Improvement Plan Submittal to Other Agencies. The administrator may transmit copies of the improvement plans to the appropriate authorities for review, comments, and recommendations as follows:
- a. Local Sewer and Water Utilities, if applicable; and
  - b. Wisconsin Department of Transportation, Division of Highways and Transportation Facilities, if the plat abuts a state trunk highway or connecting road, if applicable; and
  - c. Marathon County Highway Commissioner if plat abuts a county highway, if applicable; and
  - d. Town Engineer or Road Superintendent; and
  - e. Fire/Emergency Medical Services (EMS) Department; and
  - f. Applicable town clerk for informational purposes; and
  - g. Others as may be required.
- B. Review Action of Improvement Plan by Other Agencies**
1. The reviewing agencies shall approve, conditionally approve, or disapprove of the improvement plan, as applicable, and the developer/subdivider shall submit documentation of the action and the finalized improvement plan.
  2. The developer/subdivider shall submit the DNR approval letter and plans for the soil erosion control and stormwater management plan.
  3. The final improvement plans shall be submitted for approval signature by the town engineer. All costs for review and approval of the town engineer shall be borne by the owner and/or developer.
- C. Review Action of Improvement Plans by Administrator.** Review by the Administrator shall follow the final plat review procedure as set forth in Section [18.004.15\(C\)](#).
- D. Environmental Resources Committee Action on Improvement Plan.** Review by the Committee shall follow the final plat review procedure as set forth in Section [18.004.15\(D\)](#).
- E. Effect of Approval.** At the completion of the construction, and before acceptance, the developer's engineer shall update the original improvement plans as directed by the town engineer, Commissioner, local utilities, and reviewing agencies where applicable, showing the locations, sizes, and elevations of all improvements as constructed. A legible paper original of the as-built drawings shall be furnished to the review authorities, where applicable. The original plan sheets shall remain with the town engineer and/or Commissioner. All final as-built drawings approved by the town engineer and/or Commissioner may also be submitted in digital format.
- F. Changes in Improvement Plan.** If it becomes necessary to modify the improvements as approved due to unforeseen circumstances, the developer shall inform the town engineer, Commissioner, local sanitary sewer district and water utility, and reviewing agencies where applicable, in writing of the conditions requiring the modifications. When the final design of the subdivision has been modified after approval of the soil erosion control and stormwater management plan by DNR, the developer is responsible for resubmitting a revised plan to DNR for review and approval. Written authorization from the appropriate review agency to make the required modification must be received before proceeding with the construction or modification of the improvement. If the developer finds in the process of preparing

improvement plans that changes in the approved preliminary plat are necessary, the developer shall inform the administrator. The administrator may require that a revised preliminary plat be submitted for approval.

- G. **Construction** shall not begin until the improvement plans have been approved as set forth in this Section. The Town may require the developer to provide construction oversight and inspections. At the completion of construction, and before acceptance of improvements, the developer's engineer may provide as-built record drawings for review and approval. Record drawings shall become the property of the town and/or county after approval.

## Section 18.004.15 FINAL PLAT STAGE PROCEDURE

- A. **Final Plat Stage Procedure.** For the final plat stage, the developer shall submit information required to determine that the proposed subdivision or condominium development layout is prepared in accordance with Section [18.005.07](#) and the requirements of Wis. Stats., 236.
1. **Final Plat Submittal.** The developer shall make application to the Committee for approval of a final plat. The final plat submitted shall conform to the approved preliminary plat. Subdivisions may be submitted for final approval in phases provided that the preliminary plat approval has been given for the entire subdivision. All items as required by Section [18.005.07](#) shall be submitted to the administrator on the final plat as follows:
    - a. Application form and review fee.
    - b. 4 copies of the final plat.
    - c. Copy of approved final improvement plans.
    - d. Other information deemed relevant to address conditions as identified by the committee in the preliminary plat approval.
  2. **Deadlines**
    - a. The final plat or portion thereof shall be submitted to the Committee within 36 months of the last required preliminary plat approval as required by Wis. Stats., 236.
    - b. Receipt of a complete application shall take place at least 10 working days prior to consideration of the final plat by the Committee.
- B. **Review Action of Final Plat by Reviewing Agencies.** The subdivider shall submit the final plat to approving and objecting agencies, which shall review the plat and notify the subdivider and all other approving and objecting agencies under the procedures and timetables established in Wis. Stats., 236.
- C. **Review Action of Final Plat by Administrator.**
1. Within 10 working days of the receipt of a complete application, the department shall provide a final plat review and written comments to the subdivider or subdivider's agent whether the proposed final plat conforms to the provisions of this code, state statutes, and general ordinances.
  2. A final plat addressing all deficiencies identified in the final plat review shall be submitted to the administrator a minimum of 7 working days prior to the scheduled committee meeting date.
  3. The administrator shall provide all information deemed necessary for proper consideration of the preliminary plat to the committee members 3 working days prior to the scheduled committee meeting date.
- D. **Environmental Resources Committee Action on Final Plat.** If the final plat application is complete, the Committee shall review the final plat within 60 calendar days after submission of the final plat. The Committee shall approve, approve conditionally or disapprove such plat unless the time is extended by mutual agreement with the subdivider. If approved, the certifications on the plat shall be completed. The Committee may not approve any final plat which is the subject of an objection of any objecting agency.
1. **Committee Action.** One of the following actions shall be taken by the Committee:
    - a. **Final Approval.** The final plat must conform to the approved preliminary plat, and all other applicable regulations. Prior to the granting of approval of the final plat, the developer shall have submitted official approval from all applicable authorities of the preliminary plat and improvement plans. Construction may begin only to the extent permitted pursuant to this code. The Committee may give final approval authorizing its chairperson, or any other officer of the Committee, to sign and date the approved plat. *Approved Conditionally.* If approved conditionally, the certifications shall not be completed until the conditions are met.
    - b. **Disapproval.** Should the Committee determine to disapprove the final plat, written notice or copy of

the Committee minutes of such action, shall be mailed to the developer and his/her engineer and/or surveyor. The notice shall contain specific reference to regulations or other requirements with which the final plat does not comply. The action shall also be entered in the official records of the Committee.

- c. *Approval without Committee Action.* In the event the Committee shall fail to act upon the final plat within 60 calendar days of the date of its submittal, or within a time extension mutually agreed upon between the developer and the Committee, the final plat shall be deemed to have been approved by the Committee.
  - d. *Partial platting.* The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. Approval of a final plat for only a portion of the preliminary plat shall extend the approval for the remainder of the preliminary plat for 12 months from the date of approval of the partial final plat. Subsequent final plat approvals which involve only a portion of the preliminary plat shall extend the approval period for the remainder of the preliminary plat for one year from the last date of approval.
  - e. *Restrictions for public benefit.* The Committee reserves the right to release or waive in writing, any restrictions for public benefit as provided in Wis. Stats., 236.293.
2. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of the preliminary approval, and to local plans and ordinances authorized by law, it is entitled to approval. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat.
- E. **Effect of Approval.** An approved final plat by the town board and by the Committee shall serve as acceptance of dedications, and if a performance bond/financial assurance is provided, preliminary acceptance of improvements. The final plat approval shall not be an official acceptance of improvements by the public (town or county) until such improvements are inspected and approved by the town engineer. Once official acceptance of installed improvements has been approved by the town engineer on an affidavit or other recordable document, towns may require a maintenance bond for said improvements, if applicable.
- F. **Recording of Final Plat.**
1. To entitle the final plat to be recorded, the subdivider shall cause to be completed and signed the certificates as required by Wis. Stats., 236.21 and 236.25.
  2. The final plat shall be submitted to the register of deeds within 36 months of the date of the first certification and within 12 months of the last certification required by that section. Failure to submit the plat within the time limit shall render the plat void, unless the limit is extended by the Committee.

# Title 5: CSM, PLAT, AND IMPROVEMENT PLAN SUBMITTAL SPECIFICATIONS

## Chapter 18.005

## Submittal Specifications

### Section 18.005.01 PURPOSE

To provide the developer with the specific information required to facilitate adequate review, approval and recording of CSM and subdivision plats in accordance with this code.

### Section 18.005.02 GENERAL

The minor subdivisions (CSMs), concept plat, preliminary plat, improvement plans, and final plat shall be prepared by a professional land surveyor or engineer registered in Wisconsin.

### Section 18.005.03 MINOR SUBDIVISION (CSM) SPECIFICATIONS

- A. **Minor Subdivision (CSM) Submittal Requirements.** The minor subdivision (CSM) and accompanying submittal specifications as required per Sections [18.004.06](#), [18.004.07](#), and/or [18.004.08](#) shall contain or show the following information:
1. Original map with stamp, signature and date on all pages.
  2. Mathematical closure of 1/3,000 or better for exterior and interior lots, outlots or other areas as set forth in Wis. Stats., 236.34(1M)(a).
  3. All lot, outlot or other area corners, including meander corners, shall be monumented as set forth in Wis. Stats., 236.15(1)(ac)(c)(d) and (g) or a waiver is required from WI DOA plat review.
  4. Describe all monuments by stating material, length, weight per lineal foot, outside diameter, and found or set in legend and all monuments used to determine the parcel(s), showing bearing and distance in relationship to the surveyed parcel.
  5. Ties to at least two US Public Land Survey System (PLSS) corners within ¼ section by bearing and distance. Include ALL PLSS corners used to determine any boundary. (*i.e. breakdown of ¼ section if establishing an interior forty line*).
  6. Map prepared with a graphic scale of not more than 1"=500' on durable white paper with a non-fading black image, with correct margins. All sheets need to be titled "Certified Survey Map" and if more than one sheet, all sheets shall be numbered as "Sheet\_ of \_ Sheets" as set forth in Wis. Stats., 236.34(1m)(c).
  7. Name(s) of owner(s) of parcel to be surveyed and the name of the developer if different.
  8. All adjoining lands and state if the lands adjoining the surveyed parcel(s) have been platted (*CSM, Plat of Survey, Plat, etc.*) and identify ownership as owned by others, owned by divider, or specify the owners by name.
  9. Exact length and bearing of all exterior and interior boundary lines and "recorded as" bearing and distances if different as set forth in Wis. Stats., 236.20(2)(c).
  10. Meander line bearing and distance along with bearing and distance from meander line to water's edge.
  11. All easements as follows: if previously recorded, show recording information. If not recorded, show easement validation note ([APPENDIX C](#)). Show the easement width and bearings and distances of exterior or centerline if easement if not parallel to a boundary line. If the CSM is creating and conveying the easement, owners' and mortgagee certificates shall be placed on the map as set forth in [236.34\(1m\)\(e\)](#).
  12. All PLSS lines (*section lines, quarter – quarter lines, etc.*)
  13. All lots and outlots shall be consecutively numbered and area shown to the nearest square foot.

14. Adjacent roads, road names, and road right angle widths. If there is no record, a statement explaining how the location and width of the Right-of-Way was established. (*Per Wis. Stats., 82.18, previous surveys, field evidence, etc.*)
15. North arrow and bearing being referenced to magnetic, true or other identifiable direction related to a boundary line of the quarter section that the survey is located.
16. Curve information, on curve or in a table. Include: radius, chord length, chord bearing, central angle, arc length, and tangent bearing or direction if a nontangential curve, and show main chords as dashed or dotted lines as set forth in Wis. Stats., 236.20(2)(k).
17. Surveyor's Certificate including who directed the survey, a description of the land surveyed by G.L., ¼ - ¼ section, Section, Township, Range, Town, and County, a statement that the map is a correct representation of the land surveyed, and a statement that the surveyor has complied with any state, county, or local ordinances as set forth in Wis. Stats., 236.34(1m)(d).
18. Dedication of roads and other public areas shall require in addition, the owner's certificate, mortgagee's certificate (if applicable) and certification of approval by the town board in substantially the same form as required by Wis. Stats., 236.21(2)(a)
19. "Metes and Bounds" description commencing at a section or quarter section corner that is not the center of section or a lot and block description if the land is located in a recorded subdivision or CSM that has been previously properly tied to a quarter section line.
20. Statement placed on the map that the map does not transfer property ownership, and the sale or transfer of property requires a recorded deed excepting public dedications.
21. Location of existing buildings, structures, adjoining roads, highways, parks, cemeteries, driveways, and subdivisions. For any existing building or structure on the subject property that is 50 feet or less from an existing or proposed parcel line(s), the distance between the building and said parcel line(s).
22. Location of the Ordinary High Water Mark (OHWM) that has been determined by the DNR or otherwise determined pursuant to law. An approximated OHWM may be shown on the face of the plat/map with a statement that the mark is shown for reference only. Location of ordinary high water mark wherever the OHWM is within 100 feet of the subject parcel. (*NR 115 requirements applicable especially when the subject property does not abut a navigable water body but a neighboring property does which will affect the setbacks on the subject property.*)
23. Location of water elevation and datum used (USGS datum preferred) on the date of survey of any navigable water and location of non-navigable streams, drainage ditches and easements, ponds, lakes, flowages and other features.
24. Location of existing wells, POWTS, drain field vents, septic, pump, and/or holding tanks, and the approximate footprint of the base of any mound system. If applicable, the location of any soil tested area.
25. Regional floodplain elevation, datum used (USGS datum preferred), and a benchmark within the subdivision for use when the parcel is developed. Where no flood study has been approved at or near a proposed development a flood study may be required. Location of the 100-year regional flood boundary contour based on data collected in the field.
26. Wetland boundaries from the DNR Wetland Inventory Maps or as field mapped by the U.S. Army Corps of Engineers (USACOE), WDNR, or assured wetland delineator. When the delineation is conducted by a private delineator that is not assured, confirmation shall be required from ACOE and/or WI DNR.
27. Easements or private roads which adjoin or cross the property, existing driveways, and any other driveway(s) located on the parent parcel. If the map scale prevents drafting other driveways located on the parent parcel they may be referred to by a note indicating distance and direction from the proposed parcel boundary.
28. Public Trust Information, if applicable, as set forth in Wis. Stats., 236.16(4) the following statement placed on the face of the map:

"Any land below the OHWM of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution."

## Section 18.005.04 CONCEPT PLAT SPECIFICATIONS

- A. **Concept Plat Submittal Requirements.** Where it is proposed to create a county or state subdivision, the concept plat and accompanying submittal specifications as required per Section [18.004.12\(A\)](#) shall contain or show the following information:
1. Name for file identification. Proposed development shall be given a name for identification purposes, such name being unique to the unincorporated areas of Marathon County in order to avoid duplication and confusion with previously recorded plats. Name shall be included if known at the time of application.
  2. Location and description of property. Location of property by quarter-quarter section, section, township, range, name of town, and county.
  3. North arrow.
  4. Boundary of the property. Boundary of the property to be divided shall be shown by bold lines.
  5. Existing rights-of-way; buildings. True relationship between the boundary of property and rights-of-way of existing roads upon which it may border. Existing buildings and structures shall be shown.
  6. Sketch of proposal. General lot and roadway layout including blocks with the proposed use identified. Alternative road layouts that may be proposed. Relationship of existing roadways to proposed roadways in each alternative layout.
  7. Topography. Show existing topography with contours at 2 foot intervals, streams, springs, wetlands, ponds, buildings or other features likely to affect the subdivision.
  8. Floodplain limits and environmental constraints. If any part of the proposed subdivision is subject to flooding, a line indicating the water surface elevation of the 100 year flood shall be shown on the drawing.
  9. Other natural features of significant public interest to be affected by the development or improvements.
  10. Zoning district. Show zoning districts from county or town zoning maps.
  11. POWTS and/or public wastewater treatment and water supply. Describe the method of private onsite or public wastewater treatment and water supply being proposed and to be reviewed by the department and/or the local water and sewer utility. Map of soils boundaries as described in the Soil Survey of Marathon County.
  12. Traffic Information. May be required at the discretion of the administrator.
  13. Preliminary inventory and analysis of the site and any adjacent properties. To the extent that they relate to the site, an inventory and preliminary analysis which shall address topography; soils, water bodies, floodplains, wetlands, fire ponds and drainage; historic features; adjacent and on-site land uses and zoning, utilities and related easements and any other easements of record; roadways and traffic circulation; and other information critical to an understanding of the capability of the site to accommodate the proposed development.

## Section 18.005.05 PRELIMINARY PLAT SPECIFICATIONS

- A. **Preliminary Plat Submittal Requirements.** For all county and state subdivisions and condominium plats, a preliminary plat conforming to Wis. Stats., 236.11 and accompanying submittal specifications as required per Section [18.004.13\(A\)](#) shall contain or show the following information:
1. Preliminary plat drawings. Map shall be drawn on a sheet size of 22" wide by 30" long and at a scale of not more than 1" = 100', accurately and clearly drawn, signed, sealed and include the proposed layout of the subdivision, showing the following:
    - a. Identification.
      - 1) Proposed name of subdivision
      - 2) Town, tract or original lot or section number.
      - 3) Names, addresses, and telephone numbers of owners, developer, and professional land surveyor.
      - 4) Preliminary plat may be on several sheets and shall be accompanied by an index sheet that will allow the entire subdivision to be shown on a sheet size of 22" X 30".

2. Vicinity map. Relationship of the proposed subdivision to existing community facilities which serve or impact it. Vicinity map may be on the same sheet as the preliminary plat drawing and shall be drawn at a legible scale with enough information to determine the location of the project area and shall show the following:
  - a. Quarter-quarter section, section, township, range, name of town, and county noted immediately under the subdivision name.
  - b. Existing town and county road traffic arteries adjacent to the proposed subdivision.
3. Original map with stamp, signature and date on all pages.
4. Mathematical closer of 1/3,000 or better for exterior and interior lots, outlots or other areas as set forth in Wis. Stats., 236.34(1M)(a).
5. Ties to at least two PLSS corners within ¼ section by bearing and distance. Include ALL PLSS corners used to determine any boundary. (*i.e. breakdown of ¼ section if establishing an interior forty line*).
6. All adjoining lands and state if the lands adjoining the surveyed parcel(s) have been platted (*CSM, Plat of Survey, Plat, etc.*) and identify ownership as owned by others, owned by divider, or specify the owners by name.
7. Exact length and bearing of all exterior and interior boundary lines and “recorded as” bearing and distances if different as set forth in Wis. Stats., 236.20(2)(c).
8. Meander line bearing and distance along with bearing and distance from meander line to water’s edge.
9. All easements as follows: if previously recorded, show recording information. If not recorded, show easement validation note ([APPENDIX C](#)). Show the easement width and bearings and distances of exterior or centerline if easement is not parallel to a boundary line. If the CSM is creating and conveying the easement, owners’ and mortgagee certificates shall be placed on the map as set forth in Wis. Stats., 236.34(1m)(e).
10. All PLSS lines (*section lines, quarter – quarter lines, etc.*)
11. All lots and outlots shall be consecutively numbered and area shown to the nearest square foot.
12. Adjacent roads, road names, and road right angle widths. If there is no record, a statement explaining how the location and width of the Right-of-Way was established. (*Per Wis. Stats., 82.18, previous surveys, field evidence, etc.*)
13. North arrow and bearing being referenced to magnetic, true or other identifiable direction related to a boundary line of the quarter section that the survey is located.
14. Curve information, on curve or in a table. Include: radius, chord length, chord bearing, central angle, arc length, and tangent bearing or direction if a nontangential curve, and show main chords as dashed or dotted lines as set forth in Wis. Stats., 236.20(2)(k).
15. Location of existing buildings, structures, adjoining roads, highways, railroads, parks, cemeteries, driveways, and subdivisions. For any existing building or structure on the subject property that is 50 feet or less from an existing or proposed parcel line(s), the distance between the building and said parcel line(s).
16. Location of the Ordinary High Water Mark (OHWM) that has been determined by the DNR or otherwise determined pursuant to law. An approximated OHWM may be shown on the face of the plat/map with a statement that the mark is shown for reference only. Location of ordinary high water mark wherever the OHWM is within 100 feet of the subject parcel.
17. Location of water elevation and datum used (USGS datum preferred) on the date of survey of any navigable water and location of non-navigable streams, drainage ditches and easements, ponds, lakes, flowages and other features.
18. Location of existing wells, POWTS, drain field vents, septic, pump, and/or holding tanks, and the approximate footprint of the base of any mound system. If applicable, the location of any soil tested area.
19. Regional floodplain elevation, datum used (USGS datum preferred), and a benchmark within the subdivision for use when the parcel is developed. Where no flood study has been approved at or near a proposed development a flood study may be required. Location of the 100-year regional flood boundary contour.
20. Wetland boundaries from the DNR Wetland Inventory Maps or as field mapped by the U.S. Army Corps of Engineers (USACOE), WDNR, or assured wetland delineator. When the delineation is conducted by a private delineator that is not assured, confirmation shall be required from ACOE and/or WI DNR.
21. Easements or private roads which adjoin or cross the property, existing driveways, and any other driveway(s) located on the parent parcel. If the map scale prevents drafting other driveways located on the parent parcel they may be referred to by a note indicating distance and direction from the proposed parcel boundary.

22. Existing information, if applicable, to be shown on map or submitted documentation:
- a. Location of proposed underground utilities in or near the subdivision.
  - b. Existing utilities in and adjacent to the subdivision: location and size of sanitary and storm sewers; location and size of water mains; location of gas lines. If water mains, sewers, and/or culverts are not on or adjacent to the tract, indicate direction and distance to and size of nearest one.
  - c. Two (2) foot contours of ground elevations within the subdivision.
  - d. Drainage information, including streams and drainage ways within the proposed for development design purposes.
  - e. Other conditions within the subdivision:
    - 1) Ponds, lakes, and streams.
    - 2) Floodplains and areas subject to flooding. The base flood elevation data and the boundary of the flood hazard area(s) shall be delineated on the preliminary plat. If there are no flood hazard areas in the subdivision pursuant to the FEMA Flood Insurance Rate Map(s) then a statement shall be provided on the preliminary plat indicating same. The developer shall show the 100-year flood boundary on the topographic map for the subdivision.
    - 3) Rock outcroppings. Subsurface conditions in the subdivision that are not typical such as abandoned nonmetallic mines.
    - 4) Wooded areas and/or other environmentally sensitive areas.
    - 5) Embankments or retaining walls and direction and gradient of down slope.
    - 6) Power lines, poles, and towers.
    - 7) Land use and adjacent zoning district boundaries.
    - 8) Above ground and underground storage tanks and the associated utility and service lines if known.
    - 9) Soil evaluation/preplanning results as set forth in Section [18.006.04](#).
    - 10) Known construction debris disposal sites.
    - 11) Existing fire ponds.
  - f. If the proposed subdivision is to be served by an existing public or private water system or a local sanitary sewer district, the developer shall obtain a letter stating that the water system and or sanitary sewer district has the capacity and will serve the proposed subdivision.
  - g. Zoning requirements:
    - 1) District(s).
    - 2) Lot size and yard requirements.
23. Proposed Information, if applicable, to be shown on the map or submitted documentation;
- a. Roads (indicate each road by name and private or public), right-of-way widths, classification (arterials, collector, or local) as designated by the town engineer, and proposed improvements. The town engineer may also require profiles of approximate road grades. Proposed road names shall not duplicate existing road names recorded in the county. The developer shall furnish written approval of road names from staff and from the town(s) in which the final plat is located.
  - b. Other rights-of-way or easements showing location, width, and purpose.
  - c. Boundaries of proposed phases of the subdivision, if applicable.
  - d. Land parcels reserved for common areas shall be shown as out lots and labeled consecutively with numbers and description of proposed use, and any limitations of use.
  - e. Common areas reserved or dedicated for open space, parks, playgrounds, water and sewage treatment sites, stormwater retention or detention sites, fire ponds or other public uses.
  - f. For sites reserved for public use or common use of property owners, for parks, playgrounds, or other uses, a preliminary draft document of any proposed covenants, conditions and restrictions, including agreements and provisions for any community association membership and responsibility. A plan for administration and maintenance of all proposed common property, but it need not include condominium property to be titled to individual owners. Said documents shall include a description of the enabling declaration; the declaration of covenants, conditions and restrictions, the articles of incorporation; and the corporate by-laws as these apply to ownership of and maintenance of common open space and common facilities.
    - 1) If two family dwelling units or multiple family dwelling units are proposed, a statement regarding the number of buildings and dwelling units contained therein for each proposed lot and the total number of buildings and dwelling units for the entire subdivision.
  - g. Alterations to topography.

- h. Proposals for soil erosion control and stormwater management as recommended by developer and the developer's engineer shall be provided to the town/county/state engineer for review and comment.
  - i. Soil evaluation/preplanning results as set forth in Section [18.006.04](#). Location of all underground sanitary sewer, centralized water, and stormwater facilities for immediate and future construction phases, if applicable.
  - j. Wetland protection area, if applicable.
  - k. Location for fire pond compliance, if applicable, per the town fire department.
24. Other information. The Committee, reviewing authorities, or Administrator may require other additional information as deemed necessary to fulfill the requirements of this code.

## Section 18.005.06 IMPROVEMENT PLAN SPECIFICATIONS

- A. Improvement Plan Submittal Requirements.** Improvement plans shall be prepared by a registered professional engineer. For all county and state subdivisions and condominium plats, and applicable CSM's, improvement plans and accompanying submittal specifications as required per Section [18.004.14](#) shall contain or show the following information:
1. Title sheet, general notes, and listing of proposed improvements and applicable agencies with review authority.
  2. Map showing applicable improvements such as roads, sewer and water mains, stormwater management facilities, drainage area(s) and areas to be disturbed and drawings showing cross sections, profiles, and elevations.
  3. Construction details, specifications, and all calculations and computations for all required and/or proposed improvements including roads, sewer, water, and other utilities and soil erosion control and stormwater management.
  4. Traffic control plan, if applicable, including but not limited to the layout of temporary and permanent signage, traffic signals, pavement marking, traffic lane improvements, and all other traffic related items.
  5. Documentation showing compliance with Wis. Stats., 236.13 and Chapter 15 of the WisDOT Facilities Development Manual (FDM).
  6. Development of any parks or trails or any areas reserved for public use may require improvement plans, if applicable.

## Section 18.005.07 FINAL PLAT SPECIFICATIONS

- A. Final Plat Submittal Requirements.** For all state and county subdivisions and condominium plats, a final plat conforming to Wis. Stats., 236.20 and 236.21 and accompanying submittal specifications as required per Section [18.004.15](#) shall contain or show the following information:
1. Final plat drawings. Map shall be drawn on a sheet size of 22" wide by 30", accurately and clearly drawn, signed, sealed and include the proposed layout of the subdivision, showing the following:
    - a. Identification.
      - 1) Proposed name of subdivision (shall be same as used on preliminary plat).
      - 2) Town, tract or original lot or section number.
      - 3) Final plat may be on several sheets and shall be accompanied by an index sheet that will allow the entire subdivision to be shown on a sheet size of 22" X 30". If more than one sheet, all sheets shall be numbered as "Sheet\_ of \_ Sheets".
      - 4) The plat shall be prepared with a 1" binding margin on all sides.
      - 5) A graphic scale of not more than 100 feet to 1 inch shall be shown on each sheet showing layout features. A scale of more than 100 feet to 1 inch may be used if:
        - a) County Plat - Surveyor submits a written scale waiver request and approved by the administrator.
        - b) State Plat - Surveyor submits a written scale waiver request and approved by the Department of Administration.
      - 6) Proper spaces for transfer and recording stamps by the County register of deeds.

2. Vicinity map. Relationship of the proposed subdivision to existing community facilities which serve or impact it. Vicinity map may be on the same sheet as the preliminary plat drawing and shall be drawn at a legible scale with enough information to determine the location of the project area and shall show the following:
  - a. Quarter-quarter section, section, township, range, name of town, and county noted immediately under the subdivision name.
  - b. Existing town and county road traffic arteries adjacent to the proposed subdivision.
3. Original map with stamp, signature and date on all pages.
4. Mathematical closure of 1/3,000 or better for exterior and interior lots, outlots or other areas as set forth in Wis. Stats., 236.15(2).
5. All lot, outlot or other area corners, including meander corners, shall be monumented as set forth in Wis. Stats., 236.15(1) or a waiver is required from WI DOA plat review.
6. Describe all monuments by stating material, length weight per lineal foot, outside diameter, and found or set in legend and all monuments used to determine the parcel(s), showing bearing and distance in relationship to the surveyed parcel.
7. Ties to at least two PLSS corners within ¼ section by bearing and distance. Include ALL PLSS corners used to determine any boundary. (*i.e. breakdown of ¼ section if establishing an interior forty line*).
8. Name(s) of owner(s) of parcel to be surveyed and the name of the developer if different.
9. All adjoining lands and state if the lands adjoining the surveyed parcel(s) have been platted (*CSM, Plat of Survey, Plat, etc.*) and identify ownership as owned by others, owned by divider, or specify the owners by name.
10. Exact length and bearing of all exterior and interior boundary lines and “recorded as” bearing and distances if different as set forth in Wis. Stats., 236.20(2)(c).
11. Meander line bearing and distance along with bearing and distance from meander line to water’s edge.
12. All easements as follows: if previously recorded, show recording information. If not recorded, show easement validation note ([APPENDIX C](#)). Show the easement width and bearings and distances of exterior or centerline if easement is not parallel to a boundary line. If the CSM is creating and conveying the easement, owners’ and mortgagee certificates shall be placed on the map as set forth in Wis. Stats., 236.34(1m)(e).
13. All PLSS lines (*section lines, quarter – quarter lines, etc.*)
14. All lots and outlots shall be consecutively numbered and area shown to the nearest square foot. When the subdivision is submitted in sections or phases, lots shall be numbered consecutively as each section or phase is submitted.
15. Adjacent roads, road names, and road right angle widths. If there is no record, a statement explaining how the location and width of the Right-of-Way was established. (*Per Wis. Stats., 82.18, previous surveys, field evidence, etc.*)
16. North arrow and bearing being referenced to magnetic, true or other identifiable direction related to a boundary line of the quarter section that the survey is located.
17. Curve information, on curve or in a table. Include: radius, chord length, chord bearing, central angle, arc length, and tangent bearing or direction if a nontangential curve, and show main chords as dashed or dotted lines as set forth in Wis. Stats., 236.20(2)(k).
18. Road name and right-of-way width of each road within proposed subdivision and those adjoining. Any road proposed to be dedicated shall be labeled “Dedicated to Public”.
19. “Metes and Bounds” description commencing at a section or quarter section corner that is not the center of section or a lot and block description if the land is located in a recorded subdivision or CSM that has been previously properly tied to a quarter section line.
20. Location of the Ordinary High Water Mark (OHWM) that has been determined by the DNR or otherwise determined pursuant to law. An approximated OHWM may be shown on the face of the plat/map with a statement that the mark is shown for reference only. Location of ordinary high water mark wherever the OHWM is within 100 feet of the subject parcel.
21. Location of water elevation and datum used (USGS datum preferred) on the date of survey of any navigable water and location of non-navigable streams, drainage ditches and easements, ponds, lakes, flowages and other features.
22. Regional floodplain elevation, datum used (USGS datum preferred), and a benchmark within the subdivision for use when the parcel is developed. Where no flood study has been approved at or near a proposed development a flood study may be required. Location of the 100-year regional flood boundary contour.

23. Wetland boundaries from the DNR Wetland Inventory Maps or as field mapped by the U.S. Army Corps of Engineers (USACOE), WDNR, or assured wetland delineator. When the delineation is conducted by a private delineator that is not assured, confirmation shall be required from ACOE and/or WI DNR.
24. Easements or private roads which adjoin or cross the property, existing driveways, and any other driveway(s) located on the parent parcel. If the map scale prevents drafting other driveways located on the parent parcel they may be referred to by a note indicating distance and direction from the proposed parcel boundary.
25. Public Trust Information, if applicable, as set forth in Wis. Stats., 236.16(4) the following statement placed on the face of the map: "Any land below the OHWM of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution."
26. If required, location of preplanned buildable areas, POWTS, driveways.
27. Land for public or common use - show boundaries and identify the use of all parcels which are to be dedicated or reserved for public or common use or easements.
28. Certifications accompanying the plat conforming to Wis. Stats., 236.21:
  - a. Certification of town engineer and/or Commissioner that improvement plans have been signed and required improvements have been satisfactorily installed or adequate financial guarantees have been provided.
  - b. Approval of the final plat by the Committee, and town board officials. Approval of the plat constitutes acceptance of offers of dedication by the Committee or town board.
  - c. A certificate of the clerk or treasurer of the municipality or town in which the subdivision lies and a certificate of the county treasurer stating that there are no unpaid taxes or unpaid special assessments on any of the lands included in the plat.
  - d. Notarized certification by the owner or owners of the subdivision for the offer of the dedication of roads and other public areas.
  - e. Surveyor's Certificate including who directed the survey, a description of the land surveyed by Government Lot,  $\frac{1}{4}$  -  $\frac{1}{4}$  section, Section, Township, Range, Town, and County, a statement that the map is a correct representation of the land surveyed, and a statement that the surveyor has complied with any state, county, or local ordinances as set forth in Wis. Stats., 236.21.
  - f. Lands being subdivided that are subject to a mortgage must include a mortgagee certificate of consent on the plat.
  - g. Certification by the county and/or town zoning administrator that the plat meets all general, shoreland and floodplain zoning requirements.
29. Miscellaneous information required with submission of final plat:
  - a. Protective covenants, conditions and restrictions, if any, shall be either shown on the final plat or recorded separately in a separate instrument. Said covenants, conditions and restrictions shall include agreements for any owners' association with provisions for membership and financial responsibility. Said agreement shall provide for the construction, administration, maintenance repair and liability of all common property and/or common facilities including all common property and common elements of condominium property titled to individual property owners.
  - b. If an owners' or condominium association is to be formed, the association shall be organized by the developer and shall be operated with the financial subsidy from the developer before the sale of any parcels within the development. Please refer to [Appendix A](#).

# Title 6: SUBDIVISION DESIGN STANDARDS

## Chapter 18.006

## Subdivision Design Standards

### Section 18.006.01 SUBDIVISION AND SITE DESIGN

Design of the subdivision shall consider existing county and town comprehensive plans and shall be based on analysis of site characteristics. To the maximum extent practicable, development shall be located to preserve the natural features of the site and avoid areas of environmental sensitivity. The subdivision design shall minimize negative impacts and alterations of natural features and habitat in accordance with state, local or federal regulations including but not limited to the following:

- A. Unique or fragile areas, including wetlands as may be defined in Section 404 of the Clean Water Act, as amended, and in WDNR standards.
- B. Lands in the Special Flood Hazard Areas (SFHA) as indicated on the Flood Insurance Rate Maps (FIRM).
- C. Steep slopes in excess of 15% unless appropriate engineering measures concerning slope stability, erosion and resident safety are implemented.
- D. Habitats of endangered wildlife, as identified on federal and state protection lists.
- E. Historically and culturally significant structures and sites, as listed on the National Register of Historic Places.

### Section 18.006.02 BLOCKS

- A. **Residential blocks.**
  - 1. Blocks may be required to provide for 2 tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major roads, railroads, or waterways.
  - 2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not, where practical, exceed 1,800 feet nor be less than 300 feet in depth. Wherever practicable, blocks along major arterials and collector roads shall be not less than 1,320 feet in length.
  - 3. Pedestrian walkways/bikeways, not less than 10 feet wide, may be required by the Committee through blocks more than 900 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- B. **Nonresidential blocks.** Blocks designed for business, commercial, or industrial uses shall be designed specifically for such uses with adequate space set aside for off- road parking, vehicle circulation, and loading facilities.

### Section 18.006.03 LOTS

- A. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. **Zoning Conformance.** The lot size, width, depth, and minimum public or private road frontage shall conform to the minimum requirements of the town or county zoning code.
- C. **Minimum Lot Size in Towns without Zoning.** The minimum lot size shall be one (1) acre with the following exceptions:
  - 1. Lots to be served by public sewer may be reduced to no less than 20,000 square feet.
  - 2. If a Soil Evaluation Report indicates a POWTS could be installed and is approved by the department and the system area is shown on the survey, the minimum lot size may be reduced to no less than 20,000 square feet.
  - 3. If the minimum lot size in a town land division code is larger than one acre, the larger size shall apply.
- D. **State related standards.**
  - 1. Lots to be served by POWTS shall comply with the rules of the Department of Safety and Professional Services and the Marathon County Private Sewage System Ordinance.
  - 2. Access to lots from public roads may be limited where it is determined by the WI DOT, County Highway Department, CPZ, town board, or other reviewing agency, that such limitations would be in the interest of the public.

- E. **Business, commercial and industrial lots.** Lots designed for business, commercial, or industrial uses shall be designed specifically for such uses with adequate space set aside for off- road parking, vehicle and pedestrian circulation, and loading facilities for the type of use and development contemplated, as established in the appropriate zoning regulations.
- F. **Corner lots.** Corner lots shall have extra width to permit adequate building setback as required in the appropriate zoning code.
- G. **Cul-de-sac lots.** The minimum frontage at the road on a cul-de-sac shall be 45 feet.
- H. **Double-Frontage Lot.** Lots shall be laid out to avoid double-frontages except:
  - 1. Where extreme conditions in elevation prevent access to the lot from one of the roads; and
  - 2. Where it is necessary to separate residential lots from arterial thoroughfares. Where double-frontage lots are created adjacent to arterial thoroughfares, an access restriction shall be placed on the plat indicating that there shall be no right of access to the arterial thoroughfare.
- I. **Lot Lines.** Lot lines shall be substantially at right angles or radial to road lines. Lot lines shall not cross municipal, town, county or tax district boundary lines.
- J. **Lot Depth.** No lot depth shall be more than 5 times the lot width unless otherwise required by local zoning regulations. The lot width shall be measured at the minimum building setback line. Private access strips that are narrower than the minimum lot width required by zoning shall not be used in calculating this ratio.
- K. **Lot Area.** No lot area calculation shall include any road right-of-way or lands reserved for public acquisition or common ownership. Lot area calculations shall be shown both inclusive and exclusive of any easement that is 20 feet wide or wider.
- L. **Access to Public or Private Road.** Individual lots, whether in a major or minor subdivision shall include a minimum of sixty-six (66) feet of ingress/egress to a dedicated public or private road. Lot frontage may be reduced to a minimum of 33' wide at the discretion of the administrator depending upon lot arrangement and configuration, environmental conditions, pre-existing structures and the intent of the land division ordinance.
- M. **Access Management.** The number of residential roads entering a major road shall be kept to a minimum. Where a subdivision borders on or contains an existing or proposed major road, the Committee may require that access to such roads be limited by one of the following means:
  - 1. Shared access points to the public right-of-way.
  - 2. A series of U-shaped roads, short loops or cul-de-sacs entered from and designed generally at right angles to such a parallel road, with the rear lines of their terminal lots backing onto the principal arterial road.
  - 3. A frontage or service road separated from the principal arterial road by a planting or grass strip and having access thereto at suitable points.
  - 4. Dedicated access easements for future frontage or service road.
  - 5. The subdivision of land into lots so that they back onto the principal arterial road and front onto a parallel local road. No access to individual lots shall be provided from the principal arterial road, and a safety buffer shall be provided in a strip along the rear property line of such lots.

## Section 18.006.04 SOIL & SITE EVALUATION/PREPLANNING

A Soil Evaluation Report as specified by Wisconsin Administrative Code SPS 385 and/or the following information shall be submitted for all lots not served by a publicly-owned treatment works (POTW):

- A. Soil profiles accurate enough to show system types for proposed lots.
- B. At least one soil boring per lot shall be made initially. Where initial soil borings indicate marked variations in depth to high groundwater, bedrock, or restrictive permeability, additional borings may be required at the discretion of the Administrator.
- C. The Administrator may require preplanned lots where slopes and/or variable soil conditions make it difficult to site a system. Preplanning is designating the location of at least one area for the future installation of a private onsite wastewater treatment system (POWTS) to serve a 3 bedroom home or designating the location of a replacement area for an existing POWTS. Preplanning may include designating areas for buildings, driveways, and other improvements as deemed necessary by the Administrator. The location of such preplanned areas may be shown on the plat or attached dimensioned detail at the discretion of the Administrator. No changes in preplanned areas shall be made unless approved by the Administrator.
- D. The department shall be notified by the developer or soil tester at least two (2) work days prior to conducting soil tests for any proposed subdivision for the purpose of making a field appointment. Unless waived by the Administrator, a department representative shall be on site for soil testing.
- E. Requirement may be waived upon written request to the department by the developer. Where soil survey maps and department records indicate uniform conditions exist relative to the installation of POWTS, soil evaluations may be waived. Where the county has waived soil evaluation requirements, the developer shall provide a statement on the face of the plat, that soil suitability for construction of POWTS has not been verified.

## Section 18.006.05 UTILITY EASEMENTS

- A. **Easements.** Easements across lots or centered on rear or side lot lines shall be provided for utilities where required by the Committee; such easements shall be at least 10 feet wide.
- B. **Stormwater and Drainage Easements.** A drainage easement shall be provided, where a subdivision is traversed by a, new or improved ditch, storm sewers or detention and retention basins that were constructed as part of the development and approved post construction storm water management system. The easement width shall be a minimum of 20 feet or as the town engineer or Commissioner and Committee may require.
- C. **Natural Drainage Easements.** The easement width for the major (100-year) storm drainage shall be dependent upon the width of the channel plus any operational space deemed necessary by the stormwater management permit and a minimum of 20 feet wide.

## Section 18.006.06 MASTER GRADING PLAN REQUIREMENTS

- A. **Grading Plan.** For towns interested in adopting master grading plan requirements in the town land division ordinance, refer to [Appendix I](#) for sample language.

## Section 18.006.07 SURFACE DRAINAGE AND EROSION CONTROL

- A. **Land divisions** shall be designed so as to minimize soil erosion and to provide reasonable management of surface water drainage. The Committee may require engineering studies of erosion potentials and may impose preventive design requirements. The Committee may require documentation of surface water drainage patterns and may impose design requirements to assure that flows are transported and disposed of without causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands or roads or other rights-of-way or excessive infiltration into locations of POWTS.
- B. **Drainage requirements.** Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- C. **Soil Erosion Control and Stormwater Management Plan.**
  - 1. When the developer intends to remove or disturb the natural topsoil, trees, and other vegetation, and/or add impervious surfaces, or where the developer intends to change the surface contour of a

proposed subdivision, the developer shall prepare a soil erosion control and stormwater management plan and have such plan approved by the DNR prior to the commencement of earthwork. The soil erosion control and stormwater management plan shall be included in the improvement plan drawings for disturbed areas greater than one (1) acre. In general, soil erosion control and stormwater management plan will consist of phasing construction, minimizing disturbed areas, timely application of temporary and permanent seeding, and the installation of temporary structural erosion and post-construction best management sediment control practices as specified by DNR. The soil erosion control and stormwater management plan shall also include the design of permanent structural and non-structural post construction water quality practices and their associated long-term maintenance agreement.

2. When impervious surfaces are proposed for a development project, the comprehensive soil erosion control and stormwater management plan shall include all structural and non-structural features that convey, detain, retain, infiltrate, and filter stormwater runoff to manage and treat stormwater runoff both as to quantity and quality from the development site. Practices may include retention and detention basins, swales, ditches, storm sewer pipes and stormwater inlets and post construction water quality practices.

### Section 18.006.08 LANDS NEAR WATER'S EDGE

- A. The lands lying between the meander line, established in accordance with Wis. Stats., 236.20(2)(g) and the water's edge and any otherwise unplattable lands, such as floodways, which lie between a proposed land division and the water's edge shall be included as part of lots, outlots or public dedications in any map or plat abutting a lake or stream. This requirement applies not only to lands proposed to be divided, but also to all lands under option to the subdivider or in which he/she holds an interest and which abut a lake or stream as provided in Wis. Stats., 236.16(4). A subdivision plat or a CSM that includes lots or outlots that extend to the water's edge shall show on its face the following statement: "Any land below the OHWM of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution". Lands located below the OHWM of any navigable water shall not be included in the total area of any parcel created under the terms of this ordinance. Newly created lots with rivers, streams, or wetlands located within the lot shall have a compliant and accessible building location in compliance with all state and federal regulations.
- B. For the purposes of this section, a CSM that shows an approximate OHWM as determined by the surveyor shall state on the face of the map that the mark is shown for reference only per Wis. Stats., 236.025.

### Section 18.006.09 RESERVATION OF LAND

#### **PUBLIC FACILITIES, OPEN SPACE AND RECREATION.**

When land in a major subdivision has been identified as the site for a public park, open space, trail, school or other public facility as part of an adopted comprehensive land use, parks or facility master plan, the Committee or town planning commission shall have the option to require that the land be reserved in the final plat if the state, county or town charged with the responsibility for the designated public use submits a written request to the Committee or town planning commission for reservation of the land. This request shall not duplicate a dedication requirement; however, land reservations shall terminate and be null or void, if the reserved land is not purchased by the end of a 5 year period and it shall revert in ownership to the developer.

# Title 7: ROAD DESIGN AND CONSTRUCTION STANDARDS

## Chapter 18.007 Road Design and Construction Standards

### Section 18.007.01 GENERAL PURPOSE

**GENERAL PURPOSE.** The arrangement, character, extent, width, and location of all roads shall conform to the WisDOT FDM. Proposed roads and public access to adjacent unplatted lands shall be designed so that the entire area can be served with a coordinated public road system. The road system of a proposed subdivision shall be designed to coordinate with existing, proposed and planned roads outside of the subdivision.

All roads connecting into state highways must be designed and constructed in compliance with the WISDOT Access Management Plan, Chapter 7, Section 5 of the WisDOT FDM. The width of right-of-way is to be provided so that all underground utilities can be located within the right-of-way or designated utility easement.

### Section 18.007.02 ROAD PLANNING PRINCIPLES

#### A. Roads - General Considerations.

1. Roads shall be designed so that building sites are at grades that facilitate optimum drainage patterns.
2. Road systems shall be designed to permit efficient drainage and utility systems, and shall consist of only the minimum number of roads necessary to provide convenient and safe access to property.
3. All roads shall be properly related to the pattern of existing and proposed land uses.
4. In commercial and industrial development, roads and other access ways shall be planned to coordinate with the groups of buildings and the location of rail facilities. Access ways, truck loading and maneuvering areas, including walks and parking areas, shall be provided to minimize conflict of movement between the various types of traffic, including pedestrian and bicycle. Sidewalks shall be constructed in accordance with the ADA and all other applicable regulations.
5. Roads serving business developments and accessory parking areas shall be planned to connect with arterial roads so as not to generate traffic on residential roads. The intersection of parking lot driveways with arterial or collector roads shall be located so as to cause the least possible interference with traffic movement on those roads.
6. In industrial subdivisions, roads shall be planned to serve industrial areas exclusively and shall connect with arterial or principal collector roads so that no industrial traffic will be directed onto any residential roads.
7. There shall be a minimum separation of 300 feet between intersections.

#### B. Arrangement.

1. All roads shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches, and shopping centers.
2. Minor roads shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of roads necessary to provide convenient and safe access to property.
3. The use of curvilinear roads, cul-de-sacs or u-shaped roads shall be encouraged where such use may result in a more desirable layout. Where curvilinear roads are used the dimension of each parcel shall be shown on the face of the plat or CSM on the arc of the curve(s).
4. Proposed roads shall be extended to the boundary lines of the parcel to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Committee such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent parcels.
5. In business and industrial developments, the roads and other access-ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

- C. **Width of roads.** Right-of-way and paving widths of all roads shall be determined by the town board but shall not be less than that specified in Wis. Stats., 82.50.
- D. **Cul-de-sacs or Dead End Roads.**
1. The use of cul-de-sacs in road layouts shall be limited to portions of developments which, due to unusual shape, size, location, or topography, floodplain, wetland or other condition may better be served by cul-de-sacs than by continuous roads. A layout making unrestricted use of cul-de-sacs or courts will not be acceptable.
  2. A road utilizing a cul-de-sac shall not be longer than 850 feet, unless, by reason of topography or other circumstances beyond the control of the developer, the Committee, upon the recommendation of the Administrator, finds a greater length to be justifiable. In commercial/industrial parks cul-de-sacs shall not be longer than 1,320 feet. The length shall be measured on its centerline from the connecting centerline intersection to the center of the cul-de-sac.
  3. The diameter of a permanent cul-de-sac shall be not less than 120 feet. It is recommended that the roadway within the turn-around should have a 100 foot diameter driving surface with a 10 foot shoulder.
  4. Temporary cul-de-sacs or "T" turnarounds may be required where a roadway will not be immediately completed as a through road. Temporary cul-de-sacs may be reduced to 100 feet in diameter. The Committee may approve turnarounds of smaller diameter or different design on a case-by-case basis. It is strongly recommended that a temporary timeline be established in the Developer's Agreement.
  5. If a dead-end road extends only the depth of the corner lot past a road intersection, no turnaround will be required.
  6. Developers may be required to provide a 2 foot reservation strip in the name of the town at the end of all dead-end roads (projected to be extended in the future). This strip will become public right-of-way only upon extension of the dedicated improved road.
- E. **Boulevards and Roadway Islands.** Boulevards and Roadway Islands shall meet town approval with regard to ADA compliance. No portion of the roadway island shall be located within county highway right-of-way unless approved by the Commissioner. A median may extend onto highway right-of-way based on widths, turning movements, etc.
- F. **Half Roads.** Half roads in new subdivisions shall not be permitted without Committee approval. Where a half road is adjacent to a new subdivision, the other half of the road shall be dedicated by the subdivider. Where a new subdivision abuts an existing road of inadequate right-of-way width, additional right-of-way width shall be required to be dedicated and the subdivider to meet the requirements of this code.
- G. **Road Intersections.**
1. Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection to two new roads at an angle of less than 70 degrees shall not be acceptable. Not more than 2 roads shall intersect at any one point unless specifically approved by the Committee.
  2. Proposed new intersections along one side of an existing road shall coincide with any existing intersections on the opposite side of such road. Road jogs with centerline offsets of less than 125 feet shall not be permitted. Where roads intersect major roads their alignment shall be continuous.
  3. Where the grade of any road at the approach of an intersection exceeds 7 percent, a leveling area shall be provided having not greater than 4 percent grade a minimum distance of 50 feet measured from the nearest right-of-way line of the intersecting road.
  4. Where any road intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer at the direction of the town board, shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.
- H. **Alleys.**
1. Alleys may be required by the Committee where deemed necessary.
  2. The width of alleys shall be not less than 14 feet.
  3. Dead end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.
- I. **Sidewalks/Walkways.** The Committee may require sidewalks/walkways where the Committee or Commissioner or town engineer determines that pedestrian access to schools, playgrounds, shopping centers, transportation, and other community facilities is necessary (after consultation with the town in

which the subdivision is located). Appropriate easements for the construction of sidewalks/walkways shall be obtained. These easements shall be indicated on the preliminary plat and final plat.

1. Along arterial and collector roads, sidewalks/walkways shall be a minimum of 6 feet in width. Along local roads, sidewalks/walkways shall be a minimum of 4 feet in width. If serving as a bike path, the sidewalk/walkway shall be a minimum of 8 feet in width.
2. A ramp shall be built at each pedestrian crosswalk in accordance with the ADA and all other applicable regulations.

- J. **Bike Paths and Trails.** In order to facilitate bicycle access from roads to schools, parks, playgrounds or other nearby roads, the Committee may require unobstructed easements for bike paths and/or trails.

### Section 18.007.03 ROAD RIGHT-OF-WAY WIDTHS AND GRADES

In order to provide for roads of suitable location, width and improvement and to accommodate anticipated traffic and ingress and egress for police, firefighting, snow removal, sanitation, and road maintenance equipment, the following design standards are required:

- A. All roads intended to be dedicated as public roadways or private roads shall be designed and constructed in accordance with the design guidance in Chapter 11 of the WisDOT FDM. The design guidance included in Chapter 11 of the FDM is intended to be the minimum standards; Towns may require widths that are greater than the minimums. Roads built on frost susceptible soils should include typical sections included in the FDM section 11-5.

### Section 18.007.04 PUBLIC ROADS

- A. All public roads in minor and major subdivisions shall be subject to the following:
1. The right-of-way shall be at least 66 feet wide and properly dedicated for public use.
  2. The specifications for roads shall be approved by the town for town roads or the county for county roads. For town roads, if the town has established road construction standards more restrictive than FDM, the developer/subdivider shall build the road in accordance to town specifications.
  3. Roads in condominium developments may be publicly-dedicated roads and conform to the applicable design standards.

### Section 18.007.05 PRIVATE ROADS

- A. **Proposed Private Roads.** In order to protect the town and the public from inadequate private roads, private roads are only permitted after review and approval by both the town and Administrator as set forth in Section [18.004.03\(A\)\(10\)](#), subject to the following standards:
1. A minimum width of 66' and access to a dedicated, improved, and accepted public road serving no more than 4 parcels. Lot frontage to a private road may be reduced to a minimum of 33' wide at the discretion of the administrator depending upon lot arrangement and configuration, environmental conditions, pre-existing structures and the intent of the land division ordinance.
  2. Shown on a CSM to the newly created lot(s) as follows:
    - a. Designated as an outlet.
    - b. Clearly labeled as a private road with town approved unique road name. All private roads shall be named and properly signed as specified by the General Code of Ordinances, Marathon County Chapter 9.20, Uniform Addressing System.
    - c. Total acreage shown
    - d. Width of road shown
    - e. Private road ownership statement shown as follows: *"All lots served by said private road shall have equally-shared ownership by deed and are equally responsible or liable for the care, repair, or replacement of said private road. The owners for such development shall indemnify, defend and hold harmless all governmental bodies for any and all such claims of any kind or nature that may arise or be related to the private road."*
  2. Shall meet WisDOT FDM minimum construction standards and procedures as specified in Sections [18.007.03](#) and [18.009.07](#).
  3. Shall have sufficient side and overhead clearances to allow ingress and egress and an adequate turnaround for emergency, police, fire, utility and school bus usage.

4. Maintenance Agreement for private road recorded with the Register of Deeds shall address the following:
  - a. Ownership statement exempting the governmental bodies from maintenance as provided in Section [18.007.05\(A\)\(2\)\(e\)](#).
  - b. Utility easements
  - c. Vehicle and pedestrian access
  - d. Long-term maintenance and snow removal
  - e. Emergency repairs
  - f. Effective Term
  - g. Amendments
  - h. Any additional information as identified by the Administrator, town, and/or developer
- B. **Existing Private Roads.** Private roads that are existing at the time of the effective date of this ordinance that are proposed to provide access to newly created parcels or an extension of the existing private road shall meet the requirements as specified in this Section.
- C. **Requirement to Convert Private Road to Public Road.** Any additional parcels gaining access to the private road exceeding 4 parcels by way of splitting existing parcels or extension of the existing private road shall require the private road to become a publicly-owned dedicated roadway and meet the requirements as specified in Section [18.007.04](#).

### Section 18.007.06 DRIVEWAYS AND SHARED DRIVEWAYS

- A. **Location.** When it is determined that access to a public road is needed at a particular location based on safety, topography, wetlands, and other property limitations, the location of the driveways and/or shared driveways shown on the minor or major subdivision shall meet the following standards, as applicable:
  1. Along a state roadway, an access permit is required from the WisDOT.
  2. Along a county roadway, an access permit is required from the county highway department.
  3. Along a town roadway, a permit may be required by the town board.
- B. **Limitation.** Shared driveways shall be limited to 2 lots and shall include a minimum of sixty-six (66) feet of ingress/egress to a dedicated, improved public road.
- C. A shared driveway must be shown on a CSM and if ownership is shared, shown as an outlet.

### Section 18.007.07 ACCESS EASEMENTS

- A. **Access Easements.** When an easement is required to prevent a parcel from becoming landlocked or where Section [18.005.03\(27\)](#) applies, a recordable document detailing the terms and conditions of the easement shall accompany the final survey documents and shall be recorded concurrently as the surveyed document, unless an appropriate easement has been previously recorded. A maintenance agreement is recommended.
- B. **Easement for Lot Access.** Every lot created under the terms of this ordinance that requires an access easement shall have a minimum of a 66 foot wide access strip for its entire length connecting directly onto a dedicated improved public road at a location where a driveway can be constructed. Such easement shall be free of structures.
- C. **Easement for Real Estate Landlocked by Sale.** As set forth in Wis. Stats., 82.27(6) in a town, if the owner of land that is accessible or that is provided with an easement to a public highway subdivides and transfers any part of the land, the owner shall provide a cleared easement at least 66 feet in width that shall be continuous from the highway to the part of the subdivision sold.

### **Section 18.007.08 BRIDGES AND CULVERTS**

All bridges and any culverts shall be designed in accordance with the WisDOT FDM and reviewed by the County or town engineer. Design flood elevations shall be included on the structure plans. The design and construction of bridges or culverts wider than 20 feet shall additionally be reviewed by the Wisconsin DOT Bridge Engineer.

### **Section 18.007.09 ROAD SIGNS**

Road name signs shall be installed at all road intersections and shall meet the requirements of the Department of Transportation Standards Manual of Uniform Traffic Control Devices specs and details. Road name signs must be installed before construction begins on the first dwelling in the subdivision.

### **Section 18.007.10 UNIFORM SITE ADDRESS**

All site addresses shall conform to the Marathon County Uniform Addressing System Ordinance, Section 9.20.

### **Section 18.007.11 TRAFFIC IMPACT ANALYSIS**

The developer shall comply with the access management standards set forth in the state engineer specs and details. Access systems shall be properly designed so thoroughfares will be able to accommodate the access needs of continued development while retaining their primary transportation function. To achieve this policy intent, a Traffic Impact Analysis will be required for subdivisions which have access within the Highway Corridor and Interchange Overlay District and other areas as deemed appropriate by the Committee. This analysis will evaluate the effect of subdivision traffic with regard to access management along the frontage of state Highway or any highway, county roads and adjacent intersections and address what type of traffic improvements such as left turn lanes, right turn lanes, traffic signals, acceleration and deceleration lanes will be required. The state engineer has the authority to waive the traffic impact analysis based upon the existing traffic volume and subdivision size.

The Commissioner and/or committee may require a traffic impact analysis in accordance with the standards set forth in the Wisconsin Department of Transportation specifications and details.

# Title 8: WATER, WASTEWATER, AND UTILITY DESIGN AND CONSTRUCTION STANDARDS

## Chapter 18.008

---

### Section 18.008.01 GENERAL

A professional engineer, licensed in Wisconsin, shall design any plans for public water supply, stormwater and wastewater facilities.

### Section 18.008.02 DESIGN FOR WATER AND WASTEWATER

- A. **Water Supply.** The developer shall provide evidence that potable water is available in quantities and pressure sufficient to supply the proposed major subdivision:
1. All proposed private water systems shall meet all applicable laws and regulations.
  2. If a public water supply is proposed, the developer shall provide a complete water distribution system including a service connection to each lot or dwelling unit. Public water distribution systems shall meet the requirements of the DNR or other appropriate water purveyor and shall meet the rules and regulations of the water distribution provider, if applicable.
- B. **Wastewater Treatment Systems.** The developer shall provide evidence that a safe and sanitary wastewater treatment system will serve the proposed major subdivision.
1. Lots proposed to be served by private on-site wastewater treatment systems (POWTS) will be required to comply with the standards set forth by the Department of Safety and Professional Services (DSPS), Marathon County and in accordance with these subdivision regulations and all other applicable laws and regulations.
  2. If a public sanitary sewer system is proposed, the developer shall provide public sanitary sewers to all lots or dwelling units including lateral connections to the public systems. Public sewer system extensions shall meet the requirements of the DNR, other appropriate sewer authorities, and all other applicable laws and regulations.
  3. If a private sanitary sewer treatment facility and/or system are proposed, it shall be operated by a governmental agency or a private corporation with appropriate DNR or other applicable agencies licenses and permits.

### Section 18.008.03 STORMWATER MANAGEMENT REQUIREMENTS

- A. The design and construction of stormwater management facilities shall require the review and approval of the DNR, Commissioner and town engineer if applicable, in accordance with all other applicable laws and regulations.
1. Allowable types of stormwater management facilities include but are not limited to:
    - a. Retention ponds.
    - b. Detention basins.
    - c. Underground storage tanks.
    - d. Rooftop storage areas.
    - e. Parking lot storage areas.
    - f. Infiltration trenches/recharge ditches.
    - g. Swales/buffer strips.
    - h. Stormwater wetlands/ water quality improvement basins.
    - i. Structural post construction water quality practices.
  2. Stormwater retention wet ponds, if designed properly, may be utilized for multiple use purposes including:
    - a. Stormwater Management.
    - b. Fire Ponds.
    - c. Parks, Open Space and recreation requirements.
    - d. Structural water quality practices.

## Section 18.008.04 UNDERGROUND UTILITIES

- A. All utilities within a major subdivision including gas pipes, telephone cables and electrical power and street lighting circuits, are recommended to be underground. When electrical power cables are installed underground in a subdivision, electrical street lighting cables may also be installed, whether for present or future use. Unused wires and cables shall be de-energized and protected against physical damage.
- B. All construction of utility pipe, conduit, cable, wires, vaults and pertinent equipment shall comply with the current regulations of the Public Utilities Commission of Wisconsin and with the requirements of the utilities involved. All location and detail drawings of the utilities within the right-of-way prepared by the developer and/or the utilities companies shall be submitted to the county or town engineer for approval when available.

# Title 9: REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

## Chapter 18.009

### Section 18.009.01 DEVELOPER AGREEMENT

A developer's agreement shall be submitted for administrative review if required by the local or jurisdictional municipality. A developer agreement supplements the requirements of the subdivision regulations, other applicable regulatory requirements and the jurisdictional authority of other county, town, state or federal departments or agencies. A developer agreement needs to be approved by town, and when applicable, the Commissioner, detailing conditions and requirements to be agreed upon between the developer and the County and/or town and recorded as a binding agreement. The initial agreement must be approved prior to the start of construction. The final binding agreement with any agreed upon revisions must be approved as part of the final plat approval process with the Committee and town, when applicable. The approved final binding agreement shall be signed by the County or Town and the developer, and recorded with the final plat.

### Section 18.009.02 APPROVAL

All necessary improvement plans for proposed roads, sidewalks/walkways, streetlights, bike paths, traffic control improvements, storm sewers, and drainage facilities shall be approved by the Commissioner (when required) or town engineer and all improvement plans for sanitary sewer and water supply systems shall be approved by the DNR, the local sanitary sewer and water provider, prior to approval of the final plat by the Committee.

### Section 18.009.03 ESTIMATED COST

Upon approval by the Commissioner and/or town engineer of the improvement plans and before starting any construction work, the developer's engineer shall prepare and submit for review and approval to the county and/or town engineer and/or local sanitary sewer and water provider, where applicable, a detailed estimate of costs by item for the following:

- |   |   |
|---|---|
| A. Construction surveying;                | I. Pumping stations and water supply systems; |
| B. Construction engineering;              | J. Drainage structures;                       |
| C. Construction of roads;                 | K. Erosion and sediment control;              |
| D. Sidewalks/walkways, bike paths;        | L. Restoration of land and site cleanup;      |
| E. Traffic control improvements;          | M. Post construction water quality practices; |
| F. Streetlights;                          | and   |
| G. Landscaping and street tree plantings; | N. Any other related items.                   |
| H. Storm and sanitary sewers;             |   |

The total estimated cost must include an amount equal to 100% of the approved aggregate cost of the improvements and an agreed upon percentage above the estimated cost for contingencies, inspections and as-built drawings. The total estimated cost including labor shall be prepared and signed by the developer's engineer.

### Section 18.009.04 PERFORMANCE BOND/FINANCIAL ASSURANCE - Refer to Appendix I

The town may require performance bond/financial assurance prior to approval of the Final Plat. The developer must confer with the town to verify whether a performance bond/financial assurance is required. Please refer to [Appendix I](#) for sample enforcement language to enable towns to complete the project improvements via performance bond/financial assurance.

Before the final plat may be considered for approval by the Committee, the administrator must have recommended the final plat for approval and must confirm that the developer has furnished to the County and/or town, when required, the bonds as required hereby.

- A. **Performance bonds.** Prior to any consideration of Committee approval, the developer shall furnish performance bonds/financial assurance to the county and/or town, when required. Performance bonds/financial assurance shall be provided in the form of bonds issued by sureties insurance companies authorized to transact business in the State of Wisconsin. Performance bonds/financial assurance will remain in effect until released by the county and/or town.
- B. **Failure to construct or complete improvements.** Please refer to [Appendix I](#) for sample enforcement language to enable the county (when applicable) or towns to complete the project improvements via performance bond/financial assurance.
- C. **Maintenance bond or bonds.** The town may require maintenance bonds. The developer must confer with the town to verify whether a maintenance bond is required. Please refer to [Appendix I](#) for duration, failure to maintain and release of maintenance bonds.

### Section 18.009.05 PLAT APPROVAL WITHHELD

Final plat approval may be withheld if the developer has failed to comply with the approved improvement plan (including soil erosion control and stormwater management compliance) in any of the preceding plat phases.

### Section 18.009.06 RECORDING OF FINAL PLAT

The following process must be followed by the developer to be granted final plat approval by Committee:

Upon approval by Committee, the developer then takes the final plat and the developer agreement to the Marathon County Register of Deeds office for recording. No final plat of any subdivision nor any developer agreement shall be recorded in the register of deeds or have any validity until it has been approved and processed in the manner prescribed herein. In the event any such unapproved final plat and/or developer agreement is recorded, it shall be considered invalid. All costs for recording of the final plat and the developer agreement shall be borne by the owner and/or developer.

The final plat and developers agreement shall be submitted to the Marathon County Register of Deeds office within 36 months of the date of the first certification required by Section [18.004.15\(F\)\(1\)](#) and within 12 months of the last certification required by that section. Failure to submit the plat within the time limit shall render the plat void, unless the limit is extended by the Committee.

### Section 18.009.07 CONSTRUCTION

#### A. Requirements for start of construction.

1. Permits required. The contractor must have all necessary permits required for the project prior to the start of construction.
  - a. Permit verification. Jurisdictional Wetlands – In areas where jurisdictional wetlands as defined by an onsite delineation verified by the USACE will be affected, a copy of the wetland delineation report shall be submitted with the soil erosion control and stormwater management plan. If an individual wetlands fill permit is required, a copy of that permit, showing project approval and any restrictions that apply to the site activities shall also be submitted. If an individual permit is not required for the proposed project, the developer shall submit proof of compliance with the Nationwide Permit Program and DNR regulations. Proof shall include, but is not limited to the following: A letter from the site owner verifying that an Assured Wetland Delineator has surveyed the site and found no Waters of the United States, or a site plan showing any proposed fill of Waters of the United States conforms with the conditions specified in the applicable Nationwide Permit, and DNR Regulations.
  - b. In addition, the developer must provide proof of compliance with the DNR WPDES Permit for Marathon County (if applicable). Proof of compliance shall be, but is not limited to, a copy of the WPDES General Stormwater Permit Notice of Intent and/or a copy of the WPDES Permit number issued by DNR and/or a copy of the DNR's acceptance letter for the WPDES Permit.
  - c. Permits for jurisdictional shoreland/floodplain required to be obtained.

- B. **Cooperation of developer and/or agent.** The developer and/or the agent of the developer shall have available on the project site at all times 1 copy of all approved plans and specifications. The developer and/or the agent of the developer shall cooperate with the county or town engineer's inspector, and/or local utility provider inspector, and the building inspector, where applicable, and with other contractors in every way possible. The developer and/or agent of the developer shall at all times have a competent representative acting as their agent on the project. The representative shall be capable of reading and thoroughly understanding the plans and specifications and promptly supplying such materials, tools, equipment and labor as may be required. A representative shall be furnished regardless of the amount of work sublet.
- C. **Inspection.** The installation of improvements shall be inspected by the county and/or town engineer (where applicable), refer to [Appendix I](#).
1. The county, when applicable or town engineer shall determine the amount of inspection, including fees for inspection, laboratory and other test(s), required to assure that the developer and/or the agent of the developer will comply with the approved drawings and schedule. The town board chairperson shall not authorize the release of any bonds until the town engineer certifies that all inspection fees have been paid in full.
  2. The local sanitary sewer provider shall be responsible for inspection of all sanitary sewage improvements directed to a publicly-owned waste water treatment system, where applicable.
  3. The DNR will have the work inspected to ensure that the developer has complied with the approved plans or necessary environmental conditions. The DNR will provide site inspections to verify compliance with the soil erosion control and stormwater management plan. Failure to comply with the plan may result in enforcement. The DNR may take necessary steps to provide corrective measures, and the cost of such services will be charged to the developer. This does not relieve the developer or contractor of any liability that may arise. No project will be released from bond if there is failure to comply with an approved soil erosion control and stormwater management plan unless the developer has performed cleanup and repair of damages. Final inspection requires all drainage facilities to be free of deposits from erosion, siltation and construction debris. The preliminary plan(s) for subsequent phases and proposed final plat(s) will be disapproved if there are compliance issues on any phase of a development.
- D. **Roadway construction.** All work shall be done in conformance with the approved improvement plans. The developer shall build the road to town specifications. The specifications for roads shall be approved by the town. In the case of county roads, the developer shall build the road to county's specifications and details.

## Section 18.009.08 MAINTENANCE

- A. **Maintenance of improvements.** For towns interested in requirements for maintenance of improvements, please refer to [Appendix I](#) for sample language.

## Section 18.009.09 FINAL ACCEPTANCE

- A. **Survey monuments.**
1. The surveyor shall install all survey monuments in accordance with the requirements of Wis. Stats., 236.15. The town board may waive the placing of monuments in a county plat or state plat for a reasonable time on condition that the subdivider executes a security bond to ensure that the monuments will be placed within the time required.
  2. When there are circumstances where it is not possible to place the proper monuments according to Wis. Stats., 236.15, the surveyor is required to obtain a waiver of monumentation from the Wisconsin Department of Administration as required in Wis. Stats., 236.15(1)(g).
- B. **"As Built" drawings.** If applicable, at the completion of the construction and before acceptance of improvements by the town, the developer and/or the agent of the developer shall update the As-Built drawings on paper for permanent record, showing the locations, sizes, and elevations of all improvements as constructed. The developer may choose to authorize the town engineer or Commissioner to update the paper tracings at the developer's sole expense. A legible paper original of the As-Built drawings shall be furnished to the local utility provider, where applicable. The original plan sheets shall remain with the town

engineer or Commissioner. Three bound paper copies and a PDF format of the final As-Built drawings shall also be submitted to the town engineer, CPZ and/or Commissioner.

**C. Final inspection.**

1. Upon completion of all improvements including roads, grading, culverts, water, sewer, storm improvements, landscaping, seeding, mulching, monumentation, road name signs, and other items, the developer shall notify the town engineer or Commissioner, the Town Road Superintendent, the town Fire Chief, the town zoning inspector, and the local water and sewer provider where applicable, by letter that all of the improvements have been completed in accordance with these land division and surveying regulations and all other applicable laws and regulations.
2. If a performance bond/financial assurance is required by the town, the Town shall then require an inspection of the completed improvements. The Town engineer will notify the developer and the town of the date of the inspection. The developer and/or the agent of the developer and a town representative may accompany the town engineer or Commissioner, or their representatives, on the inspection. Any discrepancies from the improvement plans may be recorded on a punch list. The developer and the contractor may be furnished a copy of this punch list and shall be expected to proceed as soon as possible with any corrections. Another final inspection will be made for acceptance upon written notification from the developer that the punch list items have been completed.

**D. Acceptance of improvements.**

1. If the town engineer or Commissioner determines that the improvements are not in conformity with all applicable regulations and the approved improvement plans, the developer shall be advised in writing of the deficiencies in the form of a punch list. This procedure shall be repeated until it is determined by the town engineer or Commissioner that the improvements have been satisfactorily completed. If the developer fails to complete the punch list items within a time limit set by the town engineer or Commissioner, the town or county may require compliance through the use of the performance bond/financial assurance.
2. If the improvements are found to be satisfactory and all inspection monies are paid, and the required maintenance bond(s) are posted, the town engineer or Commissioner, if applicable, will recommend to the town and Committee acceptance of the improvements and release of the performance bond/financial assurance.
3. If the town board upon the recommendation of the town engineer or Commissioner, if applicable, determines the improvements to be in compliance with the improvement plans and these land division and surveying regulations, it shall, by resolution accept the improvements for public use and benefit. If the improvements are for private use, the resolutions shall reflect that the improvements are in conformity with these land division and surveying regulations but shall be maintained at private expense.
4. The town board shall not accept the improvements until a 1-year maintenance bond has been posted as further provided in these land division and surveying regulations. The developer will be required to submit an affidavit stating all bills incurred pertaining to the improvements and costs of the subdivision are paid in full.
5. The town engineer's endorsement, either on the final plat or on a recorded affidavit, denotes that, when the roads shown thereon for dedication to the public are constructed in conformity with the subdivision's improvement plans, and said roads are determined by the town engineer's or Commissioner's inspection to be in good repair, said roads will be accepted for public use.

- E. Indemnification.** The developer agrees to indemnify, defend and hold harmless the town and/or county in which the subdivision is located from and against any and all liabilities, claims, causes of action (including negligence), fines, penalties and expenses of any nature that arise, allegedly arise or are caused by the developer and the developer's independent contractors, employees or agents. The indemnifications shall survive the final completion of the subdivision and release or expiration of any bonds.

# Title 10: CONDOMINIUMS

## Chapter 18.010

## Condominiums

### Section 18.010.01 INTENT

It is the intent of this section to regulate condominiums as they relate to zoning and for the division of land for the purpose of establishing a condominium plat.

### Section 18.010.02 ZONING

Land divided for the establishment of a condominium plat shall meet the requirements of the Marathon County Zoning Ordinance or town zoning ordinance in independently zoned towns.

### Section 18.010.03 CONDOMINIUM PLATS

A condominium plat shall be submitted to the department for review and approval pursuant to Wis. Stats., 703.115.

**Required Data from Subdivider.** Prior to the submittal of any condominium plat, the subdivider shall furnish any data requested by the administrator. The administrator shall transmit information to appropriate staff, commissions, committees, and boards for review. The administrator shall act as coordinator for their reports to the appropriate approval authority on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space, recreation facilities, and transportation facilities. Failure to submit such data as requested may be grounds for denial of the condominium plat.

The administrator shall reference the most recent editions and addenda of the following publications: State of Wisconsin Department of Transportation (WisDOT) Standard Specifications for Highway and Structure Construction, WisDOT approved version of the USDOT Federal Highway Administration Manual on Uniform Traffic Control Devices, Standard Specifications for Sewer and Water Construction in Wisconsin (prepared by the Public Works Industry Improvement Program) Water supply and sanitary sewer extensions must also comply with applicable sections of Wisconsin Administrative Code.

The subdivider shall make adequate wastewater sewage treatment systems available to each lot within the condominium development as specified or allowed in applicable ordinances, statutes, or regulations, including but not limited to Wisconsin Administrative Code SPS 383.

### Section 18.010.04 STANDARDS

In the case of condominium developments, a condominium plat that conforms to Wis. Stats., 703.11 shall substitute for a preliminary plat, the review procedure and submittal shall meet the requirements of Sections [18.005.05](#) and [18.005.06](#), and Chapters [18.006](#) to [18.009](#) to the extent the administrator determines practical, and the preliminary plat and final plat review stages shall be combined.

A condominium development shall require a major subdivision review process prior to the condominium plat and declaration submittal pursuant to Wis. Stats., 703.115.

- A. **Additional Requirements Applicable to Condominium Developments.** All condominium developments shall include the following provisions within condominium documents, which such provisions shall include town board consent prior to modification or termination:
1. A mechanism for dispute resolution among unit members concerning the upkeep, repair, maintenance, and replacement of common elements and limited common elements.
  2. Establishment of a mandatory escrow account with sufficient funding for the upkeep, repair, maintenance, and replacement of common elements and limited common elements.
  3. A voluntary termination provision.
  4. A Declaration of Easements, Restrictions, Covenants and Conditions for the operation and maintenance of the condominium development and its units, which shall be subject to town board approval and subsequently recorded by the condominium developer.

### Section 18.010.05 UNITS

- A. Unlike subdivision of lots and blocks, units are applied to condominium plats. Units shall be fully described as provided by Wis. Stats., 703.12.
- B. Units within multi-unit or multi-story structures shall be shown and described on the plat.

### Section 18.010.06 APPROVAL

As a condition of approval of condominium plats, the county shall consider all provisions outlined in Wis. Stats., 703.115, prior to granting approval for the recording of the instruments specified. The county shall have 10 working days after submission for its review. If the review is not completed within 10 working days the instrument is approved for recording.

# Title 11: CONSERVATION DESIGN STANDARDS

## Chapter 18.011

## Conservation Design Standards

### Section 18.011.01 INTENT

It is the intent of this section to permit the use of non-traditional residential subdivision design that would cluster the residential parcels and preserve open space/agricultural land by the use of restrictive covenants, deed restrictions and/or other binding criteria. In so doing the overall density as required by zoning is maintained without sprawling the home sites over a large area.

### Section 18.011.02 DESIGN STANDARDS

- A. The number of development lots permitted shall be determined by preparing a plan that illustrates the net developable area similar to a preliminary plat showing a general layout that would conform to lot area and dimensions for the zoning district in which the development is proposed. This plan must show wetlands, floodplains, hydric soils, slopes exceeding 25%, rock outcrops, proposed and existing roads or any other natural or artificial feature that would make that part of the site undevelopable. No more than 10% of these undevelopable areas shall be included in calculating density. When no natural or artificial features that would limit development exist, the calculations can be done mathematically.
- B. The number of lots in a conservation design subdivision may be increased above the calculated density by one lot for each whole 20 acres in the proposed development.
- C. The minimum area for an individually-owned development lot shall not be less than 10% of the lot area required by zoning or 20,000 square feet, whichever is greater. Fifty percent or more of the developable land and all undevelopable land area shall be designated as undivided permanent open space.
- D. All the land which is not divided into development land shall be designated as permanent open space, not to be further subdivided, and protected through conservation easement held by the town, by a recognized land trust or conservancy, or shall be held in common by equal shares by the owners of the development lots. All development lots capable of being further divided shall be restricted from further division.
- E. Stormwater detention basins and other non-structural uses may be included as part of the minimum required open space.

NOTE: Conservation design projects must adhere to concept, preliminary and final plat procedure and specifications.

### Section 18.011.03 DESIGN AND EVALUATION CRITERIA

In evaluating the layout of lots and open space, the following criteria will be considered by the department as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the county shall evaluate proposals to determine whether the proposed conceptual preliminary plan:

- A. Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the county and town for essential infrastructure or active or passive recreation amenities);
- B. Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands that raise an equal or greater preservation concern. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat; and
- C. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be

visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a typical nearby woodland area).

- D. Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
- E. Designs around existing hedgerows and tree-lines between fields or meadows, and minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than 10% should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
- F. Leaves scenic views and vistas unblocked for uninterrupted panoramas, particularly as seen from public thoroughfares. For example, in open agricultural landscapes, a deep “no-build, no-cut buffer” is recommended along the public thoroughfare where those views or vistas are prominent or locally significant. The concept of “foreground meadows,” with homes facing the public thoroughfare across a broad grassy expanse is strongly preferred to mere buffer strips, with or without berms or vegetative screening. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.
- G. Avoids siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
- H. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Fish and Wildlife Service and/or by the Wisconsin DNR.
- I. Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, earthworks, and burial grounds.
- J. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, and so on.
- K. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new roads with native species shade trees and shrubs with high wildlife conservation value. Deciduous shade trees should be planted at 40-foot intervals on both sides of each road, so that the neighborhood will have a stately and traditional appearance when they grow and mature. These trees shall generally be located at the edge of the right-of-way, within a planting strip of not less than 5 feet in width.
- L. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- M. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
- N. Provides open space that is reasonably contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or eased to private land conservation organizations). Such subdivision open space shall be designed as part of larger contiguous and integrated greenway systems, as per the town’s comprehensive plan.

See [Appendix A](#) for recommended procedures for Conservation Design Subdivision planning and review.

# Title 12: ADMINISTRATION AND ENFORCEMENT

## Chapter 18.012

## Administration

### Section 18.012.01 ENVIRONMENTAL RESOURCES COMMITTEE

The Committee as appointed by the Marathon County Board, shall be empowered to conduct such hearings and meetings as necessary in accordance with this code and to approve, conditionally approve or reject applications under the terms as set forth herein and set fees and adjust them periodically.

### Section 18.012.02 ADMINISTRATOR

The administrator shall be responsible for the administration and enforcement of this ordinance and may delegate duties within the department, except where specific authority is given to another county, state, federal office or a town as set forth in these Land Division and Surveying Regulations.

### Section 18.012.03 REVISION OF FINAL PLAT AFTER APPROVAL

No changes, erasure, modification, or revisions may be made in any final plat of a subdivision after approval has been given by the Committee and an endorsement is made in writing on a final plat, unless the final plat is first resubmitted and the changes approved in writing by the Committee.

### Section 18.012.04 FEES, ENFORCEMENT, MODIFICATION AND APPEALS

#### A. Fees.

1. Application fees. The subdivider or developer shall pay the fees calculated utilizing the fee schedule in effect at the time of the formal application. The fees may be amended periodically by the Committee.
2. Legal and engineering fees. Upon mutual agreement, the subdivider shall pay the county at times specified by the Committee, a fee equal to the actual cost to the county of any engineering or legal work incurred by the county in conjunction with the plat review. Legal work shall include the drafting of contracts between the county and the subdivider and a review of covenants, easements and documents involved in dedications.
3. The developer shall pay the county and/or town, where applicable, the total cost of plan review and field inspection of the improvements. The fees shall be determined by the Commissioner, Committee and/or Town as appropriate. The developer is held responsible for all fees which will be payable upon invoice. The performance bond/financial assurance posted by the developer must guarantee the payment of all fees and no bonds will be released by the county and/or town until all fees have been paid in full.
4. A requested courtesy review for a land division that is not governed by this ordinance shall be charged the fees specified for such services at the time of formal submission of the application.
5. A double fee will be charged for all after-the-fact applications to partially recover the cost of obtaining compliance.
6. There shall be no fee charged for the review of any CSM for road right-of-way dedication.
7. A CSM that does not meet the requirements of A-E7 of the Wisconsin Administrative Code, Wis. Stats., 236.34, and this ordinance with the third submittal to the CPZ Department shall be denied. Fees shall be paid and a new application must be submitted for the map to be reviewed again as specified in Section ([18.004.06](#) or [18.004.07](#)).

#### B. Modifications and appeals.

1. Modifications. Where, because of unique topographic or other conditions of the land involved, or because of other conditions predating adoption of this ordinance, or to achieve consistency with a city or village extraterritorial ordinance, it is inappropriate to apply literally the provisions of this ordinance and where such literal applications would impose undue hardship, the Committee may vary the requirements of this code. The Committee may attach conditions to the granting of such modifications

to assure that the purpose and intent of the ordinance are observed and that compliance with state law is achieved.

a. *Procedure.*

The modification request application form shall be completed in its entirety and shall include the specific code section from which a modification is being sought and the specific reason(s) for a modification.

b. *Other Conditions.*

In evaluating a modification request, the Committee may consider the opinion of town officials and require other conditions to be met to accomplish the purposes of this chapter in order to grant such modification without unduly affecting public health, safety, and welfare.

c. *Expiration of Modification Approval.*

Any modification(s) granted by the Committee from this chapter in conjunction with an approved CSM, or preliminary plat, shall run with the CSM or preliminary plat approval.

2. Appeals.

a. Where it is alleged that the administrator and/or Committee erred in applying the provisions of this ordinance, the County Board of Adjustment shall hear and decide appeals using the procedures described in the General Code of Ordinances for Marathon County Chapter 17 Zoning Code.

b. Any person aggrieved by a decision of the Board of Adjustment herein, may appeal to the courts as provided in the Wisconsin Statutes.

C. **Enforcement.**

1. Any division of land which results in a state subdivision, county subdivision, minor subdivision or condominium plat as defined in this ordinance, shall be surveyed, mapped or platted, and the map or plat shall be approved as provided herein, and the approved map or plat shall be recorded with the Marathon County Register of Deeds prior to conveying any parcel(s) included within the proposed division.

2. Lots may be further divided, providing they meet all land division standards of this and other applicable ordinances. It shall be unlawful for any person to build upon, divide, convey, record or monument any land in violation of this code or the Wis. Stats.

3. The administrator may issue a compliance order, field directive, suspension order or termination order to assure compliance with the provisions of this code.

4. The county may institute appropriate action or proceedings to enjoin violation of the ordinance or of state law pursuant to Wis. Stats., 236.31.

5. Penalties.

a. A person, firm or corporation who fails to comply with an order issued or any other provision of this code shall be subject to the penalty provisions contained in Section 25.04 of the Marathon County General Code of Ordinances. Each day a violation exists or continues shall constitute a separate offense.

b. The penalties of Wis. Stats., 236.31 and 236.32 statutes apply to this code.

c. Assessor's plats, made pursuant to Wis. Stats., 70.27, may be ordered by the county at the expense of the subdivider or the owners of record when a land division is created by successive divisions, not in compliance with this code.

<b>Section 18.012.05 RECORDING AND CONVEYANCE OF LOTS OR PARCELS INCLUDED WITHIN LAND DIVISION REQUIRING COUNTY APPROVAL</b>
--

A. **Recording.** Pursuant to Wis. Stats., 236.45(2), the Register of Deeds is directed to accept for recording all plats and CSMs and accompanying documents which are required to be prepared and approved by this code, and to keep and record same. No person shall attempt to record a plat or document purporting to create parcels of land for sale or development that is not in conformance with this ordinance.

B. **Conveyance.** Lands described in plats and maps recorded pursuant to sub. (1) shall be described by reference to the recorded plat or map and recording document number for all purposes, including those of assessment, taxation, devise, descent and conveyance as defined in Wis. Stats., 706.01(4).

# A.Title 13: DEFINITIONS

## Chapter 18.013

## General Definitions

### Section 18.013.01 GENERAL TERMS

1. Words used in singular include the plural and plural shall include the singular.
2. Words used in present tense include the future tense.
3. The word "shall" is mandatory and the word "may" is permissive and recommended.
4. The word "person" includes a firm, subdivider, syndicate, association, organization, partnership, limited partnership, nonprofit entity, limited company, trust, corporation, as well as an Individual, or Developer (as defined herein).
5. The word "lot" includes the words "plot", or "parcel"

### Section 18.013.02 DEFINITIONS

**Access Easement.** A right afforded a person to make limited use of ingress and egress of another's real property.

**A.D.A.** American Disabilities Act.

**Administrator.** The person(s) employed by Marathon County in the Conservation, Planning, and Zoning Department assigned the duty of administering this Code. The administrator, typically the Zoning Administrator and/or County Surveyor, shall be responsible for the administration and enforcement of this code and may delegate duties within the department.

**Alley.** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a road.

**Arterial, Major.** A major, high capacity road designed to carry large volumes of traffic between various areas of the county.

**Assessor's Plat.** Are used to reconcile parcel boundaries between 2 or more separate owners when the boundaries cannot be accurately described or retraced due to:

- Monuments lost, obliterated, or never set.
- Gross errors in lot measurements or locations.
- Ambiguous descriptions.

A. Assessor's Plats may be used to simplify descriptions, for purposes of assessment, taxation, or conveyance, of parcels that otherwise could be described only by metes and bounds.

B. An Assessor's Plat may be used when uncertainty in locating existing parcels interferes with the siting of public roads, buildings, or other improvements.

**Block.** Platted land bounded by roads, or by a combination of roads and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

**Building.** Any structure built for the support, shelter, or enclosure of persons, animals, or movable property of any kind, and which is permanently affixed to the land.

**Building Envelope.** The portion of a lot or parcel that contains the principal building and accessory structures, required setbacks and on-site wastewater treatment system and water well, if required.

**Building Setback Line.** The distance from the boundaries of a parcel, right-of-way, a natural or artificial feature, or other feature, as prescribed by the appropriate zoning or other regulations, within which buildings or structures shall not be erected.

**Certified Survey Map.** A Certified Survey Map (CSM), consisting of 4 or less parcels of land designated as lots or outlots, exempting outlots created for private road access, may be recorded in the register of deeds office of the county in which the land is located.

**Environmental Resources Committee.** Herein known as the “Committee” designated by Marathon County Board having jurisdiction over this ordinance and designated as the County Planning Agency authorized by Wis. Stats., 59.69(2).

**Commissioner.** The Marathon County Highway Commissioner or his/her designee.

**Common Areas.** Areas of property used by all owners or tenants in common in accordance with such owners bylaws or owners’ agreement which may include but is not limited to sidewalks, walkways, parking areas, driveways, open space, stormwater and recreation facilities.

**Concept Plat.** A plan prepared prior to a preliminary plan to assist the developer/subdivider in reaching general agreement with the Administrator as to the form of the plat and the objectives of complying with the Land Division and Surveying Regulations.

**Condominium Development or Condominium:** A building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis. It is a real estate development that is legally created as a condominium form of ownership, regardless of land use, pursuant to Wis. Stats., 703.

**Conservation Subdivision.** A contiguous area of land to be planned and developed as a single subdivision, in which dwelling units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.

**Correction instrument (affidavit).** An instrument drafted by a professional land surveyor that complies with the requirements of Wis. Stats., 236.295 and that, upon recording, corrects a subdivision plat or a CSM.

**County Planning Agency.** A county zoning agency authorized by Wis. Stats., 59.69 or any agency created by the county board and authorized by statute to plan land use.

**County Surveyor.** The County employee responsible for performing the duties prescribed in Wis. Stats., 59.45.

**Cul-de-sac.** A local road with only one vehicular outlet and having the other end terminated by a vehicular turn-around.

**Cul-de-sac Temporary.** A local road terminating in a temporary turnaround which will be extended as a through road. **It is strongly recommended that a temporary timeline be established in the Developer’s Agreement.**

**Density.** A unit of measurement; the number of dwelling units per acre of land.

**Density, Gross.** The quotient of the total number of dwelling units divided by the gross area of a site (including public rights-of-way), expressed in gross dwelling units per acre.

**Density, Net.** The quotient of the total number of dwelling units divided by the area of the site consisting of the gross area minus the area for rights- of-way and easements for public roads expressed in net dwelling units per acre.

**Department.** Marathon County Conservation, Planning, and Zoning (CPZ) Department.

**Department of Natural Resources.** State of Wisconsin DNR.

**Developer, Agent of the Developer.** Any individual, subdivider, firm, association, syndicate, limited partnership, partnership, corporation, limited liability company, trust, or any other legal entity proceeding under these subdivision regulations to effect a subdivision of land hereunder for himself/herself or for another.

**Development.** The project in which the developer shall add improvements on or to a parcel of land which may include but is not limited to buildings, dwelling units, drainage systems, utilities, access driveways, parking, landscaping, recreation facilities, and subdividing which shall be in accordance with these Land Division and Surveying Regulations and all other applicable laws but are not limited to major or minor subdivisions, Planned Residential Development, Planned Unit Development and Open Space Subdivision/Conservation Development.

**Easement.** An interest in land created by grant or agreement that confers a right upon owners (Dominant Estate) to some profit, benefit, dominion, or lawful use of or over the estate of another (Servient Estate), which is distinct from ownership of the land.

**Easement Appurtenant.** An easement created benefitting the dominant estate or its holder and attaches to the parcel of land.

**Easement in Gross.** An easement that exists independently of other land and does not benefit any other land. It is a mere personal interest in or right to use the land of another.

**Easement, Conservation.** A right, privilege or interest in property, including the right to enforce restrictions, which is granted to an organization qualified under state and federal statutes, to protect certain values of the property by prohibiting conversion, development, or incompatible uses.

**Easement, Utility.** An easement provided for entities and companies providing sanitary sewer, water, stormwater, gas, electric, telecommunication, cable television, and other public utility services.

**Engineer.** Any person registered to practice professional engineering by the state board of registration as specified in Wis. Stats., 443.04.

**Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within 3 miles of the corporate limits of a first, second or third class city, or 1½ miles of a fourth class city or a village.

**FEMA.** The Federal Emergency Management Agency.

**Final Plat.** The map of record of all, or a phase of a subdivision, and its complete accompanying materials in accordance with these regulations.

**Fire Pond.** A fresh water pond or lake, either lying in a natural depression or artificially constructed that provides a water source for dry hydrants for fighting fires.

**Floodplain.** [NR 115.03(4)] means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those items are defined in ch. NR 116, Wis. Adm. Code.

**Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

**Flood Fringe.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

**Frontage.** The length of the front property line of the parcel(s) of land abutting a public road, road, highway or public right-of-way.

**Grade.** The slope of a road, road or other public way, specified in percent.

**Haul Road.** A temporary road that has been established for the transportation of construction vehicle traffic in lieu of using existing roads. The road is not required to have a paved surface but must be constructed in a safe manner to accommodate the necessary construction vehicle traffic.

**Improvement, Public.** Those additions to undeveloped land such as grading, fire ponds and appurtenances, sanitary and storm sewers, drainage ditch, water mains, pavement, curbs and gutters, sidewalks/walkways, road signs, street lights, parks, monuments, off- road parking area, or other facility for which the county, town or special use district may ultimately assume the responsibility for maintenance and operation.

**Land Division.** The act of dividing a parcel of land.

**Limited Access Expressway or Highway.** A traffic way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except only at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

**Lot.** A contiguous portion of a subdivision, CSM, or other parcel of land intended for transfer of ownership or for building development with described boundaries that abut a public road or has access via an easement or area of common ownership to a public or private road. Proposed lots must be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required.

**Lot Combination.** A consolidation of one or more recorded parcels into a newly created parcel pursuant to these Land Division and Survey Regulations and the provisions of the Wis. Stats., 236.34.

**Lot, Corner.** A lot situated at the intersection of two roads, the interior angle of such intersection not exceeding one hundred thirty-five degrees (135°). All sides of such lot adjacent to roads shall be considered frontage, and front yard setbacks shall be provided as required.

**Lot Lines.** The property boundaries of a lot or outlot.

**Lot, Double Frontage.** Any interior lot having frontage on 2 parallel roads. In the case of a row of double frontage lots, all sides of such lots adjacent to roads shall be considered frontage, and front yard setbacks shall be provided as required.

**Modification.** Where because of unique topographic or other conditions of the land involved, or because of other natural conditions predating adoption of this ordinance, or to achieve consistency with a city or village extraterritorial ordinance, it is inappropriate to apply literally the provisions of this ordinance and where such literal applications would impose undue hardship, the Committee may vary the requirements of this code. The Committee may attach conditions to the granting of such modifications to assure that the purpose and intent of the ordinance are observed and that compliance with state law is achieved.

**Monument.** A survey marker of durable material found or set to mark lot corners, right-of-way points, the start or end of a curve, horizontal or vertical control points, meander points, section corners, or witness points.

**Municipality.** A political unit of government such as a county, town, village or city.

**NAD83 (91).** North American Datum (adjustment of 1991) a coordinate system used by Marathon County for surveying and mapping purposes.

**Open Space.** That portion of land within a subdivision devoted to public and/or private recreational facilities, or undeveloped land.

**Ordinary High Water Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

**Outlot.** A parcel of land other than a lot or block as designated on the survey map, intended for transfer of ownership, public use including but not limited to utilities and stormwater control, private or public right-of-way, or a non-buildable parcel having wetlands, poor soils and/or topographic conditions. An outlot may not be used as a building site.

**Owner.** Any person, group of persons, firm, corporation or any other legal entity having legal title to the land sought to be divided under this title.

**Owners' Association.** An organization operating under a land agreement through which each lot owner or dwelling unit owner of that specific subdivision or development is a member and/or each lot or dwelling unit is subject to charges for a proportionate share of the expenses for the organization's activities, such as maintenance, repair and replacement of common areas and facilities including private roads. The organization is responsible to enforce the rules, regulations, deed restrictions and bylaws of the owners' association.

**Parcel.** A contiguous unit of land, undivided by public right-of-way, described by a single description in a deed, separately owned, or capable of being separately conveyed.

**Performance Bond.** An agreement between a developer and a performance bond or company for the benefit of a municipality in the amount of the estimated construction cost of improvements for the entire subdivision whereby the surety guarantees the completion of the physical improvements for the entire subdivision according to plans and specifications within the time prescribed by the agreement pursuant to Section [18.009.04](#) of these ordinances.

**Plat.** A map of a subdivision.

**Plat of Survey.** A map of a survey performed on an existing parcel previously created by certified survey map, subdivision plat, or legal description.

**Preliminary Plat.** A map showing the features of a proposed subdivision, submitted to the committee for the purposes of consideration and approval to proceed with the preparation of the final plat.

**Private Road.** Any road not dedicated to the public which serves as a vehicular access to parcels or lots.

**Professional Land Surveyor.** A professional land surveyor licensed under Wis. Stats., 443.

**Public Utility.** Any person, firm or corporation, governmental agency, or board having a public utility commission or regulatory body permitted to furnish to the public under such regulations utilities including but not limited to electricity, gas, sewer, water, telephone, cable, transportation, steam, or other similar public services.

**Recording of Documents.** The submittal of documents such as, but not limited to, final plats, certified survey maps, deeds, etc. to the register of deeds for official filing and recording.

**Replat.** The process of changing, or the map which changes, the boundaries of a recorded subdivision plat or part thereof.

**Reservation of Land.** The identification and setting aside of an area of land on a preliminary plan and final plat for future common use.

**Right-of-way.** Right-of-way is a strip of land occupied or intended to be occupied by a road, walkway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land established and shown on a final plat is to be separate and distinct from the parcels adjoining such right-of-way, and not included within the dimensions or areas of such parcels. Rights-of-way intended for roads, walkway, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider of the plat on which such right-of-way is established.

**Roadway.** The surfaced portion of the road available for vehicular traffic.

**Service Drive.** A public road, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating unregulated ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

**Private Onsite Wastewater Treatment System (POWTS).** Also referred to as a private sewage system, septic system, or POWTS, shall have the same definition as contained in Wis. Stats., 145.01(12).

**Sidewalk.** That portion of a road or walkway, paved or otherwise surfaced, intended for pedestrian use only.

**Sight Distance.** The length of roadway that is necessary to insure the operator of a vehicle has an unobstructed view of the entire intersection and sufficient length of the intersecting road to provide safe driving conditions.

**Shared driveway.** A driveway jointly owned by the owners of the properties it gives access to.

**Stormwater Detention Basin.** A facility for the temporary storage of stormwater runoff, constructed to receive and temporarily hold stormwater for release at a controlled rate.

**Stormwater Retention Basin.** A facility, such as a pond, pool or basin, used for the permanent storage of stormwater runoff, where additional storage capacity is provided above the normal water level.

**Soil Erosion Control and Stormwater Management. Plan.** A plan in which runoff water from a development is safely dispersed at an allowable rate to minimize erosion, flooding and to assist in maintaining water quality. Stormwater management regulates both construction site erosion and post-construction stormwater runoff from a site.

**Street.** A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but excepting driveways to buildings.

**Street, Collector.** A street which carries traffic from minor streets to the system of major arterials and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.

**Street, Half.** A street in which the subdivider has allocated only part of the ultimate right-of-way width.

**Street, Marginal Access a/k/a Frontage Road.** A minor street which parallels and is adjacent to a major arterial or highway, and which provides access to abutting properties and protection from through traffic.

**Street, Minor.** A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

**Street, Through.** A street which begins and ends on another public street.

**Structure.** Anything constructed or erected, including a building, the use of which requires permanent or semi-permanent location on the ground or attached to something having a permanent or semi – permanent location on the ground.

**Subdivider.** Any person, corporation or authorized agent who undertakes the subdivision of land as defined in this section. Any current subdivider, who has had a continuous ownership interest (for example, as a tenant in common with others) in a specific property, shall be considered the same subdivider for the purposes of application of limitations under this code.

**Subdivision.** The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites, or lots, whether for immediate or future transfer of ownership including division or allocation of land for the opening, widening, or extension of any roads.

**Subdivision, County.** A division of a lot, contiguous parcels or tract of land for the purpose of sale or building development, where:

- A. The act of division creates five or more parcels, lots, outlots or building sites of more than 1-1/2 acres each and which are less than 10 acres in size; or
- B. Five or more parcels or building sites of more than 1-1/2 acres each and which are less than 10 acres in size are created by successive divisions within a period of 5 years.

**Subdivision Major.** Any subdivision classified as a County, State, Condominium, Planned Unit Development, or Conservation Plat.

**Subdivision, Minor.** Any subdivision classified as a certified survey map where:

- A. The act of division creates not more than 4 lots, outlots, parcels or building sites which are less than 10 acres in size; or
- B. The act of division of an outlot within a recorded subdivision plat into not more than 4 parcels or building sites without changing the original exterior boundaries of such lot or outlot.

**Subdivision, State.** A division of lot, contiguous parcel or tract of land for the purpose of sale or building development, where:

- A. The act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area; or
- B. Five or more parcels or building sites of 1-1/2 acres each or less in area are created by successive divisions within a period of 5 years.

**Subdivision Design Standards.** The basic land planning standards established as guides for the preparation of preliminary plats and certified survey maps.

**Thoroughfare.** A road with a high degree of continuity, including collectors, major arterials, and limited access highways.

**Town Engineer.** Any person employed by the Town and registered to practice professional engineering by the state board of registration as specified in Wis. Stats., 443.04.

**Town Planning Committee.** A town zoning committee appointed under Wis. Stats., 60.61(4)(a) or any agency created by the town board and authorized by statute to plan land use.

**Town Road Superintendent.** The town official who has the responsibility of overseeing road construction and maintenance and other public works projects as determined by the Town, Town engineer, public works director.

**USACE.** The United States Army Corps of Engineers, a U.S. federal agency under the Department of Defense and whose mission includes environmental regulation and ecosystem management.

**Vicinity Map.** A drawing located on a submittal which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Marathon County in order to better locate and orient the area in question.

**Walkway.** A walkway or crosswalk is a right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary.

**Water Supply, Individual.** A well and appurtenances usually supplying only one lot.

**Yard Terms.**

1. **Yard.** The area of the same lot between the lot line and the building line, unoccupied and unobstructed by any portion of a building or structure from the ground upward, except as otherwise provided herein. (See Figure 10 in Chapter 17. Yard Terms.)

2. Front yard. The area extending across the full width of a lot the depth of which shall be the perpendicular distance between the existing or proposed road right-of-way or and the principle structure. (See Figure 10 in Chapter 17. Yard Terms.)
3. Rear yard. The area extending across the full width of the lot, the depth of which shall be the distance between the rear lot line and a line parallel thereto through the nearest point of the principle structure. (See Figure 10 in Chapter 17. Yard Terms.)
4. Side yard. The area extending from the front yard to the rear yard of the lot, the width of which shall be the distance between the side lot line and a line parallel thereto through the nearest point of the principle structure. (See Figure 10 in Chapter 17. Yard Terms.)

**Zoning.** The legal right for local governments to regulate the use of real property to prevent conflicting land uses and promote orderly development. Such rights include, but are not limited to regulating: the use, height, bulk, and location, including percentage of lot occupancy, building setback lines, and other structures.

**Zoning Regulations.** The zoning regulations adopted or approved by the County Board.

## APPENDICES

### APPENDIX A – OWNERSHIP AND MAINTENANCE OF OPEN SPACE

#### A. GENERAL

Different ownership and management options apply to the permanently protected open space created through the conservation design development process. The open space shall remain undivided and may be owned and managed by a homeowners' association, the township, or a recognized land trust or conservancy. A public land dedication, not exceeding 10% of the total development area, may be required by the township, through this open space, to facilitate trail connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

#### B. OWNERSHIP STANDARDS

Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the county and town.

1. *Offer of Dedication.* The town shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The town may, but shall not be required to accept undivided open space provided:
  - a. Such land is accessible to the residents of the town;
  - b. There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and
  - c. The town agrees to and has access to maintain such lands. Where the town accepts dedication of common open space that contains improvements, the town may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15% of the actual cost of installation of said improvements.
2. Homeowners' Association. The undivided open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:
  - a. The developer shall provide a description of the association, including its bylaws and methods for maintaining the open space.
  - b. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any parcels within the development.
  - c. Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from the developer to homeowners shall be identified.
  - d. The association shall be responsible for maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the town on the association. The association may place liens on the homes or house lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
  - e. The members of the association shall share equitably the costs of maintaining and developing such undivided open space. Shares shall be defined with the association by-laws.
  - f. In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the homeowners' association, or of the assumption of maintenance of undivided open space land by the township, notice of such action shall be given to all property owners within the development.
  - g. The association shall have or hire adequate staff to administer common facilities and properly and continually maintain the undivided open space.

**APPENDIX A – OWNERSHIP AND MAINTENANCE OF OPEN SPACE** (continued)

- h. The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease agreement shall provide:
    - 1) That the residents of the development shall at all times have access to the open space lands contained therein (except croplands during the growing seasons);
    - 2) That the undivided open space to be leased shall be maintained for the purposes set forth in this ordinance; and
    - 3) That the operation of open space facilities may be for the benefit of the residents only, or may be open at the election of the developer and/or homeowners' association, as the case may be.
  - i. The lease shall be subject to the approval of the board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements so entered upon shall be recorded with the County Register of Deeds within 30 calendar days of their execution and a copy of the recorded lease shall be filed with the town.
3. Condominiums. The undivided open space and associated facilities may be controlled through the use of condominium agreements, approved by the county and the town. Such agreements shall be in conformance with the state's condominium laws. All undivided open space land shall be held as a common element.
4. Dedication of Easements. The town may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land, title of which is to remain in ownership by condominium or homeowners' association, provided:
- a. Such land is accessible to town residents;
  - b. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
  - c. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association, and the town.
5. Transfer of Easements to a Private Conservation Organization. With the permission of the county and the town, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:
- a. The organization is acceptable to the county and the town, and is a bona fide conservation organization with perpetual existence;
  - b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
  - c. A maintenance agreement acceptable to the board is entered into by the developer and the organization.

**C. MAINTENANCE STANDARDS**

- 1. The ultimate owner of the open space (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space, through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
- 2. In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the county or the town may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.
- 3. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this ordinance. The county is hereby authorized to give notice, by personal

service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within 20 days.

4. Should any bill or bills for maintenance of undivided open space by the town be unpaid by November 1<sup>st</sup> of each year, a late fee of 15% shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

## APPENDIX B – CONSTRUCTION AND EFFECT OF ORDINANCES

### PENALTY PROVISIONS.

#### A. **General Penalty**

Except as otherwise provided, any person who shall violate any of the provisions of this code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

1. First Offense. Any person who shall violate any provision of this code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 calendar days.
2. Second Offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously been convicted of a violation of the same ordinance within one year, shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months.

#### B. **Continued Violations**

Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this Code shall preclude the county from maintaining any appropriate action to prevent or remove a violation of any provision of this code.

#### C. **Execution Against Defendant's Property**

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the county, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

**APPENDIX C – EXAMPLES OF COMMON CERTIFICATES, NOTES OR RESTRICTIONS**

Standard Signature Block

APPROVED FOR RECORDING

UNDER THE TERMS OF THE MARATHON CO.

LAND DIVISION REGULATIONS.

BY \_\_\_\_\_

DATE \_\_\_\_\_

MARATHON CO. CONSERVATION, PLANNING AND ZONING DEPT.

CPZ TRACKING# \_\_\_\_\_

**Signature Block for Exemption of Transfers between Adjoiners.**

APPROVED FOR RECORDING UNDER THE TERMS OF CH. 18.06(2)(c) OF THE MARATHON COUNTY LAND DIVISION REGULATIONS. BY \_\_\_\_\_ DATE \_\_\_\_\_

MARATHON COUNTY CONSERVATION, PLANNING, AND ZONING DEPT. \*NO SURVEY REVIEW REQUIRED

**Transfer Note**

This map does not transfer property ownership. Sale or transfer of property requires a recorded deed.

**Outlot Restriction Note**

Outlot(s) \_\_\_\_ as shown on this map, do(es) not comply with the provisions of Chapter 17 and/or Chapter 18 of the Marathon County Code of Ordinances and may not be improved upon until the Environmental Resources Committee and Zoning Committee waives the requirements of this section or the parcel is legally combined with an adjacent parcel to form one compliant parcel.

**Property Line Agreement Note**

I (We), (*owner names*) \_\_\_\_\_ owner(s) of lands known as \_\_\_\_\_

I (We), (*owner names*), \_\_\_\_\_ owner(s) of lands known as \_\_\_\_\_

As owners we hereby certify that we have reviewed and (1) agree with the parcel lines shown on this survey and further understand that (2) a deed must be prepared and recorded with the Marathon County Register of Deeds office for the land as shown to be under one ownership.

Signature of owners Signature of owners

Signature of owners Signature of owners

**Easement Validation Note**

The easement as shown hereon is not valid unless an instrument is recorded with the Marathon County Register of Deeds to grant said easement.

**Road Width Note**

Note: (Road Name) R/W width could not be determined from public records. Width was established to be 66 feet pursuant to the provisions of Wis. Stats., 82.18. This is consistent with (Evidence used: CSM, survey records, fences, town testimony, maintenance and gas tax records etc.).

**Public Trust Statement**

Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.

**Access Note**

Access to Lot 2 of this map is across adjacent lands which are in contiguous ownership. If Lot 2 is transferred to another party, legal access shall be obtained by easement or by an approved County Highway driveway access permit.

**Owners Certificate of Dedication**

\_\_\_\_\_ and \_\_\_\_\_, as owners, we hereby certify that we have caused the land described on this Certified Survey Map to be surveyed, divided, mapped, and dedicated as represented on this Certified Survey Map. We also certify that this Certified Survey Map is required by Wis. Stats., 236.10 or 236.12 to be submitted to the following for approval or rejection: Marathon County and the Town of \_\_\_\_\_.

**Town Board Resolution**

Resolved, that this Certified Survey Map and right of way dedication are located in the Town of \_\_\_\_\_ and hereby approved by the Town Board of the Town of \_\_\_\_\_.

Dated \_\_\_\_\_ Approved \_\_\_\_\_

Town Chairman

Dated \_\_\_\_\_ Signed \_\_\_\_\_

Town Chairman

I hereby certify that the foregoing is a copy of a resolution adopted by the Town Board of \_\_\_\_\_

\_\_\_\_\_

Town Clerk

**Ordinary High Water Mark Note**

The Ordinary High Water Mark as shown on this Certified Survey Map is approximate and is for reference only.

# IMPORTANT FACTS ABOUT LAND DESCRIPTIONS

*Land Measurements, Townships, Sections, Meandered Water, Government Lots, Etc.*

## What is a Land Description?

A land description is a description of a tract of land in legally acceptable terms, so as to show exactly where it is located and how many acres it contains.

**Table of Land Measurements**

LINEAR MEASURE				SQUARE MEASURE			
1 inch	0.933 foot	18 1/2 feet	1 rod	144 sq. ft.	1 sq. ft.	43560 sq. ft.	1 acre
7.92 inches	1 link	5 1/2 yards	1 rod	9 sq. ft.	1 sq. yd.	640 acres	1 sq. mile
12 inches	1 foot	4 rods	100 links	30 1/4 sq. yds.	1 sq. rod	1 sq. mile	1 section
1 vara	.33 inches	66 feet	1 chain	16 sq. rods	1 sq. chain	36 sq. miles	1 township
2 1/4 feet	1 vara	60 chains	1 mile	1 sq. rod	272 1/4 sq. ft.	8 miles sq.	8 miles sq.
3 feet	1 yard	320 rods	1 mile	1 sq. chain	4356 sq. ft.	208 ll. 8 in. sq.	1 acre
25 links	1 1/2 feet	8000 links	1 mile	10 sq. chains	1 acre	80 rods sq.	40 acres
25 links	1 rod	5280 feet	1 mile	160 sq. rods	1 acre	160 rods sq.	160 acres
100 links	1 chain	1760 yards	1 mile	4840 sq. yds.	1 acre		

In non-rectangular land descriptions, distance is usually described in terms of either feet or rods (this is especially true in surveying today), and square measure in terms of acres. Such descriptions are called Metes and Bounds descriptions and will be explained in detail later.

In rectangular land descriptions, square measure is again in terms of acres, and the location of the land in such terms as N 1/4 (north one-half), SE 1/4 (south east one-fourth or quarter), etc. as shown in figures 2, 3, 4 and 5.

## Meandered Water & Government Lots

A meandered lake or stream is water, next to which the adjoining landowner pays taxes on the land only. Such land is divided into divisions of land called government lots. The location, acreage and lot number of each such a tract of land, was determined, surveyed and platted by the original government surveyors.

The original survey of your county (complete maps of each township, meandered lakes, government lots, etc.) is in your courthouse, and this original survey is the basis for all land descriptions in your county (see figure 1).

### HOW CAN YOU TELL WHETHER WATER IS MEANDERED OR PRIVATELY OWNED?

On our township maps, if you find government lots adjoining a body of water or stream, those waters are meandered. If there are no government lots surrounding water, that water is privately owned, the owner is paying taxes on the land under the water, and the owner controls the hunting, fishing, trapping rights, etc., on that water, within the regulations of the State and Federal laws, EXCEPT where such water is deemed navigable, other rulings may sometimes pertain.

As a generality (but not always), meandered water is public water which the public may use for recreational purposes, fishing, hunting, trapping, etc., provided that there is legal access to the water, or in other words, if the public can get to such waters without trespassing. There still is much litigation concerning the same to be decided by the courts.

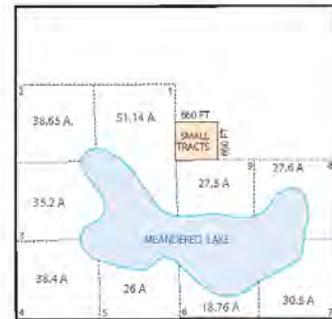
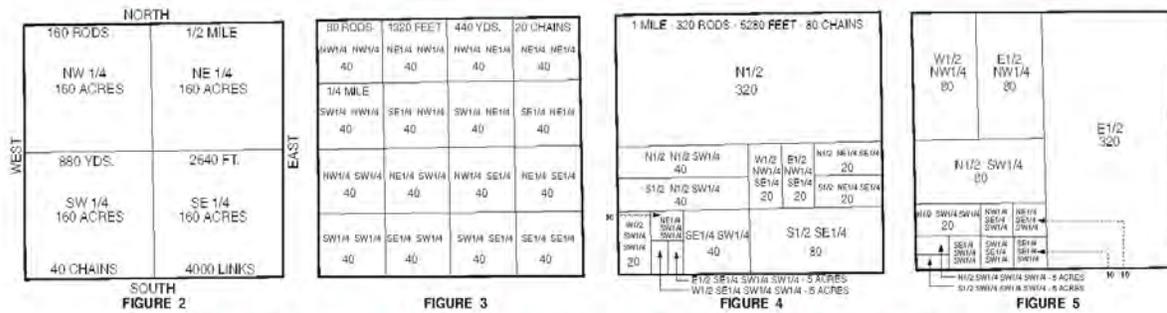


FIGURE 1

**IMPORTANT:**  
THE GOVERNMENT LOT NUMBER GIVEN TO A PIECE OF LAND, IS THE LEGAL DESCRIPTION OF THAT TRACT OF LAND.

## Sample Sections Showing Rectangular Land Descriptions, Acreages and Distances



## The Best Way To Read Land Descriptions Is From The Rear Or Backwards

Descriptions of land always read FIRST from either the North or the South. In figures 2, 3, 4 and 5, notice that they all start with N (north), S (south), such as NW, SE, etc. They are never WN (west north), ES (east south) etc. IMPORTANT: It is comparatively simple for anyone to understand a description, that is, determine where a tract of land is located, from even a long description. The SECRET is to read or analyze the description from the rear or backwards.

EXAMPLE: Under figure 4, the first description read E 1/2, SE 1/4, SW 1/4, SW 1/4. The last part of the description reads SW 1/4, which means that the tract of land we are looking for is somewhere in that quarter (as shown in figure 2). Next back we find SW 1/4, which means the tract we are after is somewhere in the SW 1/4 SW 1/4 (as shown in figure 3). Next back, we find the SE 1/4, which means that the tract is in the SE 1/4 SW 1/4 SW 1/4 (as shown in figure 5). Next back and our last part to look up, is the E 1/2 of the above, which is the location of the tract described by the whole description (as shown in figure 4).

## To Interpret A Land Description - Locate The Area On Your Township Plat, Then Analyze The Description & Follow It On The Plat Map.

# IMPORTANT FACTS ABOUT LAND DESCRIPTIONS

## Township Survey Information

**A Congressional Township  
Contains 36 Sections Of Land  
1 Mile Square**

**A Civil Or Political Town  
May Be Larger Or Smaller Than A  
Congressional Township.**

### Townships

Theoretically, a township is a square tract of land with sides of six miles each, and containing 36 sections of land. Actually this is not the case. Years ago, when the original survey of this state was made by the government engineers, they knew that it was impossible to keep a true north and south direction of township lines, and still keep getting township squares of 36 square miles. As they surveyed toward the north pole, they were constantly running out of land, because the township lines were converging toward the north pole.

If you will turn to one of the township maps in this plat book, you will notice that on the north and on the west of each township, there are divisions of land which show odd acreages. In some townships, these odd acreages are called government lots (because they were given a lot number), and at other times left as FRACTIONAL FORTIES OR EIGHTIES. It was at the option of the original government surveyors as to whether they would call these odd acreages government lots, or fractional forties and eighties.

The reason for these odd acreages is that the government surveyors adjusted for shortages of land which developed as they went north, by making fractional forties, eighties or government lots out of the land on the west side of a township, and the same for the land on the north side of a township to keep east and west lines running parallel. In other words it was impossible to fit full squares into a circle.

Townships sometimes vary in size from the regularly laid-out township (see figure 6). Suppose that the dotted line in figure 6 is a river separating two counties. The

DIAGRAM SHOWING HOW SECTIONS ARE NUMBERED IN A TOWNSHIP

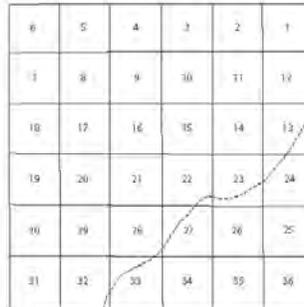


FIGURE 6

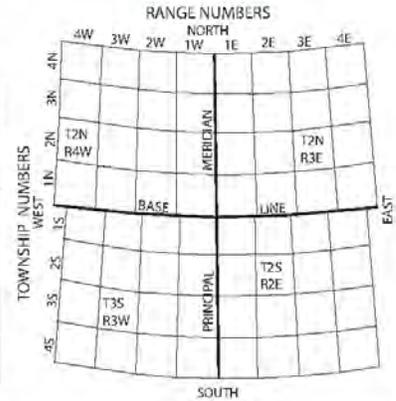


FIGURE 7

land north and west of the river could be a township in one county, the land south and east could be a township in another county. Whichever county the land is in, it still retains the same section, township and range numbers for purposes of land descriptions.

Each township has a township number and also a range number (sometimes more than one of each if the township is oversized, or a combination of more than one township and range).

Government surveying of townships is run from starting lines called base lines and principal meridians. Each township has a township number. This number is the number of rows or tiers of townships that a township is either north or south of the base line. Also each township has a range number. This number is the number of rows or tiers of townships that a township is either east or west of the principal meridian (see figure 7). EVERY DESCRIPTION OF LAND SHOULD SHOW THE SECTION, TOWNSHIP AND RANGE IT IS LOCATED IN.

**Townships May Be Either North Or South Of The Base Line  
Ranges May Be Either East Or West Of The Principal Meridian.**

### Metes And Bounds Descriptions And Explanation Of Direction In Terms Of Degrees

**WHAT IS A METES AND BOUNDS DESCRIPTION?** It is a description of a tract of land by starting at a given point, running so many feet a certain direction, so many feet another direction etc., back to the point of beginning. EXAMPLE: In figure 1 notice the small tract of land outlined. The following would be a typical metes and bounds description of that tract of land. "Begin at the center of the section, thence north 660 feet, thence east 660 feet, thence south 660 feet, thence west 660 feet, back to the point of beginning, and containing 10 acres, being a part of Sec. No. etc."

**IMPORTANT: To locate a tract of land from a metes and bounds description, start from the point of beginning, and follow it out (do not read it backwards as in the case of a rectangular description).**

The small tract of land just located by the above metes and bounds description could also be described as the SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of the section. In most cases, the

### How To Read Descriptions Which Show Directions In Terms Of Degrees

In figure 8, the north-south line, and the east-west line divide the circle into 4 equal parts, which means that each part contains 90 degrees as shown. Several different direction lines are shown in this diagram, with the number of degrees each varies east or west from the north and south starting points (remember again that all descriptions read from the north or south).

We all know what north-west is. It is a direction which is half-way between North and West. In terms of degrees the direction north-west would read, north 45 degrees west (see figure 8).

### Example Of A Land Description In Terms Of Degrees

At this time, study figure 8 for a minute or two. In figure 8, notice the small tract. The following metes and bounds description will locate this small tract. "Begin at the beginning point, thence N 20 degrees west — 200 feet, thence N 75 degrees east — 1190 feet, thence S 30 degrees east — 240 feet, thence S 45 degrees west — 420 feet, thence west — 900 feet back to the point of beginning, containing so many acres, etc."

same tract of land may be described in different ways. The rectangular system of describing and locating land as shown in figure 2, 3, 4 and 5 is the most simple and almost always used when possible.

A circle contains 360 degrees. Explanation: If you start at the center of a circle and run 360 straight lines an equal angle apart to the edge of the circle, so as to divide the circle in 360 equal parts, THE DIFFERENCE OF DIRECTION BETWEEN EACH LINE IS ONE DEGREE.

In land descriptions, degree readings are not a measure of distance. They are combined with either North or South, to show the direction a line runs from a given point.

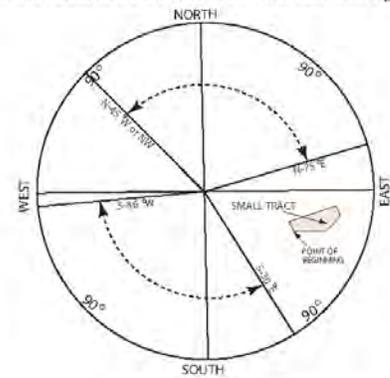


FIGURE 8



## APPENDIX F - CLASSIFICATION OF THE THOROUGHFARE SYSTEM

**APPENDIX G - DEVELOPER AGREEMENT TEMPLATE**

**DEVELOPER AGREEMENT  
TOWN OF (insert name), WISCONSIN  
COUNTY OF MARATHON**

This Developer Agreement (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, by and between the Town of (insert town), Wisconsin (“TOWN”), a Wisconsin political subdivision with its principal place of business at (insert address) and:

Developer needs to complete the following:

Name of Developer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Name of Subdivision: \_\_\_\_\_  
(Name as it appears on Plat)

In accordance with the terms set forth herein, the Developer and the Town agree to the following:

- A. Preliminary Plat  
The Preliminary Plat was approved [insert date] and the approval expires in 2 years on [insert date] subject to revisions of the Preliminary Plat and time extensions that may be granted by the Planning Committee.
- B. Town/Marathon County Land Division and Surveying Regulations  
The Developer acknowledges it received, has read and will comply with all terms of the Town/Marathon County Land Division and Surveying Regulations in addition to the requirements as specifically referenced herein.
- C. Special Conditions and Requirements  
The Town and the Developer agree to comply with the special conditions and requirements for the project as set forth in Exhibit A attached.
- D. Events of Default
  - 1. Town of (insert name) will have the unrestricted right to enforce its remedies under this Agreement, as provided in the Land Division and Surveying Regulations and as provided in law and in equity upon the happening of any one or more of the following events:
    - a. Developer’s insolvency or act affecting or evidencing bankruptcy;
    - b. Filing voluntary or involuntary petition of bankruptcy by or against Developer;
    - c. Appointment of a receiver for Developer by any Court of competent jurisdiction;
    - d. Developer’s failure to complete its obligations, including but limited to obtaining all required permits and bonds, within the time specified by this Agreement, Land Division and Surveying Regulations or any other applicable law or regulation;
    - e. Developer’s failure to perform any other obligations pursuant to this Agreement, Land Division and Surveying Regulations or any applicable law or regulation;
    - f. Cancellation of any government contract for which this Agreement is issued.

The acceptance of Developer’s performance after the occurrence of any of the above-named events will not affect the right of the Town to exercise any of its rights against the Developer.

- 2. In the event the Town does not perform its responsibilities in accordance with Exhibit A of this Agreement as required of the Land Division and Surveying Regulations, the Developer shall have the right to enforce remedies available to the Developer under this Agreement, as provided in the Land Division and Surveying Regulations and as provided in law and in equity.

E. Remedies

1. Corporation Counsel's Office

The Planning Committee and Town Board shall refer to the County Corporation Counsel and alleged violation of or a lack of compliance with any provision of this Agreement or Land Division and Surveying Regulations.

2. Violation and Penalty

a. A person, firm or corporation who fails to comply with this code shall be subject to the penalty provisions contained in section 25.04 of the Marathon County General Code of Ordinances. Each day a violation exists or continues shall constitute a separate offense.

b. The penalties of Wis. Stats., 236.31 and 236.32 statutes apply to this code.

3. Civil Enforcement

Appropriate legal and/or equitable actions and proceedings may be taken to restrain or abate a violation of this Agreement and Land Division and Surveying Regulations, to enforce these regulations to prevent unlawful construction of a building or other structure or land associated with a violation of this Agreement or Land Division and Surveying Regulations, and/or recover damages incurred by the Town as a result of a violation of the Agreement or the Land Division and Surveying Regulations. These remedies shall be in addition to the specific penalties described herein.

4. Stop Work Order

Upon the Developer's failure to comply with its obligations under this Agreement or the Land Division and Survey Regulations, the Town will have the right to issue a stop work order against the Developer after the Town provides the Developer with written notice describing the noncompliance. Upon receipt of such stop work order, the Developer shall immediately cease, desist and stop all work on the project. The Town will rescind the stop work order upon receipt of satisfactory evidence that the Developer has remedied its noncompliance. The Developer will release, indemnify and hold harmless the Town for any expenses or liabilities incurred arising from the issuance of the stop work order.

F. Force Majeure

In the event the Town or the Developer (the "parties") shall be delayed or prevented from performing any of its obligations, except for payment obligations, under this Agreement, due to strikes, lockouts, acts of God, governmental restrictions, enemy act, civil commotion, unavoidable fire or other casualty, or other causes of a like nature beyond the control of the party, then the party shall be excused for a reasonable period for such delay. The parties must take all reasonable action to minimize the effects and the time period of such delay. Prompt written notice of such an event and the estimate of the delay period shall be provided to the other party. The Town reserves its right to require the enforcement of any Bonds if such a delay becomes unreasonable.

G. Waiver

The remedies contained in this Agreement and Land Division and Surveying Regulations will be cumulative and additional to any other remedies provided in law or equity. The Town's delay or waiver of a breach of any provision of this Agreement or Land Division and Surveying Regulations will not constitute a waiver of any other breach or of any provisions.

H. Modification

Any modification of this Agreement to be valid must be in writing and signed by Town's authorized representative.

I. Non-Assignment

Developer agrees to be responsible for all duties and obligations imposed under the terms of this Agreement and Land Division and Surveying Regulations. Developer agrees not to assign or delegate the performance of its duties under this Agreement without written consent from the Town.

J. Jurisdiction

This Agreement will be governed by the laws of the State of Wisconsin.

DEVELOPER AGREEMENT TEMPLATE (Page 3)

K. Entire Agreement

This Agreement and all plans which have been officially approved by the appropriate Town officials in accordance with this Agreement and the Land Division and Surveying Regulations shall constitute the entire agreement of the parties.

IN WITNESS WHEREOF, the parties intending to be legally bound have executed this Agreement and the effective date of this Agreement will be the date on which the Town of (insert name) executed this Agreement.

DEVELOPER

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Date: \_\_\_\_\_

SWORN TO BEFORE ME AND SUBSCRIBED, \_\_\_\_\_,  
{Developer} personally appeared before me on this \_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Notary Public

Seal

Town of (insert name) Planning Committee/Board

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Date: \_\_\_\_\_

Attachments: EXHIBIT "A" Improvement Plans dated\_\_\_\_\_  
EXHIBIT "B" Performance Bond dated\_\_\_\_\_  
EXHIBIT "C" Soil Erosion Control and Stormwater Management Plan\_\_\_\_\_.

## APPENDIX H - WPDES Construction Site Stormwater Runoff General Permit Checklist

State of Wisconsin  
Department of Natural Resources  
dnr.wi.gov

### WPDES Construction Site Storm Water Runoff General Permit Notice of Intent Application Checklist

Form 3500-053C (R 7/14)

Page 1 of 4

A landowner of a construction site where one acre or more of land will be disturbed must submit a Notice of Intent (NOI) application to the Department under s. 283.33, Wis. Stats., and Subchapter III of NR 216, Wis. Adm. Code. In addition to the Water Resources Application for Project Permits form (Form 3500-053), a complete NOI application includes this checklist and all required attachments and the appropriate application fee sent to the appropriate address provided on page 4 of this checklist.

**Other Necessary Authorizations** – Other local, state or federal permits or approvals may be necessary before work can proceed.

**To apply for coverage under the WPDES Construction Site Storm Water Runoff General Permit (Permit No. WI-S067831):**

**STEP 1:** Prepare an NOI application by downloading and completing the Water Resources Application for Project Permits (Form 3500-053) (go to <http://dnr.wi.gov> and use search keywords "Water Resources Application for Project Permits").

**STEP 2:** Provide **all information and NOI application attachments listed in this checklist**.

**STEP 3:** Send completed NOI application materials and applicable fee to the address for the county where the project is located. The DNR office addresses are listed at the end of this checklist. NOI application materials must be submitted at least 14 working days prior to the start of land-disturbing construction activities.

**STEP 4: A Notice of Permit Coverage** will be sent to the applicant permittee after the Department receives a **complete** NOI application, reviews the information, and determines that the project will be covered under the WPDES Construction Site Storm Water Discharge Runoff General Permit. Please be aware that the Department may request additional information to verify that the erosion control plan and storm water management plan meets the requirements of the WPDES Construction Site Storm Water Discharge Runoff General Permit, Chapter NR 151, and Chapter NR 216.

**WPDES Construction Site Storm Water Runoff  
General Permit Notice of Intent Application Checklist**

Form 3500-053C (R 7/14)

Page 2 of 4

Project Name: \_\_\_\_\_

County: \_\_\_\_\_

**INFORMATION AND ATTACHMENTS REQUIRED WITH THE NOI APPLICATION:**

Note: To avoid delays, supply all of the information listed below in a complete and organized format.

**Type of Development:**

Residential    Commercial/Industrial    Transportation    Utility    Agricultural

Total Area of Project Site (acres): \_\_\_\_\_ Total Estimated Disturbed Area (acres): \_\_\_\_\_

In-fill    Redevelopment    New Development

Impervious Area (as a percent of total land disturbance): Before Construction: \_\_\_\_\_ % After Construction: \_\_\_\_\_ %

**Completed and signed Water Resources Application for Project Permits (Form 3500-053) and all required attachments. See additional attachments on page 3.**

**Site Screening Questions:**

Is the proposed disturbed area greater than 300 feet from a mapped or delineated wetland?    Yes    No

Is the proposed disturbed area greater than 500 feet from a waterbody?    Yes    No

Prior to commencing land disturbing construction activities, is there any area within the project boundaries with a slope length of more than 50 feet at a steepness of greater than 20%?    Yes    No

During land disturbing construction activities, will there be any area within the project boundaries with a slope length of more than 50 feet at a steepness of greater than 20%?    Yes    No

**Map of project location:** Using the WDNR Surface Water Data Viewer, draw an accurate polygon of the limits of disturbance of the project area on the 7.5 minute USGS topographical map layer. Print and submit the map.

**Site-specific erosion control plan which includes:**

- Erosion control plan meets all of the applicable performance standards in either s. NR 151.11 or s. NR 151.23, Wis. Adm. Code.
- Description of the construction site and the nature of the land disturbing construction activity.
- Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, such as grubbing, excavation or grading.
- Available data describing the surface soil as well as sub-soils.
- Description of appropriate erosion and sediment control best management practices that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state.
- Description of the appropriate erosion and sediment control best management practices for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control best management practices will be implemented.
- Description of any interim and permanent stabilization practices, including a schedule for implementing the practices. The erosion control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the construction site are stabilized.
- Description of any structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the construction site. Unless otherwise specifically approved in writing, structural measures shall be installed on upland soils.
- Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
- Trapping of sediment in channelized flow.
- Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
- Protection of downslope drainage inlets where they occur.
- Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
- Provisions for clean-up of off-site sediment deposits.
- Provisions for proper disposal of building and waste material.
- Description of proposed stabilization of drainage ways.
- Details for the installation of permanent stabilization practices as soon as possible after final grading.
- Provisions for minimization of dust to the maximum extent practicable.

**WPDES Construction Site Storm Water Runoff  
General Permit Notice of Intent Application Checklist**

Form 3500-053C (R 7/14)

Page 3 of 4

Project Name: \_\_\_\_\_

County: \_\_\_\_\_

**Erosion control map shall include the following:**

- Existing topography and drainage patterns, roads and surface waters.
- Boundaries of the project site.
- Drainage patterns and approximate slopes anticipated after major grading activities.
- Areas of soil disturbance.
- Location of major structural and non-structural controls identified in the erosion control plan.
- Location of areas where stabilization practices will be employed.
- Areas that will be vegetated following land disturbing construction activities.
- Area and location of wetland acreage on the construction site and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
- Areas used for infiltration of post-construction storm water runoff.
- An alphanumeric or equivalent grid overlying the entire construction site.

**Storm water management plan shall include the following:**

- Storm water management plan meets all of the applicable performance standards in either s. NR 151.121 to 151.128 or s. NR 151.241 to NR 151.249 Wis. Adm. Code.
- An explanation of the technical basis used to select storm water best management practices. A description of the management practices that will be installed during the construction process to control total suspended solids and peak flow, enhance infiltration, maintain or restore protective areas and to reduce petroleum in runoff that will occur after construction operations have been completed.
- Wherever permanent infiltration devices will be employed or were evaluated, the depth to the nearest seasonal high groundwater elevation or top of bedrock shall be identified. Appropriate on-site testing shall be conducted to determine if seasonal high groundwater elevation or top of bedrock is within 5 feet of the bottom of the proposed infiltration system.
- Storm water management practices are adequately separated from wells to prevent contamination of drinking water such that the following minimum separation distances shall be met:
  - Storm water infiltration systems and ponds shall be located at least 400 feet from a well serving a community water system unless the department concurs that a lesser separation distance would provide adequate protection of a well from contamination.
  - Storm water management practices shall be located with a minimum separation distance from any well serving a non-community or private water system as listed within s. NR 812.08.

**Site-specific erosion control plan:** The site specific erosion control plan is attached.

Is the project exempt from the post-construction performance standards in s. NR 151.121(2) or s. NR 151.241(2), Wis. Adm. Code?  Yes  No

Where applicable, include the following:

- Storm water management plan:** The storm water management plan is attached.
- Site evaluation for storm water infiltration:** A summary of the results of the site evaluation, similar to Step D in Technical Standard 1002, is attached.
- Modeling summary:** Modeling was used to estimate compliance with the percent total suspended solids reduction, peak flow, and/or infiltration requirements and a summary of input, output and model version is attached.
- Long-term maintenance agreement:** For any permanent structures, provisions have been made for long-term maintenance with the municipality or other responsible party. The long-term maintenance agreement is attached.

**Non-refundable NOI Application Fee (make checks payable to "Wisconsin DNR")**

<u>Acres of Land Disturbance</u>	<u>Application Fee</u>
Less than 5	\$140
5 or more and less than 25	\$235
25 or greater	\$350

**WPDES Construction Site Storm Water Runoff  
General Permit Notice of Intent Application Checklist**

Form 3500-053C (R 7/14)

Page 4 of 4

**Mailing**

Unless otherwise directed, mail the completed Water Resources Application for Project Permits Form 3500-053, this checklist, and all required attachments with the applicable application fee to "Storm Water Permit Log-in" at the Wisconsin DNR (WDNR) office associated with the county of the construction site location as follows:

<b>NORTHERN REGION COUNTIES</b>			<b>WEST CENTRAL REGION COUNTIES</b>		
Ashland	Langlade	WDNR Baldwin Service Center	Adams	Marathon	WDNR Baldwin Service Center
Barron	Lincoln	890 Spruce Street	Buffalo	Monroe	890 Spruce Street
Bayfield	Oneida	Baldwin, WI 54002	Chippewa	Pepin	Baldwin, WI 54002
Burnett	Polk	Phone: (715) 684-2914 ext. 109	Clark	Pierce	Phone: (715) 684-2914 ext. 109
Douglas	Price		Crawford	Portage	
Florence	Rusk		Dunn	St. Croix	
Forest	Sawyer		Eau Claire	Trempealeau	
Iron	Taylor		Jackson	Vernon	
	Vilas		Juneau	Wood	
	Washburn		La Crosse		

<b>NORTHEAST REGION COUNTIES</b>			<b>SOUTH CENTRAL REGION COUNTIES</b>		
Brown	Marquette	WDNR Northeast Regional	Columbia	Jefferson	WDNR South Central Regional
Calumet	Menominee	Headquarters	Dane	LaFayette	Headquarters
Door	Oconto	2984 Shawano Ave.	Dodge	Richland	3911 Fish Hatchery Rd.
Fond du Lac	Outagamie	Green Bay, WI 54313	Grant	Rock	Fitchburg, WI 53711
Green Lake	Shawano	Phone: (920) 662-5100	Green	Sauk	Phone: (608) 275-3266
Kewaunee	Waupaca		Iowa		
Manitowoc	Waushara				
Marinette	Winnebago				

<b>SOUTHEAST REGION COUNTIES</b>		
Kenosha	Sheboygan	WDNR Waukesha Service Center
Milwaukee	Walworth	141 N.W. Barstow Street, Room 180
Ozaukee	Washington	Waukesha, WI 53188
Racine	Waukesha	(262) 574-2100

## SUBDIVISION DESIGN STANDARDS

### BUFFERING

- A. Buffering is the provision of an area between different land uses that minimizes negative environmental impacts. Buffers shall provide visual screening in order to minimize land use conflicts. A buffer may consist of fencing, evergreens, berms, rocks, boulders, mounds or combinations thereof to achieve the same objective. Buffering may be required when the town planning committee determines that there is a need to:
1. Shield neighboring properties from any adverse external effects of a development.
  2. Shield the Development from negative impacts of adjacent uses such as roads or railroads.

### LANDSCAPE PLAN

- A. An overall landscape plan as approved by the local town may be required to be submitted for all major subdivisions for the town to review. The landscape plan shall identify existing and proposed trees, shrubs and ground covers; natural features such as rock outcroppings and other landscaping elements. Landscaping shall be provided at the entrance(s) to the subdivision and adjacent to the subdivision roads inside or outside of the right-of-way as determined by consultation with the town. Where existing plants and trees are to be retained, the landscape plan shall include proposed methods of protecting them during construction. The character of the landscape design shall be agreed upon at the concept plan stage review meeting.
1. **Native Plants and Prohibited Species.** All landscape plans should incorporate at least thirty percent (30%) of native trees, shrubs and grasses into the plant materials to provide habitat for local flora and fauna and reduce irrigation needs.
  2. **Low Impact Design.** The use of low impact design and other innovative measures to manage stormwater are encouraged. Certain measures can implement the principles of low impact design including bioswales, rain gardens, rain barrels, green roofs, permeable and porous pavements. The use of low impact design measures are encouraged where appropriate because they are sustainable measures that use natural hydrologic features to manage stormwater.

### ON-SITE LIGHTING

Preliminary plans and final plats shall include location of on-site lighting and drawings of special cut-off type fixtures if used. Residential street lighting requirements, if any, shall be determined in consultation with the local town.

- A. **Lighting Standards.** On-site lighting shall be governed by the following standards:
1. External light fixtures including pole or wall mounted, and parking lot lighting shall be cut-off type fixtures of similar type and style.
  2. All light fixtures chosen shall minimize glare and light trespass onto adjacent properties.
  3. Accent lighting of buildings or landscaping shall be permitted from concealed cut-off type fixtures.
  4. On site lighting standards shall be filed with the final plat.
- B. **Commercial and Industrial Lighting.** For commercial and industrial subdivisions, on-site lighting shall not trespass beyond property lines and shall be so designed as to eliminate light pollution occurring off-site. Lighting shall be classified into the following three types, all of which should be incorporated into commercial and industrial sites: pedestrian lighting; private parking lighting; and public street lighting.

## MASTER GRADING PLAN REQUIREMENTS

- A. A master grading plan shall be a part of required comprehensive soil erosion control and stormwater management plan and improvement plans for all major subdivisions and may be required for other proposals. This grading plan shall show contour lines at 2 foot intervals, with soil erosion control and stormwater best management practice details at one foot intervals. Elevations are to be based on the NGVD29, and the grading plan shall show:
1. Existing and proposed contour lines.
  2. Yard swales.
  3. Minimum building envelope and other spot elevations.
  4. Lot layout and lot dimensions.
  5. Finished grade of roads.
  6. Soil erosion and stormwater management features and major storm routing path, if applicable.

## REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

### DEVELOPER AGREEMENT

A developer's agreement shall be submitted for Administrator review if required by the local or jurisdictional municipality. A developer agreement supplements the requirements of the subdivision regulations, other applicable regulatory requirements and the jurisdictional authority of other county, town, state or federal departments or agencies. A developer agreement needs to be approved by town, and when applicable, the Commissioner, detailing conditions and requirements to be agreed upon between the developer and the County and/or town and recorded as a binding agreement. The initial agreement must be approved prior to the start of construction. The final binding agreement with any agreed upon revisions must be approved as part of the final plat approval process with the Committee and town, when applicable. The approved final binding agreement shall be signed by the County or Town and the developer, and recorded with the final plat.

### APPROVAL

All necessary improvement plans for proposed roads, sidewalks/walkways, streetlights, bike paths, traffic control improvements, storm sewers, and drainage facilities shall be approved by the Commissioner (when required) or town engineer and all improvement plans for sanitary sewer and water supply systems shall be approved by the DNR, the local sanitary sewer and water provider, prior to approval of the final plat by the Committee.

### ESTIMATED COST

Upon approval by the Commissioner and/or town engineer of the improvement plans and before starting any construction work, the developer's engineer shall prepare and submit for review and approval to the county and/or town engineer and/or local sanitary sewer and water provider, where applicable, a detailed estimate of costs by item for construction surveying; construction engineering; construction of roads, sidewalks/walkways, bike paths, traffic control improvements, streetlights, landscaping and street tree plantings, storm and sanitary sewers, and pumping stations and water supply systems; drainage structures; erosion and sediment control, restoration of land and site cleanup; post construction water quality practices; and other related items. The total estimated cost including labor shall be prepared and signed by the developer's engineer. The estimated cost must include an extra 10% for contingencies, 7% for inspections and an amount for as-built drawings.

## PERFORMANCE BOND/FINANCIAL ASSURANCE

Before the final plat may be considered for approval by the Committee, the administrator must have recommended the final plat for approval and must confirm that the developer has furnished to the County (when required)/town the bonds as required hereby.

- A. **Bond for haul roads.** In order to protect roads and other public improvements in a multiple phase subdivision, the amount of the performance bond/financial assurance for all current and future phases shall be sufficient to cover the cost of the maintenance and repair of any of the subdivision's completed roads used by construction vehicles for access to the phase(s) under construction. The amount of the performance bond/financial assurance for all current and future phases for public improvements shall be determined in accordance with Section [18.009.03](#) of this chapter. The bond will be released upon the recommendation of the Commissioner (when required) and/or town engineer. The Commissioner (when required) and/or town engineer must review and approve such proposed temporary haul road prior to the start of construction. Upon the completion of construction, the developer shall eliminate the temporary haul road(s) and restore the road pathway to its original condition.
- B. **Performance bond.** Prior to any consideration of Committee approval, the developer shall furnish performance bond/financial assurance to the County (when required)/town in the amount equal to 100% of the approved total cost of the improvements not yet completed plus 10% of the approved total cost of the improvements, (See Section [18.009.06](#)). Performance bond/financial assurance shall be provided in the form of bonds issued by sureties insurance companies authorized to transact business in the State of Wisconsin. Performance bond/financial assurance will remain in effect until released by the county and/or town. Separate performance bond/financial assurance shall be issued according to the office or department responsible for inspection of the improvements, and shall guarantee completion of the required improvements in compliance with the approved improvement plans as follows:
  1. Commissioner/Town Engineer
    - a. Earthwork and Grading Operations
    - b. Paving/Roads
    - c. Stormwater Management System
    - d. Miscellaneous, i.e., monuments, road signs, restoration of land, site clean-up, etc.
    - e. Erosion Control
    - f. Contingencies (10%)
    - g. Inspection and Testing Costs (7%)
    - h. As-Built Construction/Survey Drawings
  2. Local Sanitary Sewer and Water Department (if applicable)
    - a. Sanitary Sewer System
    - b. Water System
- C. **Reduction of performance bond.** The Commissioner or town engineer may recommend that the Committee reduce the performance bond/financial assurance and accept the maintenance bond prior to the completion of the improvements should factors deemed significant by the Commissioner or town engineer. In this case, the reduced performance bond/financial assurance shall remain in effect to cover the uncompleted items.
- D. **Failure to construct or complete improvements.** If the developer fails to commence active and continuous construction of the required improvements with 1 calendar year of the date of acceptance of the final plat, or fails to achieve substantial completion of the improvements within 2 calendar years of said date, as a result the improvements are not then available for public use, and the Commissioner or town engineer, and/or local utility provider (if applicable), as applicable, deems it necessary to notify the Commissioner or town that the developer has failed in his or her duty to complete the project, the county or town shall notify the developer and the bond surety in writing of such failure and of county's or town's intention to vacate the subdivision or to complete the project via the performance bond/financial assurance.
- E. **Maintenance bond or bonds.** Before the county or town engineer, or local sanitary sewer or water department, as applicable, will recommend the acceptance of the subdivision, roads or authorize the release any performance bond/financial assurance by the county or town, a review will be coordinated with the local town affected to ensure that all phases of the project have been satisfactorily completed.

Upon satisfactory completion the developer shall provide a maintenance bond or bonds (in the form of a surety bond) which shall be divided and administered as follows:

1. Two separate bonds for the benefit of the local sanitary sewer and/or water provider. One in the amount of 3% of the certified construction costs of any sanitary sewer and/or water lines and another bond in the amount of 10% of the certified construction costs of any pump station and/or water booster pump administered by the local utility provider.
  2. A bond for the county and/or town engineer in the amount of 10% of the estimated cost of all other improvements administered by the county and/or town engineer including but not limited to the following:
    - a. Earthwork and Grading Operations
    - b. Paving
    - c. Stormwater Management System
    - d. Miscellaneous, e.g., monuments, road signs, street lights, restoration of land and site clean-up
    - e. Contingencies (10%)
    - f. Inspection and Testing Costs (7%)
- C. All bonds shall be in the form of bonds issued by sureties insurance companies authorized to transact business in the State of Wisconsin.
- F. **Optional increase of amount of maintenance bonds.** The county and/or town engineer and/or local utility provider, as applicable, may increase the required maintenance bond above the specified amounts if unusual topographic, subsoil, or other construction limitations warrant. In such situations, the county and/or town engineer and/or local utility provider, as applicable, shall furnish written explanations to the Committee for their action.
- G. **Assurances and duration of maintenance bonds.** The maintenance bonds shall assure that the developer will maintain and restore the roads and other improvements until such roads and improvements pass the final inspections of the Commissioner and/or town engineer and/or local utility provider, as applicable.
- H. **Failure to maintain improvements.** If the developer fails to perform maintenance and restoration work, the county and/or town engineer and/or the local utility provider may perform the work or authorize to have the work performed by others. The cost of such work will be deducted or drawn from the maintenance bond. The county and/or town engineer shall notify the developer and surety of intent to exercise rights under the maintenance bonds.
- I. **Release of the maintenance bonds.** It is the responsibility of the developer to request inspections for bond release. After all maintenance and restoration work has been completed to the satisfaction of the county or town engineer, and/or local utility provider, as applicable, the county or town will release the maintenance bonds or those portions remaining to the developer. The bonds will remain in full force and effect until formally released by the county or town.

## PLAT APPROVAL WITHHELD

Final plat approval may be withheld if the developer has failed to comply with the approved improvement plan (including soil erosion control and stormwater management compliance) in any of the preceding plat phases.

## RECORDING OF FINAL PLAT

The following process must be followed by the developer to be granted final plat approval by Committee:

The developer must have furnished a performance bond/financial assurance for the amount of the estimated construction cost of the ultimate installation of the improvements. (Refer to Section [18.009.04\(2\)](#)).

After all required approvals are secured, the required bonds are posted, and the final developer agreement is executed, the original Mylar or paper final plat and the agreement shall be taken by the developer and/or developer's agent to the county and/or town engineer for processing and signature on the final plat. If signatures have not yet been obtained from the town planning commission/board on the final plat, staff will obtain town planning commission/board signatures and return the final plat to the county and/or town

engineer's office. The county and/or town engineer, after reviewing and approving the bonds, shall submit the final plat and the proposed agreement to the Committee to approve the final plat. Upon approval by Committee, the developer and/or developer's agent, then takes the final plat and the developer agreement to the Marathon County Register of Deeds office for recording. No final plat of any subdivision nor any developer agreement shall be recorded in the register of deeds or have any validity until it has been approved and processed in the manner prescribed herein. In the event any such unapproved final plat and/or developer agreement is recorded, it shall be considered invalid. All costs for recording of the final plat and the developer agreement shall be borne by the owner and/or developer.

The approvals by Committee of a final plat and of a developer agreement shall automatically expire 1 year from the date of approval and within 3 years after the first approval, unless the final plat and the agreement are officially recorded in Marathon County Register of Deeds office.

## CONSTRUCTION

### A. Requirements for start of construction.

1. Approvals required. The following items must have been approved:
  - a. The initial Developer Agreement.
  - b. The Improvement Plans and the soil erosion control and stormwater management plan for the subdivision.
  - c. The construction schedule showing the starting and completion dates for each phase of the construction work, and a date for the completion of the entire subdivision.
  - d. Any Bonds required for the project.
2. Permits required. The contractor must have all necessary permits required for the project prior to the start of construction.
  - a. Permit verification. Jurisdictional Wetlands – In areas where jurisdictional wetlands as defined by an onsite delineation verified by the USACE will be affected, a copy of the wetland delineation report shall be submitted with the soil erosion control and stormwater management plan. If an individual wetlands fill permit is required, a copy of that permit, showing project approval and any restrictions that apply to the site activities shall also be submitted. If an individual permit is not required for the proposed project, the developer shall submit proof of compliance with the Nationwide Permit Program and DNR regulations. Proof shall include, but is not limited to the following: A letter from the site owner verifying that an Assured Wetland Delineator has surveyed the site and found no Waters of the United States, or a site plan showing any proposed fill of Waters of the United States conforms with the conditions specified in the applicable Nationwide Permit, and DNR Regulations.
  - b. In addition, the developer must provide proof of compliance with the DNR WPDES Permit for Marathon County (if applicable). Proof of compliance shall be, but is not limited to, a copy of the WPDES General Stormwater Permit Notice of Intent and/or a copy of the WPDES Permit number issued by DNR and/or a copy of the DNR's acceptance letter for the WPDES Permit.
  - c. Pre-Construction meeting. A pre-construction meeting will be held at which the owner, developer and/or their representative, design engineer, general contractor, the county or town engineer, the county or town and other agencies as required will attend prior to the commencement of any project. At this time the project will be discussed in regard to procedure, construction methods, plans, materials, inspections, soil erosion control and stormwater management plan, etc.

B. **Cooperation of developer and/or agent of the developer.** The developer and/or the agent of the developer shall have available on the project site at all times 1 copy of all approved plans and specifications. The developer and/or the agent of the developer shall cooperate with the county or town engineer's inspector, and/or local utility provider inspector, and the building inspector, where applicable, and with other contractors in every way possible. The developer and/or agent of the developer shall at all times have a competent representative acting as their agent on the project. The representative shall be capable of reading and thoroughly understanding the plans and specifications and promptly supplying such materials, tools, equipment and labor as may be required. A representative shall be furnished regardless of the amount of work sublet.

### C. Inspection.

1. The county and/or town engineer shall be responsible for the inspection of all road, infrastructure, fire pond and drainage improvements in consultation with county or town officials. The developer and/or the agent of the developer, shall give notice to the county and town engineer at least 3 working days in advance of any construction of public improvements. Failure to notify the county and/or town engineer may result in requiring the complete removal of such uninspected work at the developer's sole cost.
2. The county or town engineer shall determine the amount of inspection, including laboratory and other test(s), required to assure that the developer and/or the agent of the developer will comply with the approved drawings and schedule.
3. No less than two working days prior to the start of construction, the developer and/or the agent of the developer shall perform the first inspection of soil erosion and stormwater control devices to certify that the 'as built' conditions comply with the approved soil erosion control and stormwater management plan. An inspection report shall be sent to county or town engineer within 7 days from the date of the inspection. Following this initial inspection, regular inspection will be performed by on-site inspector for compliance with the soil erosion control and stormwater management plan. If the site is not in compliance with the approved plan, the developer will be notified in writing by mail and will have 3 days to make the necessary repairs (10 days for sediment basins).
4. The local sanitary sewer provider shall be responsible for inspection of all sanitary sewage improvements directed to a publicly-owned waste water treatment system (where applicable).
5. The following operations will be inspected by the county and/or town engineer (where applicable):
  - a. Preliminary grading.
  - b. Backfilling of all trenches and excavations in the right-of-way.
  - c. Preparation of sub-grade.
  - d. Setting forms.
  - e. Paving.
  - f. Inlet construction.
  - g. Curing of rigid pavement.
  - h. Removal of forms and berm compaction.
  - i. Sidewalk/walkway construction.
  - j. Sealing joints.
  - k. Stormwater management system construction.
  - l. Any construction of utilities within the road right-of-way.
  - m. Any construction of structures within the right-of-way.
  - n. Landscaping within right-of-way.
  - o. Street Lighting.

Any of the above-listed construction operations that may be performed without advance notice to the county or town engineer may result in coring of the pavement, subgrade boring, and non-acceptance of the improvement if it does not meet the specifications of the county or town engineer. Failure to notify the county and/or town engineer may result in requiring the complete removal of such uninspected work at the developer's sole cost.

6. The on-site inspector will perform, at a minimum, monthly soil erosion control and stormwater management inspections. More frequent inspections may be required for sites with complaints and notices of violation.
- D. **Inspection fees.** The fees shall cover the full cost of inspections done by employees of the county or town engineer's office or contract cost of the inspection service. Any costs incurred by the county or town engineer to perform pavement corings, subgrade borings and/or non-destructive testing to field verify the developers work, shall be borne by the developer. The developer must pay for all inspection fees. The performance bond/financial assurance posted by the developer must include an amount to guarantee the payment of all inspection fees. The administrator and/or town board chairperson shall not authorize the release of any bonds until the Commissioner and/or town engineer certifies that all inspection fees have been paid in full.

- E. **Roadway construction.** All work shall be done in conformance with the approved improvement plans. The developer shall build the road to town specifications. The specifications for roads shall be approved by the town. In the case of county roads, the developer shall build the road to county's specifications and details.
- F. **Testing.** All material supplied shall be factory inspected as directed by the county or town engineer. Compaction tests shall be made in fill areas in the right-of-way and on the subgrade prior to paving as directed by the county or town engineer. Pavement tests (where appropriate) shall be conducted on site as directed by the county or town engineer. The county or town engineer reserves the right to order pavement cores made if conditions warrant. The testing mentioned above shall be done by a private testing laboratory acceptable to the county or town engineer and shall be paid for by the developer.
- G. **Field changes.** If it becomes necessary to modify the previously approved improvements due to unforeseen circumstances, the developer shall inform the county or town engineer in writing of the conditions requiring modification. Written authorization from the Commissioner or town engineer to make the required modification must be received by the developer before proceeding with the construction of the improvement. The county or town engineer shall give such approval or disapproval within 7 calendar days of notice from the developer.

## MAINTENANCE

- A. **Maintenance of improvements.**
  - 1. The developer shall be responsible for the maintenance of the improvements during the construction period and until the maintenance bond is released by the town chairperson. One year after acceptance of the maintenance bond the developer shall request that the town engineer inspect the improvements. The town engineer shall perform such inspection within 30 calendar days of such notice. The town engineer shall provide written notice to the developer of any necessary work and the deadline by which such work must be completed. Should the developer fail to perform such necessary maintenance work within the time specified, the town engineer may perform said maintenance work or may authorize the performance of said work by others, at which time the developer will forfeit a portion of the maintenance bond to pay for such maintenance work. (The term "maintenance work" as used herein shall also include all repairs and replacement and all cost associated therewith including inspection and re-inspection costs as described by Section [18.009.07\(4\)](#)).
  - 2. Sanitary sewer shall be the maintenance responsibility of the local sanitary sewer provider upon acceptance by the improvements. The maintenance bond shall remain in effect for 1 year after acceptance to guarantee the performance of any repair work that becomes necessary unless otherwise determined by the local sanitary sewer district or provider.
- B. **Repair of damage.** Any damage done to the improvements by construction traffic, local traffic, or by any other means shall be repaired or the damaged materials replaced before the next stage of construction is begun.
- C. **Snow and ice removal.** Prior to the release of the performance bond/financial assurance, the developer shall perform all work necessary to keep the road passable for all traffic within the subdivision. In particular, the roads shall be open and accessible for emergency equipment at all times for all occupied dwellings units. Should the developer fail to perform the said maintenance, the developer shall be liable for all costs and expenses incurred in the performance of such maintenance work by the town. The developer shall indemnify, defend and hold harmless all governmental bodies for any and all liabilities that may arise or are related to such roads. After the release of the performance bond/financial assurance, for publicly dedicated roads, the town shall be responsible for the snow and ice removal on town roads and the county shall be responsible for county roads. The subdivision's owners' association and/or condominium association shall be responsible for private roads and roads as required under these subdivision regulations.
- D. **Mud removal.** The developer or agent of the developer shall be responsible for the removal of mud or other debris that may become located on the pavement surface (where applicable). Should the developer fail to perform the said removal, he/she shall be liable for all costs and expenses incurred in the performance of said removals by the town.

- E. **Failure to maintain improvements.** If the developer fails to adequately maintain the improvements during the term of the maintenance bond, then notice of maintenance deficiencies will be sent by the town engineer or the local utility provider. If the developer still fails to perform the required maintenance within 15 calendar days of notice of maintenance deficiencies, the town engineer, the local utility provider, or the town fire department shall notify the town that the developer has failed to perform maintenance obligations. The developer may request one extension of the time to perform the maintenance from the town engineer or the local utility provider and if approved, will stay the calling of the maintenance bond. The town shall notify the developer and the surety in writing of such failure and of the town's intention to perform the maintenance work with its own work force or by letting the work to others using the maintenance bond for payment thereof. If such maintenance deficiencies raise concerns of public safety, the town may perform maintenance work, regardless of notice, and may rely upon the maintenance bond for payment thereof.

## FINAL ACCEPTANCE

- A. **Survey monuments.**
1. The surveyor shall install all survey monuments in accordance with the requirements of §236.15 of the Wis. Stats. The town board may waive the placing of monuments in a county plat or state plat for a reasonable time on condition that the subdivider executes a security bond to ensure that the monuments will be placed within the time required.
  2. When there are circumstances where it is not possible to place the proper monuments according to §236.15, the surveyor is required to obtain a waiver of monumentation from the Wisconsin Department of Administration as required in Wis. Stats., 236.15(1)(g).
- B. **"As Built" drawings.** If applicable, at the completion of the construction and before acceptance of improvements by the town, the developer and/or the agent of the developer shall update the As-Built drawings on paper for permanent record, showing the locations, sizes, and elevations of all improvements as constructed. The developer may choose to authorize the town engineer or Commissioner to update the paper tracings at the developer's sole expense. A legible paper original of the As-Built drawings shall be furnished to the local utility provider, where applicable. The original plan sheets shall remain with the town engineer or Commissioner. Three bound paper copies and a PDF format of the final As-Built drawings shall also be submitted to the town engineer, CPZ and/or Commissioner.
- C. **Final inspection.**
1. Upon completion of all improvements including roads, grading, culverts, water, sewer, storm improvements, landscaping, seeding, mulching, monumentation, road name signs, and other items, the developer shall notify the town engineer or Commissioner, the Town Road Superintendent, the town Fire Chief, the town zoning inspector, and the local water and sewer provider where applicable, by letter that all of the improvements have been completed in accordance with these land division and surveying regulations and all other applicable laws and regulations.
  2. If a performance bond/financial assurance is required by the town, the Town shall then require an inspection of the completed improvements. The Town engineer will notify the developer and the town of the date of the inspection. The developer and/or the agent of the developer and a town representative may accompany the town engineer or Commissioner, or their representatives, on the inspection. Any discrepancies from the improvement plans may be recorded on a punch list. The developer and the contractor may be furnished a copy of this punch list and shall be expected to proceed as soon as possible with any corrections. Another final inspection will be made for acceptance upon written notification from the developer that the punch list items have been completed.
- D. **Acceptance of improvements.**
1. If the town engineer or Commissioner determines that the improvements are not in conformity with all applicable regulations and the approved improvement plans, the developer shall be advised in writing of the deficiencies in the form of a punch list. This procedure shall be repeated until it is determined by the town engineer or Commissioner that the improvements have been satisfactorily completed. If the developer fails to complete the punch list items within a time limit set by the town engineer or Commissioner, the town or county may require compliance through the use of the performance bond/financial assurance.

2. If the improvements are found to be satisfactory and all inspection monies are paid, and the required maintenance bond(s) are posted, the town engineer or Commissioner, if applicable, will recommend to the town and Committee acceptance of the improvements and release of the performance bond/financial assurance.
3. If the town board upon the recommendation of the town engineer or Commissioner, if applicable, determines the improvements to be in compliance with the improvement plans and these land division and surveying regulations, it shall, by resolution accept the improvements for public use and benefit. If the improvements are for private use, the resolutions shall reflect that the improvements are in conformity with these land division and surveying regulations but shall be maintained at private expense.
4. The town board shall not accept the improvements until a 1-year maintenance bond has been posted as further provided in these land division and surveying regulations. The developer will be required to submit an affidavit stating all bills incurred pertaining to the improvements and costs of the subdivision are paid in full.
5. The town engineer's endorsement, either on the final plat or on a recorded affidavit, denotes that, when the roads and roads shown thereon for dedication to the public are constructed in conformity with the subdivision's improvement plans, and said roads and roads are determined by the town engineer's or Commissioner's inspection to be in good repair, said roads and roads will be accepted for public use.

E. **Indemnification.** The developer agrees to indemnify, defend and hold harmless the town and/or county in which the subdivision is located from and against any and all liabilities, claims, causes of action (including negligence), fines, penalties and expenses of any nature that arise, allegedly arise or are caused by the developer and the developer's independent contractors, employees or agents. The indemnifications shall survive the final completion of the subdivision and release or expiration of any bonds.

## DRAINAGE DESIGN

Provisions shall be made to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after completion of the development. It may be necessary to direct surface water to a drainage ditch, stream, or an existing storm system which has the capacity to carry the flow. No natural drainage course shall be altered and no fill, buildings, nor structures shall be placed in, on, or over it unless provision is made for the flow of water in a manner satisfactory to the town's engineer.

Storm sewer laterals will be provided as directed by the town engineer for each building on a road having curb and gutter. Rear drainage or on-site "green stormwater management" such as bioswales and raingardens may be permitted as an alternative arrangement pending local approval.

- A. **Drainage System Requirements.** As part of final plat approval for a major subdivision, the developer agrees to construct the stormwater management system as approved by the town's engineer.
- B. **Road Drainage System.** For roads having curb and gutter, the road storm drainage system shall serve as the local drainage system. It shall be designed to carry roadway, adjacent land, and house stormwater drainage. To prevent excessive pipe sizes, storm sewers shall drain into natural waterways as soon as possible.
- C. **Storm Sewers, Manholes and Catch Basins.**
  1. Where curbs are installed, storm sewers with curb inlets will be required in accordance with the Wis DOT specs and details.
  2. The minimum diameter of storm sewers shall be 12 inches.
  3. The installation of storm sewers, manholes, inlets and catch basins shall be in conformance with Wis DOT construction specs and details. All storm sewers shall discharge into drainage courses shown on approved drainage drawings or as approved by the county or town's engineer.
- D. **Data and Calculations.** The developer's engineer shall submit copies of all data and calculations sheets to the county or town's engineer for review and approval.

