

# CHAPTER 18

## SUBDIVISION AND PLATTING

18.01.....	Purpose
18.02.....	Applicability and Exemption
18.03.....	Interpretation
18.04.....	Definitions
18.05.....	Application and Review of Preliminary Plats for Major Subdivisions
18.06.....	Procedure for Preliminary Plat Review and Action on Major Subdivisions
18.07.....	Application and Review of Final Plats
18.08.....	Replats
18.09.....	Design Standards for Major and Minor Subdivisions
18.09(11).....	Required Installations
18.10.....	Construction and Maintenance Guarantee
18.11.....	Developer's Agreement
18.12.....	Construction Within Subdivisions
18.13.....	Variances, Adjustments and Administrative Appeals
18.14.....	Fees
18.15.....	Land Divisions Other Than Subdivisions
18.16.....	Violations and Penalties

## **18.01 PURPOSE**

- (1) The purpose of this Chapter is to regulate and control land divisions within the Town of River Falls in order to promote the public health, safety, general welfare, esthetics, environmental quality and to implement the specific goals, objectives and policies of the adopted Town Comprehensive Master Plan and Water Management Plan. Flexible, alternative designs that do the above are encouraged.
- (2) Among other ways, this can be accomplished by: requiring an orderly layout and use of land; preventing undue concentrations of population; preventing congestion on highways, roads and streets; securing safety from fire, panic and other dangers; requiring adequate light and air; providing for Conservation Design development; facilitating the adequate provision of water, sewer, transportation, surface drainage, erosion and sediment control and stormwater management systems, and schools, parks, playgrounds and public facilities.
- (3) These regulations are made with reasonable consideration of the rural character of the Town with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the Town.
- (4) These regulations apply to areas within the ETZ that are zoned R-1, R-2, and R-S. This ordinance shall coordinate subdivisions next to the city with re-zoning criteria of availability of utilities now and in the future, and/or private or central water and septic. Re-zones shall consider higher densities next to the city with future overlays indicating topography, soil types, bluffs, historical preservation districts, transportation corridors, soil capabilities, and other considerations affecting suitability to density.

## **18.02 APPLICABILITY AND EXEMPTION**

- (1) **COMPLIANCE AND REQUIREMENTS.** No person, partnership, corporation or other entity shall subdivide any land in the unincorporated areas of the Town subject to this Chapter without complying with all of the following:
  - (a) Wisconsin Statutes Chapters 236 and 144 and §§ 59.69 and 87.30;
  - (b) Rules of the Wisconsin Department of Administration (WDOA);
  - (c) Rules of Wisconsin Department of Transportation (WDOT) relating to access safety and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting road (Wisconsin Administrative Code Trans. 233);
  - (d) Rules of the Wisconsin Department of Natural Resources (WDNR), including

Wisconsin Statutes Chapter 30 and Wisconsin Administrative Code NR 102,103,115,116,118 and 151;

- (e) The Town Comprehensive Master Plan, the Town Subdivision Design Manual, Water Management Plan, Sewer Service Area Boundary Agreements and any other agreements entered into between the Town and adjoining towns or the City.
  - (f) All Pierce County land use regulations, including this Chapter and all other applicable local and County regulations;
  - (g) Dedication of lands for roads, highways, parkways, parks, playgrounds, waterways and public transit facilities. Whenever a parcel of land to be divided as part of a major subdivision within the jurisdiction of this Chapter encompasses all or any part of a road, highway, parkway, park, playground, waterway or public transit facility which has been designated on a duly adopted Town or County comprehensive plan, it shall be made a part of the subdivision and dedicated in the locations and dimensions indicated in said plan and as set forth in Section 18.09(2) of the General Code.
  - (h) No land shall be subdivided which is found by the Town to be inappropriate for use by reason of significant flooding, poor drainage, unsuitable soil or rock formations, severe erosion potential, slope, or any other feature likely to pose a significant threat to the health, safety or welfare of future residents or landowners in the proposed subdivision or of the community.
  - (i) Any parcel to be subdivided resulting in a major subdivision that contains 50 percent or more of shoreland and floodplain zoning as defined and described by Pierce County Department of Land Management maps shall comply with the provisions for Conservation Design Development, Town of River Falls Zoning Code Section 17.12, and any other applicable provisions.
  - (j) A condominium plat prepared pursuant to Wis. Stat. §703.11, and other applicable statutes, shall be subject to this Chapter. The condominium plat shall be reviewed by the Town in the same manner as a subdivision plat, comply with applicable design standards and provide for the installation of required improvements.
- (2) ROUNDING RULE FOR CALCULATIONS.
- (a) The following rounding rule shall be applied to all calculations of standards and requirements in this ordinance: unless otherwise specifically provided, fractional values of a whole unit are rounded down to the nearest whole unit.
  - (b) The creation of less than five parcels for purposes of executing terms of a will or court order. The Town shall periodically request local courts to order parties to obtain advisory review of land divisions created by will or court

order for compliance with this Chapter prior to the issuance of a court order;

- (c) Leases creating less than five parcels for terms not to exceed ten years, easements or mortgages;
- (d) The sale or exchange of parcels of land between owners of abutting property are exempt:
  - 1. If additional lots are not hereby created;
  - 2. If the parcels resulting are not reduced below the minimum survey standards or minimum lots sizes required by this Chapter or other applicable sections of this General Code or other laws or regulations; and
  - 3. Where a certified survey map is recorded to document and identify the modified parcels.
    - a. This certified survey map is not subject to the review process or any applicable fees associated with a minor subdivision, but must be reviewed by the Town for conformance with this exemption.
    - b. Where parcels will remain at 35 acres or more and an affidavit is recorded to properly adjoin the land being transferred to the original parcel, the Town may waive the certified survey map requirement.
    - c. A CSM shall not be necessary where the parcel is an “add-on” parcel to an adjoining parcel and is under one-half acre.
  - 4. Cemetery plats made under Wis. Stat. §703.11.
  - 5. Assessors’ plats made under Wis. Stat. §70.27.
    - a. The document, plat, or survey map shall identify the specific exemption claimed. Anyone using an exemption described in this section shall be subject to prosecution under this Chapter if the Town subsequently determines that the exemption was not available.
    - b. A parcel created by virtue of any exemption under this section is not exempt from other applicable regulations. Any parcel that does not satisfy the standards of any regulation or law as to characteristics, such as parcel size or dimension, standards governing waste disposal, or the like, shall not be eligible for relief from such standards by variance or otherwise.

## **18.02 INTERPRETATION**

### **(1) ABROGATION**

- (a) It is not intended that this Chapter repeal, abrogate, annul, impair or interfere with any easements, covenants, deed restrictions, agreements, regulations or permits. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

### **(2) LIBERAL CONSTRUCTION**

- (a) The provisions of this Chapter shall be liberally construed in favor of the Town of River Falls and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of River Falls.

### **(3) SEVERABILITY AND NON-LIABILITY**

- (a) If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this Chapter shall not be affected.
- (b) If any application of this Chapter to a particular parcel of land, building, structure, water or air is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other land, building, structure, water or air not specifically included in said judgment.
- (c) The Town does not guarantee, warrant or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation. Nor does the Town guarantee, warrant or present that the soils shown to be unsuitable for a given land use from tests required by this Chapter are the only unsuitable soils on the parcel. The Town asserts that there is no liability on the part of the Town, its agencies or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

## **18.04 DEFINITIONS**

### **(1) PURPOSE**

#### **(a) Interpretation**

1. For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows:
  - a. Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.

- b. The word “shall” is mandatory, not permissive.
- c. All distances, unless otherwise specified shall be measured horizontally.
- d. All definitions that refer to Wis. Stats. (Wisconsin Statutes) shall incorporate any revisions or amendments to statutory language.
- e. All definitions other than those referenced below shall be as the normal definition found in a standard dictionary.

(2) DEFINITIONS.

**BEST MANAGEMENT PRACTICES (BMPs):** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in stormwater runoff to waters of the state. BMP’s may be utilized for days, weeks, months or years and are removed from the site when no longer needed.

**BULB OF CUL-DE-SAC:** The arc of the terminating radius, not including the reverse curves onto the tangents of the uniform street width.

**CERTIFIED SURVEY MAP (C.S.M.):** A map showing division of land prepared in accordance with Wis. Stat. §236.34 and this Chapter.

**CLOSED DEPRESSION:** A natural geological formation in the earth’s surface characterized by having no direct overland surface water outlet. Closed depressions commonly found in Pierce County have developed through two distinct geological processes, karst development and glaciation. Sinkholes and enlarged bedrock fractures are examples of closed depressions found in karst while kettles or kettleholes are typical of glacial formed closed depressions.

**CONSERVATION DESIGN DEVELOPMENT OR CLUSTER SUBDIVISION:** A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, and a large area is created as permanently undeveloped land.

**COMMISSION:** The Town Plan Commission. The Commission is the Town planning agency under Wis. Stat. §236.45(2)(a) and has professional staff charged with administering planning legislation described in Wis. Stat. §236.10.

**CONTIGUOUS BUILDABLE AREA:** The area of a lot for structures exclusive of wetlands, floodplains, shoreland setbacks, ponds, lakes, drainageways, road rights-of way, easements, applicable structure setbacks, slopes of 20 percent and greater and other sensitive areas.

**DEVELOPER'S AGREEMENT:** An agreement between the Town, alone or with other governmental units with jurisdiction, and the owners or developers of property within the Town regarding the subdivision and subsequent development and use of said property.

**EXTRATERRITORIAL PLAT APPROVAL JURISDICTION:** The unincorporated area within 3 miles of the corporate limits of a city of the first, second or third class if the city has a subdivision ordinance or official map, or within 1-1/2 miles of the corporate limits of a city of the fourth class or a village if the city or village has a subdivision ordinance or official map.

**FLAG LOT:** A lot where access to the public road system is by a narrow strip of land, easement, or private right-of-way, greater than 100 feet in length.

**HIGH WATER ELEVATION (H.W.E.):** The H.W.E. shall be calculated, assuming developed conditions, using a 100 year, 24 hour, Type II storm event for closed depressions and stormwater ponds.

**LAND DIVISIONS:** A subdivision, minor subdivision, major subdivision, re-subdivision, replat, or parcel add-on.

**LOT:** A parcel of land numbered in sequence with other parcels shown on a plat or certified survey map.

**LOWEST BUILDING OPENING (L.B.O.):** The lowest window, door or other inlet elevation at which water may enter a building.

**MAJOR SUBDIVISION:** A subdivision resulting in the creation of five or more lots from a parcel that existed 5 years prior to the date of the application.

**MEMORANDUM ON SKETCH PLAN REVIEW:** a form provided by the Town for an applicant to verify meeting with staff. The memorandum shall include but not be limited to:

1. Time and place of meeting
2. Material offered to applicant
3. Staff recommendations and changes to concept plan

**MINOR SUBDIVISION:** A subdivision resulting in the creation of four or less lots from a parcel that existed 5 years prior to the date of application.

**NATIVE VEGETATION:** Those species of vegetation that occurred naturally in pre- settlement Wisconsin. Refer to the original 1830s Vegetation Map of Wisconsin.

**NAVIGABLE WATERS:** All natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are determined to be navigable under §30.10, Wis. Stats..

**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 characteristics.

**OUTLOT:** A parcel of land, other than a lot or block, so designated on a plat or certified survey map for purposes other than principal building development.

**PARCEL:** Contiguous land not separated by public roads or railroad rights-of-way. Creation of private or public roads after April 19, 1991, does not create separate parcels eligible for treatment under the minor subdivision provisions of this Chapter.

**PARK:** Any open or wooded area owned by the town allowed to remain in its natural state.

**PLAT:** A map of a major subdivision prepared in accordance with Wis. Stats. §236 and this Chapter.

**PROFESSIONAL WETLAND DELINEATOR:** A Professional Wetland Scientist (PWS), Wetland Professional In Training (WPIT), or a Licensed Soil Scientist or Professional Engineer with demonstrated experience and training in the procedures and methodology outlined in the 1987 Army Corps of Engineers Manual for Wetland Delineation.

**RARE, THREATENED OR ENDANGERED SPECIES:** Species and natural communities that are listed as Endangered or Threatened /or have a State Rank of S1, S2 or S3 on the Wisconsin Natural Heritage Inventory.

1. *Endangered:* Any species whose continued existence as a viable component of this state's wild animal or wild plant population is determined by the Wisconsin Department of Natural Resources to be in jeopardy on the basis of scientific evidence.
2. *Threatened:* Any species that appears likely to become, within the foreseeable future, on the basis of scientific evidence endangered as determined by the Wisconsin Department of Natural Resources or the U.S. Department of Interior.
3. *Rare:* Those species about which some problem of abundance or distribution is suspected but not yet proved. The main purpose of this category is to focus attention on certain species before they become



threatened or endangered.

**RECREATION AREA, ACTIVE:** an area dedicated to activities generally requiring equipment and taking place at prescribed places, sites, or field.  
Examples: tennis courts, baseball diamonds, swimming pools.

**RECREATION AREA, PASSIVE:** an area dedicated to activities that do not generally require a developed site, such as walking, cross-country skiing, picnicking.

**RESOURCE INVENTORY:** A survey of the land's features, including its natural resources, cultural resources, scenic views and viewsheds, and other physical characteristics. The purpose of requiring a resource inventory is, first, to ensure that the subdivision design recognizes and takes into account *all* the site's resources and, second, that the Planning Commission can evaluate the proposal's impact on those resources.

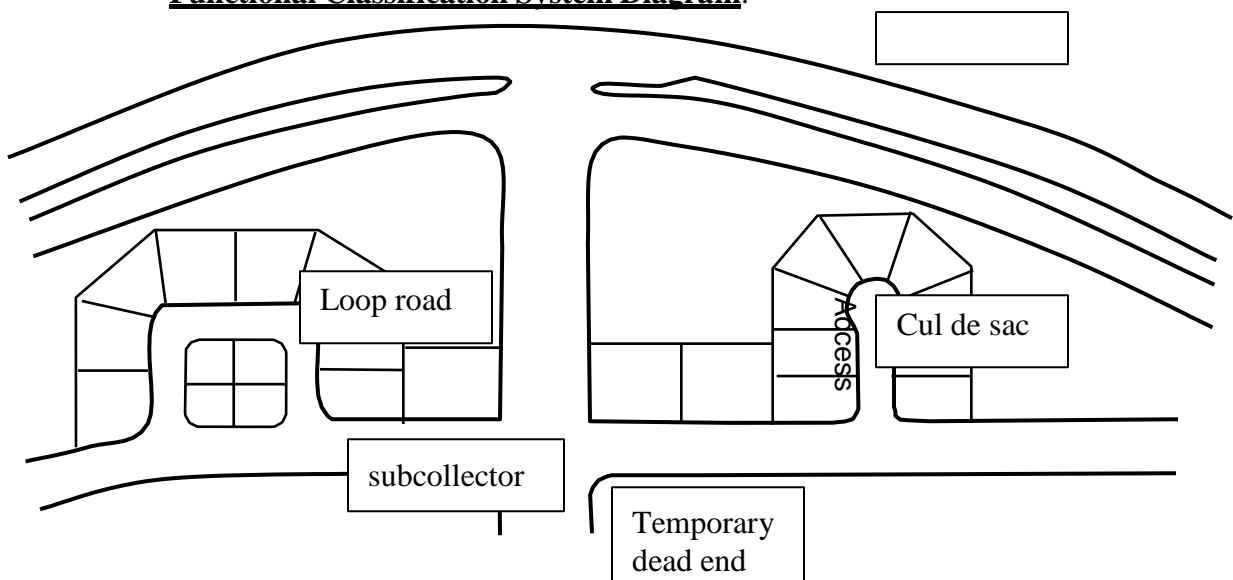
**ROAD:** A public way for vehicular traffic.

**ROAD CLASSIFICATION SYSTEM:** Roads fall into a four-category hierarchy that, in descending order, includes arterial, collector, subcollector and access roads (See diagram below). The Wisconsin Department of Transportation (WDOT) determines arterial and major and minor collector road status. Subcollector and access status are determined by the Town in conjunction with the appropriate municipal jurisdiction. The classification is shown on the Town Official Functional Classification Road Map. Residential roads may fit into any of these categories except arterial. The functional descriptions of each of these classes follow:

1. *Arterials:* Provide for rapid movement of high volumes of traffic between areas. An arterial is a high volume road that should have no private accesses on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways. There are three types: freeways and expressways, major arterials and minor arterials.
2. *Collectors:* Provide for moderate speed movement and medium volumes of traffic and distribute traffic from arterial roads. There are two types: major collectors and minor collectors.
  - a. *Major and Minor Collectors:* As the principal traffic artery within residential or commercial areas, these collectors carry relatively high traffic volumes and convey traffic from arterial roads to lower-order roads. Their function is to promote the free flow of traffic; as such, the roads should not have parking or private residential access. The collectors' secondary function is to serve abutting land uses.

3. *Subcollectors*: Provide passage to access roads and convey traffic to major and minor collectors. Like the access road, the subcollector provides frontage and access to residential lots but also carries some through traffic to lower-order (access) roads. The subcollector is a relatively low-volume road. Subcollectors include all roads not identified as major or minor arterials, major or minor collectors or access roads. Generally subcollectors are all town roads in the original town road grid system, town roads identified as through roads on a town road plan and any roads identified on the official map as a subcollector. Some roads in a subdivision may be subcollectors instead of access roads if they meet the follow: the two ends of the road extend beyond the boundary of the subdivision and one end of the road eventually connects to another subcollector or higher order road.
  
4. *Access Roads*: Roads designed to conduct traffic between individual parcels or lots and higher order roads. Access roads provide for low volumes of traffic and convey traffic to collector and arterial roads. As the lowest-order road in the hierarchy, the access road usually carries little through traffic and includes short roads, cul-de-sacs, and courts. Access roads include local roads within conventional subdivisions, local roads within conservation design subdivisions, cul-de-sacs, and loop roads.
  - a. *Cul-de-sac*: Roads closed at one end with turn-arounds, not platted for extension.
  - b. *Loop*: Short, one-way through roads that turn back to the originating road.
  - c. *Temporary Dead-end*: Roads that terminate in a “T” turn-around and are platted for future extension.

**Functional Classification System Diagram:**



**SHORELAND:** Lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**STAFF:** May include but not limited to Town Clerk, Town Board members, zoning administrator, assistant zoning administrator, building inspector, town attorney, town engineer, town committees, or any other expert the town deems necessary to provide information in making a sound decision.

**STATE SUBDIVISION:** The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area, or where the act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area by successive division within a period of 5 years.

**STREET:** any road shown on a platted subdivision or certified survey map; a town county or state highway; and any other road used by or dedicated to the public.

**SUBDIVIDER:** Any person, partnership, corporation, or other entity creating a subdivision.

**SUBDIVISION:** A division of a lot, parcel or tract of land by the owner or the owner's agent for the purpose of transfer of ownership or building development where the act of division creates or results in one or more parcels or building sites of less than 35 acres in area. A subdivision can be created by the following means:

1. Recording a plat or certified survey map;
2. Recording any other document or instrument that creates a parcel not previously created pursuant to this Chapter or its predecessor;
3. Foreclosure of a mortgage or a land contract if the foreclosure creates and/or conveys a parcel not previously created pursuant to this Chapter or its predecessor. This subsection is not to be construed as endorsing a policy encouraging rezoning or subdividing of a parcel as a prerequisite to obtaining a mortgage when inconsistent or incompatible with surrounding zoning or uses.

**UNIQUE WILDLIFE HABITAT AREAS:** Aquatic and/or terrestrial communities that:

1. Are composed of physical attributes and/or vegetation that are not common

in Pierce County and that therefore support species or certain life functions of species that are not supported in other locations of the county;

2. Are specific locations known to support endangered, threatened or rare species or communities; or,
3. Serve as linkages to important habitat in adjoining areas.

VIEWSHED: That area within view from a prescribed observation point.

WATERSHED: The land area that drains to a common point.

## **18.05 APPLICATION AND REVIEW OF PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS.**

### **(1) PRE-APPLICATION CONFERENCE**

- (a) The subdivider or agent shall contact the Town of River Falls Zoning Administrator, whose duty it shall be to review with the applicant the procedures and requirements of this Chapter, the Town of River Falls Subdivision Design Manual referenced in this Chapter, other regulations, and any plans or data which may affect the proposed development. The Zoning Administrator and/or Assistant Zoning Administrator may call upon staff as necessary, at applicant's expense.
- (b) The principal function of the pre-application conference is to review the concept of all proposed subdivisions, the expected holding capacity of the site, preliminary land suitability analysis using soils data, locations of road and street access, internal and peripheral open space, and general architectural style, as well as the physical characteristics of the parcel proposed to be subdivided and relevant adjacent land to identify and document suitability questions. Relevant adjacent land for purposes of this review shall generally mean other land within the watershed and other land between the perimeter edges of the proposed subdivision and the nearest public roads.
- (c) The pre-application conference should be an evolving dialogue with continued revisions to the concept.
- (d) The physical characteristics of the parcel shall be represented by a resource inventory and site analysis drawing (see Figures 1 and 2 for guidance) that must include the following items:
  1. Soils information as per NRCS soils maps, Pierce County
  2. Slopes, high points, and ridges

3. Existing vegetation, including trees
4. Wet, hydric soils
5. Rock outcrops
6. Existing buildings
7. Floodplains, overland drainage
8. Potential access points. Resources to assist with this inventory include the following:
  - a. Natural Resource Conservation Service Soil Survey for Pierce County
  - b. The Wisconsin Department of Natural Resources maps at <http://www.dnr.state.wi.us/org/land/er/workinglists/mapsbycounty.htm>  
[http://www.dnr.state.wi.us/org/land/er/nhi/NHI\\_ims/onlinedb.htm](http://www.dnr.state.wi.us/org/land/er/nhi/NHI_ims/onlinedb.htm)
  - c. Pierce County Surveyor's aerial photography
- (e) Evolution of the sketch plan: A series of meetings should be set up with the planner as the sketch plan is generated. Meetings should be set up as each portion of the sketch/preliminary application, documents, plans, and sketches are prepared. These drawings can be loosely drawn at scale in freehand. The intention is to develop an acceptable regulating plan as early in the process as possible. The Town of River Falls Subdivision Design Manual should be used for guidance in generating designs.

## (2) SKETCH PLAN

- (a) The landowner(s) shall submit a sketch plan for preliminary discussion of intent.
- (b) The planning board shall review the sketch plan in conference with the landowner and, by mutual agreement, determine a sketch plan that conforms with the intent of this chapter. The landowner may then proceed with the preparation of the development plan for preliminary plan submittal.
- (c) The submission of a sketch plan shall not be deemed the beginning of the time period for review as prescribed by law, and the review of the sketch plan by the planning board shall not bind the Town to approve the Application for Preliminary or Final approval.
- (d) The sketch plan shall include the following:
  1. The sketch plan may be an approximate drawing but should generally be drawn freehand to a scale of either 50 or 100 feet to the inch.

2. The approximate tract boundary, north point, names of adjoining property owners, name and location of all abutting streets and utilities, and the location of any significant topographical and physical features.
3. The sketch plan need not be illustrated in final graphic form, should be informal, and should contain at least the following information:
  - a. topography at two-foot contours
  - b. soils
  - c. floodways
  - d. wetlands
  - e. mature trees
  - f. preliminary development suitability
4. The sketch plan shall contain a conceptual holding capacity analysis which indicates the following:
  - a. the number of units allowed
  - b. the square footage of non-residential uses
  - c. the land area to be devoted to civic or public uses
  - d. the amount of land to be preserved as common open space, and the form of organization proposed
  - e. to own and maintain the common open space, if the intent is not to dedicate.
5. A conceptual figure ground plan showing approximate locations of all roads, streets, buildings and building uses, parking, and open spaces.
6. The general location and size of the common open space, how it might relate to adjacent real or potential open space areas, and the form of organization proposed to own and maintain the common open space, if the intent is not to dedicate. This can be included on the figure-ground plan.
7. Street sections which illustrate the height and bulk of buildings and other structures, the proportion of the streets, and the streetscape features.
8. A conceptual sketch as an overlay on the figure-ground plan of the infrastructure

including:

- a. sewer system, method, and location of treatment
  - b. provision of water
  - c. Drainage and detention
  - d. electric, gas, telephone, and cable
9. A written statement from a qualified professional concerning the feasibility of proposals for sewerage, water supply, and stormwater management, but not necessarily to include drawings.
  10. The substance of protective covenants, grants, or easement, or other restrictions intended to be imposed upon the land, or the use of the land, buildings and other structures including proposed easements or grants for public utilities.
  11. The required modifications in the town regulations which would otherwise be applicable to the subject property.
  12. For areas designated as transition areas to be jointly planned between town and city, urban design concept diagrams which graphically depict the planning principles expressed in the ordinance as such have been applied in the development plan. The diagrams may be prepared at any appropriate scale and should illustrate the planning relationships of the community green and commercial uses to residential areas, sites for public and semi-public uses, community clubs and facilities, internal and peripheral open spaces, vistas and focal points, walking distances, interconnections with the existing street system and sidewalk network, buffer areas, and similar features of the plan.
  13. A copy of the recorded deed, offer to purchase or other suitable proof of land ownership.
  14. A completed application form provided by the Town.
  15. A fee equal to the actual cost to the Town for all engineering, legal and other services incurred by the Town in connection with the plat or certified survey map. To assure payment of said costs, the subdivider shall pay to the Town a lump sum or amount of which shall be as determined by the Board from time to time. This amount shall be placed in a separate interest-bearing saving account at a local institution provided the applicant furnishes the Town a tax identification number and executes all necessary account opening documents. Any unexpended portion of this escrow shall be returned to the subdivider after he/she has complied with all requirements or upon written notification to the Town that he/she has complied with all requirements, or upon written

notification to the Town that he/she withdraws the subdivision application, or upon rejection of the plat by the Town and after all expenses have been paid.

- (e) As part of the concept review, the proposal may be referred to WDNR or other appropriate state agencies for review and comment.
- (f) Sketch plan review procedures shall include a site visit by the Zoning Administrator.
- (g) Sketch plan review procedures shall be completed within 60 days of submittal of the conceptual sketch plan and descriptive material (unless extended by written agreement of the Zoning Administrator and subdivider) and before submittal of the concept review to Plan Commission. Review process does not begin until the first Plan Commission meeting following submission of completed file.
- (h) During sketch plan review Town officials are authorized to gain entry to subject land, premises, water and air for the purpose of:
  - 1. Review of applications and issuance of permits required by the subdivision, zoning, shoreland, floodplain and sanitary chapters and any other Town land use included in this Town Code.
  - 2. Determining compliance with any permit issued pursuant to any of the subdivision, zoning, shoreland, floodplain and sanitary chapters and any other Town land use included in this Town Code.
  - 3. Determining compliance with the provisions of the subdivision, zoning, shoreland, floodplain and sanitary chapters and any other Town land use included in this Town Code.
  - 4. Access shall be allowed between the hours of 8:00 a.m. and 5:00 p.m., or other reasonable times, or any other time authorized by a court. If entry is refused after presentation of proper identification the application will be denied.
- (i) The Zoning Administrator, with assistance of staff, shall prepare a file memorandum on the sketch plan review. A copy shall be sent to the applicant of the subdivision. The sketch plan review memorandum shall specifically identify any portions of the proposed subdivision that are unsuitable for subdivision or unsuitable for uses proposed, based on soils, slopes, wetlands, floodplain, or other limiting factors.
- (j) Because the project submittal is conceptual, nothing communicated by Zoning Administrator in the course of the concept review shall be binding on the Zoning Administrator or the Plan Commission.

### (3) SKETCH PLAN REVIEW BY PLAN COMMISSION



(a) Hearing

1. No sooner than 30 days nor later than 60 days from the date of filing the application with memorandum, a hearing shall be held by the Plan Commission on said application.
2. At said hearing, the Plan Commission may reject, modify, or require documents or studies it deems necessary to evaluate and complete the concept review. If expert or additional studies are required, an independent expert shall be retained. All costs, including those of any expert(s), shall be paid by the applicant.

(b) The Plan Commission shall set a public hearing on the application/concept plan no sooner than 30 days nor more than 60 days from the last hearing. The applicant must attend the hearing or the application shall be denied. Notice of said public hearing shall be paid for by the applicant. The applicant shall mail a letter, approved by the Planning Commission, with the sketch of the subdivision attached, to each property owner within one-half mile of said proposed subdivision.

(c) The Plan Commission shall hold at least one meeting on the application/concept plan after the public hearing to address the public's concerns and the Plan Commission's concerns. The Plan Commission shall reject or approve said application/concept plan (such action required to be in writing). Approval does not vest any rights. Upon approval the applicant shall file 15 copies of the preliminary plat with the town clerk, together with a current preliminary plat application and attachments. A preliminary hearing shall be set no sooner than 30 days nor more than 60 days after receipt of said documents by the town clerk together with any addition required advance cash deposit.

(d) If an applicant's application /concept plan is rejected, the applicant may not file a new application/concept plan for the same or approximately the same premises sooner than 120 days after the date of rejection.

(4) PRELIMINARY PLAT APPLICATION

(a) Standards

1. Preliminary plat application review begins after the Plan Commission has reviewed the concept plan and a memorandum from the staff. Memorandum should consist of written notice from Town Zoning Administrator that the project does/does not meet zoning requirements of area in which parcel is located; written notice from town engineer that project does/does not appear to be consistent with town standards as laid out in this chapter and elsewhere in the General Code; and other comments from staff as deemed necessary by the Plan Commission.

2. The preliminary plat shall show the entire contiguous area owned or controlled by the subdivider even if only a portion is proposed for development.
  3. The preliminary plat application shall show or identify the original parcel of which the proposed subdivision was a part five years prior to the date of application.
  4. Each preliminary plat shall:
    - a. Be based upon a boundary survey by a registered land surveyor.
    - b. Comply with the standards of Wisconsin Administrative Code Chapter A-E7.
    - c. Be drawn at a scale of not more than 100 feet to one inch.
- (b) Data on the Plat. Each preliminary plat shall show the data identified below on its face:
1. A scale drawing of the exterior boundaries of the proposed subdivision referenced to a line established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
  2. The date, graphic scale and north point.
  3. The names of the proposed plat, prominently labeled.
  4. The name and contact information of the subdivider, subdivider's agent, engineers, surveyors, and other contractors/subcontractors.
  5. The owner of record and the identity of any proposed contract purchaser.
  6. The location of the plat by government lot, quarter-quarter section, section, township and range and the town, county and state of jurisdiction, noted immediate under the name of the subdivision.
  7. The location of the plat shall be indicated by bearing and distance from a boundary line of a quarter section in which the subdivision is located.
  8. The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown.
  9. The names, locations and right-of-way widths of any existing roads or other public or private ways, easements, railroad or utility rights-of-way and any existing access control limitations included within or adjacent to the proposed

plat, labeled and underscored with a dotted or dashed line

10. Existing road access restrictions. These shall be explained within the application material and noted on the face of the plat.
11. All proposed road names shall conform to Town and County requirements.
12. Locations and widths for all driveways and roads.
13. The location of existing property lines, buildings, driveways, streams and watercourses, ponds, lakes, rivers, wetlands, rock outcrops, wooded areas, historic and archeological features and any other significant limiting features or characteristics within the proposed subdivision, including garbage dumps, landfills, etc.
14. The water elevations of adjoining lakes, ponds or streams at the date of the survey, and the ordinary high water mark, typical stream valley cross-sections, stream channels, flood areas from “HUD” maps and floodplain zoning maps. Ordinary high water marks shall be verified by WDNR, the County or a designated agent.
15. Wetlands, as defined by Wis. Stat. §23.32 and mapped by WDNR pursuant to that statute and any other wetlands as identified by a professional wetland delineator.
  - a. All wetland depictions shall be based on field identification and on-site staking conducted by a professional wetland delineator and reviewed by the County or WDNR or town agent.
16. All floodplain boundaries.
  - a. Floodplain determination will be required for all drainage areas having a watershed greater than one-square mile and in certain drainage areas having high flow depth as defined by FEMA.
  - b. The floodplain shall be identified using the WDNR Floodplain Study Checklist and shall satisfy all pertinent Wisconsin Administrative Code NR116 requirements.
  - c. The Zoning Administrator must approve any maps used in floodplain boundary determinations.
17. Areas of known groundwater contamination, location of all existing wells, including advisory wells, and any WDNR designated Special Deep Casing Pipe Depth Requirement Areas.

- a. Town may require nitrate mitigation technology in new wells if nitrate levels in adjacent wells indicate nitrate levels of 8 ppm or greater.
18. The contours, on an established datum, at vertical intervals of not more than 2 feet. Land areas with 15 to 19.9 percent, 20 to 24.9 percent or 25 percent and greater slope shall be differentially shaded and labeled or otherwise clearly indicated.
19. The identification, location and dimensions of parks, parkways, playgrounds, drainageways, stormwater ponds or other common areas whether proposed for dedication to the public or remaining privately owned.
  - a. In an accompanying document, the subdivider shall indicate how these areas are proposed to be owned, managed and maintained.
20. Dimensions, size and numbers of all lots. Where applicable, size shall be indicated with inclusion and exclusion of rights-of-way and areas below the ordinary high water mark of navigable waters.
21. A list or depiction showing the following information for each proposed lot:
  - a. Existing and intended land use.
  - b. Existing and intended zoning, including overlay districts,
  - c. Required minimum lot area and lot widths under intended zoning.
  - d. Contiguous buildable area identified in acres, differentially shaded.
  - e. Lowest Building Opening (L.B.O.) for lots affected by a High Water Elevation (H.W.E.), drainage easement or floodplain.
  - f. All required setbacks.
22. Identification of all proposed outlots.
  - a. Indicate purpose and proposed ownership and control of each outlot.
  - b. All outlots that have deed restrictions, covenants or conservation easements shall be referenced on the plat and copies of such documents shall be provided.
23. The location of any of the following items within 200 feet of the proposed subdivision:
  - a. The location and names of adjacent plats, certified survey maps, unplatted

lands, parks and cemeteries, all labeled and underscored with a dotted or dashed line.

- b. Existing land use and zoning, including overlay districts.
- c. Topography, water bodies, watershed features, floodplains, wetlands, historic and archeological features and any other limiting features or characteristics.
- d. Private and municipal dump sites or areas of known groundwater contamination.

24. Two-foot contour mapping on adjacent properties within 100 feet of the proposed subdivisions.

25. Additional two-foot contour mapping may be required to evaluate stormwater management and road connections.

(c) Additional Submittals. The following shall be submitted with the Preliminary Plat Application:

- 1. Ownership, management and maintenance plans for parks, parkways, playgrounds, drainageways, stormwater ponds or other common areas whether proposed for dedication to the public or remaining privately owned.
- 2. A report and an aerial-photograph overlay map prepared by a registered land surveyor to address how sensitive areas shall be handled. The map and report shall include the following:
  - a. The data on sensitive areas found in Sections 18.05(4)(b)13 through 21, and as defined in sketch plan review.
  - b. Staff sketch plan review comments.
  - c. Relevant design standards. These sensitive areas shall be placed within lots or common open space, consistent with the one-half acre or more contiguous buildable area standard of Section 18.09(7)(b) and/or Common Open Space Requirements for Conservation Design Development, and subject to conservation easements, deed restrictions or covenants approved by the Town.
- 3. Deed restrictions, covenants or conservation easements for any lot and outlot(s).
  - a. The Town shall review such proposed deed restrictions, covenants or conservation easements and approve if acceptable.

- b. The Town shall require the subdivider to reimburse the Town for the expense of a legal opinion from the Town Legal Counsel or outside counsel confirming the suitability and enforceability of the deed restrictions, covenants or conservation easements.
4. Any proposed conservation easement for common open space protection.
  - a. The Town may invite or accept bona fide private conservation organizations, to be a joint holder of or have third-party enforcement rights in all conservation easements.
  - b. Such conservation easements are intended to only obligate the Town to enforce the stated development restrictions on the common open space and Town ordinances.
5. Grading, stormwater management and erosion and sediment control plans shall be submitted for all land disturbances and must include Best Management Practices in accordance with Section 17.12.
  - a. Areas proposed for filling and grading within shoreland jurisdiction, and in close proximity to wetlands and floodplains shall be differentially shaded.
6. Land areas with 15 to 19.9 percent, 20 to 24.9 percent, and/or 25 percent and greater slope shall be differentially shaded and labeled or otherwise clearly indicated on a separate map with the road layout, lot lines, and driveway locations.
7. All sloped areas to be developed, graded or stripped as described in Section 18.05(4)(c)5 shall be differentially shaded on a separate exhibit of the preliminary plat's grading plan.
  - a. The slope calculations shall be identified in a table on this exhibit.
8. The Town shall require proof that the subdivider has given written notice of the proposed locations of the roads to owners of parcels within ¼ mile of the land division.
9. A location on each lot that will accommodate an on-site wastewater disposal system as indicated by recent soil borings.
  - a. When private on-site wastewater treatment systems serving single lots are intended, system design with appropriate soil testing is required.
  - b. When a common system is requested or required, a complete site and design evaluation for suitability of state-approved common on-site wastewater disposal systems that serve more than one dwelling shall be provided.

- c. Soil boring locations in reference to the locations of contiguous buildable areas shall be identified on a separate, scaled map, with cross-reference to test results as reported on a current State soil evaluation form.

(5) ADDITIONAL APPLICATION AND REVIEW STANDARDS FOR CONSERVATION DESIGN DEVELOPMENT

(a) Additional Submittal Requirements.

1. To aid in determining whether the applicant has accomplished the design objectives for Conservation Design Development (CDD) as described in Section 18.09(10)(b) and has met the design standards for cluster groups and common open space in Conservation Design Development as described in Section 18.09(10)(g) and (h), the preliminary plat application shall include the following information.

- a. All the information required in Sections 18.05(2)(b) and (c).
- b. Vegetation on the site by general land cover type, including woodland, brush, hedgerows, grasslands, rowcrop, non-rowcrop, stand-alone trees with a diameter at 4 ½ feet from the ground of 18 inches or more, native prairie remnants, and other relevant land cover types. Plant community or predominant species present, relative age and general condition shall be described.
- c. A written description of existing wildlife habitat and the likely species of birds, mammals, amphibians, fish, and reptiles present. The presence of rare or endangered species shall be noted.
- d. Visual resources, showing viewsheds onto the site from surrounding roads and public areas. Photographs can be used to demonstrate viewsheds.

- (b) Conservation Design Development Site Analysis. The information required in Sections 18.05(2)(b) and (c), and 18.05(3)(a) shall be the basis for an analysis of the site to determine principal conservation areas, secondary conservation areas, and potential development areas. Each result, 1. through 3. below, shall be mapped at a scale of no less than one inch equals 100 feet, accompanied with a narrative describing the information on the maps.

1. Principal conservation areas: These are conservation lands that shall be protected from development. No structures, buildings or developed facilities, except approved Best Management Practices, are allowed in these areas.
  - a. All wetlands, including a 75-foot buffer measured from the delineated wetland.

- b. Floodplains.
  - c. All navigable waters, including a 75-foot buffer measured from the ordinary high water mark.
  - d. Perennial and intermittent streams, springs and drainageways that contain running water during spring runoff, during storm events or when it rains, including a filter strip as defined in NRCS Filter Strip practice standard.
  - e. Closed depressions, including a 75-foot buffer measured landward from the determined high water elevation (H.W.E) of the closed depression.
  - f. Steep slopes 20 percent and greater.
  - g. Unique wildlife habitat areas.
2. Secondary conservation areas: These are features of the site that should be protected or integrated into the development to enhance open space values such as rural character, wildlife habitat, native vegetation and agricultural production.
- a. Mature native woodlands.
  - b. Hedgerows and rock or boulder fences or walls.
  - c. Freestanding trees or groups of trees of native, non-invasive species.
  - d. Grasslands, pastures, meadows and identified prairie.
  - e. Farmland as used historically or as determined through soils maps.
  - f. Historic or archeological features.
  - g. Old farmsteads and farm buildings.
  - h. Scenic views onto the site.
  - i. Geologic features.
  - j. Steep slopes 12 percent to less than 20 percent.
  - k. River or stream valleys.
  - l. Other natural or cultural elements of the site that have enough significance or value to be spared from cleaning, clearing, grading and development.



3. Potential development areas. These areas of the site completely avoid the principal conservation areas and are sensitive to the visual and physical impacts of development on the secondary conservation areas.
  - a. Potential development areas that do not comprise either principal or secondary conservation areas shall be the only site areas to be developed.
  - b. The remainder of the potential development area should be placed to meet minimum open-space area requirements, maximize open space views onto the site and protect the most significant natural and cultural features of the site.
- (c) Conservation Design Development Yield Plan. For the purposes of determining the number of allowable lots for the Conservation Design Development -- see table in Section 18.09(10)(e) -- a yield plan is required. The applicant shall determine the yield plan using the following method, substantiated by sufficient plans and data to verify the calculations.
  1. The yield plan is a concept or sketch plan drawing of a conventional subdivision using the conventional subdivision and development regulations of the Town including: the sanitary, general zoning, shoreland zoning, floodplain zoning and subdivision ordinances, minimum lot size, suitability of lands for subdivision, prescribed lot area for existing dwellings, contiguous buildable area, approximate building locations, road layout, and utility rights-of-way.
  2. The number of lots allowable under the conventional subdivision regulations determines the base number of allowable lots of the Conservation Design Subdivision.
- (d) Restrictive Agreement on Common Open Space and Facilities. Common open space shall be restricted in perpetuity from further subdivision or land development by conservation easement pursuant to Wis. Stat. § 700.40 and such conservation easement shall be recorded in the office of the Pierce County Register of Deeds.
  1. To ensure the permanence of the legal instrument designed to restrict the division, use, or development of common open space, the Town shall be a joint holder of a conservation easement that prohibits, in perpetuity, development of the common open space that does not conform to those uses allowed in Section 18.09(10)(j).
  2. The Town may invite or accept bona fide private conservation organizations to be a holder of, or have third-party enforcement right in, all conservation easements.
  3. The Town can consider other legal restrictive agreements for protecting common open space, such as deed restriction, only if such other restrictive

agreements permanently restrict the use of common open space from further subdivision or land development.

(e) **Ownership of Common Facilities and Open Space.** Ownership of common facilities and open space shall not be transferred to another entity except in compliance with this subsection. Documentation of the proposed ownership arrangement for the common facilities and open space shall accompany the preliminary plat, including any draft contracts, articles of incorporation, by-laws, etc. The following forms of ownership may be used, either singly or in combination, to own common facilities and open space:

1. **Homeowners Association.** Common facilities and open space are held in common ownership by the association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:
  - a. The members of a homeowners association shall hold common facilities and open space as undivided proportionate interests.
  - b. The applicant shall provide to the Town for review and approval a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities and open space.
  - c. The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
  - d. Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
  - e. The organization shall be responsible for maintenance of and insurance for common facilities and open space.
  - f. The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities and open space.
  - g. The organization shall have adequate assistance itself or through contract to maintain and operate common facilities and open space.
  - h. Written notice of any proposed transfer of common facilities and open space by the homeowners association or the assumption of maintenance of common facilities and open space must be given to all members of the organization and to the Town at least 30 days prior to such event.
  - i. In the event of dissolution of the homeowner's association, or failure of the homeowner's association to maintain the open space and pay real estate

taxes thereon, the cost of any maintenance and real estate taxes shall become a lien upon the lots in the subdivision, each lot being responsible for a proportional share of the cost determined by a fraction, the number of which is one (1) and the denominator of which shall be the total number of lots.

2. Condominium. Common facilities and open space may be held as common elements described in condominium instruments.
  - a. The condominium instruments shall conform to the requirements of Wis. Stat. §703, as amended.
  - b. All common open space and other common facilities shall be held as “common element” by the unit owners in the form of undivided percentage interests in accordance with the condominium documents.
  - c. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.
  - d. The applicant shall provide to the Town (for review and approval,) a description of the condominium association, including draft condominium instruments, and all documents governing maintenance (requirements) and use (restrictions) for common facilities and open space.
  - e. The condominium plat shall follow the same design and installation standards for the common open space that are found in this ordinance.
  - f. Written notice of any proposed transfer of common facilities and open space by the condominium association or the assumption of maintenance of common facilities and open space must be given to all members of the association and to the Town at least 30 days prior to such event.
  - g. In the event of dissolution of the condominium association, or failure of the condominium association to maintain the open space and pay real estate taxes thereon, the cost of any maintenance and real estate taxes shall become a lien upon the units in the condominium, each being responsible for a proportional share of the cost determined by a fraction, the number of which is one (1) and the denominator of which shall be the total number of units.
3. Ownership retained by original landowner. Ownership of common open space may be retained by the original landowner provided that:
  - a. The requirements of Sections 18.0554)(d) and (f) are met.
  - b. Resident access to the open space is limited by agreement between the owner of the common open space and property owners of the development, as indicated by documents signed at the time of purchase of lots or dwelling

units.

- c. The open space may be retained by the owner for agricultural purposes with a signed Agricultural-Use memorandum
  - d. The original landowners or the legal representative may transfer ownership to another person in compliance with this subsection.
  - e. Written notice of any proposed transfer of common facilities and open space by the condominium association or the assumption of maintenance of common facilities and open space must be given to all members of the association and to the Town at least 30 days prior to such event.
  - f. In the event the original landowner fails to pay the cost of maintenance, taxes or the enforcement of the common open space requirements, the cost of same shall be a lien upon the lots in the subdivision, each lot being responsible for a proportional share of the cost determined by a fraction, the number of which is one (1) and the denominator of which shall be the total number of lots.
4. Fee simple conveyance to the Town or other public or private agency or utility acceptable to the Town. The Town or other public or private agency or utility acceptable to the Town may, but shall not be required to, accept any portion of the common facilities and open space, provided that:
- a. There is no cost of acquisition to the Town or a public agency or utility (other than costs incidental to the transfer of ownership, such as title insurance).
  - b. Common facilities and open space so conveyed shall be accessible to the residents of the Town, if the Town or other public or private agency or utility so chooses.
  - c. The acquiring entity shall maintain such common facilities or open space in perpetuity.
5. Fee simple conveyance to a private conservation organization. With approval of the Town, an owner may convey any portion of the common facilities and open space to a private, nonprofit conservation organization, provided that:
- a. The organization is acceptable to the Town and is a bona fide conservation organization.
  - b. The conveyance contains appropriate provisions for proper reversion or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.

- c. A maintenance agreement is executed acceptable to the Town that is consistent with the Management Plan required in Section 18.05(5)(f).
  6. Granting of easement to the Town, County, or other public agency, or public or private utility acceptable to the Town. The Town or other public agency, or public or private utility, acceptable to the Town provided that:
    - a. There is no cost of easement acquisition to the Town.
    - b. A maintenance agreement acceptable to the owner and the Town that is consistent with the Management Plan required in Section 18.05(5)(f) is entered.
    - c. Lands may or may not be accessible to the public.
  7. Assignment of restrictive agreements to a private conservation organization. After due consideration the Town may transfer restrictive agreements on common facilities and open space to a private, nonprofit conservation organization, provided that:
    - a. The organization is acceptable to the Town and is a bona fide conservation organization.
    - b. The assignment contains provisions acceptable to the Town for reversion or reconveyance to the Town in the event that the organization becomes unwilling or unable to continue carrying out its functions.
    - c. A maintenance agreement acceptable to the Town that is consistent with the Management Plan required in Section 18.05(5)(f).
- (f) Maintenance of Common Facilities and Common Open Space. To ensure adequate operation and maintenance of common facilities, open space, nonstructural recreation facilities, stormwater management facilities, common parking areas and driveways and other common or community facilities a Management Plan shall be prepared and approved.
  1. A draft Management Plan shall be submitted at the time of preliminary plat review and a final Management Plan at final plat approval. It shall:
    - a. Define ownership.
    - b. Define use.
    - c. Establish necessary regular and periodic operation and maintenance responsibilities. Maintenance and operation activities needed for maintaining

the stability of the resources and appropriate condition of facilities, may include but shall not be limited to:

- (i) Mowing schedules.
  - (ii) Weed control (See Section 10.03(6)).
  - (iii) Planting schedules.
  - (iv) Clearing and cleanup.
  - (v) Prescribed burns.
  - (vi) Facilities maintenance.
  - (vii) Tree trimming and dangerous tree/limb removal.
- d. Estimate service contract needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- e. Include a stormwater management plan.
- f. Include a section specifically focusing on the long-term management of common open space. This shall include a narrative, based on the site analysis required in Section 18.05(5)(b) describing:
- (i) Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
  - (ii) Objectives for each common open space area, including the proposed end state for the area and the measures proposed for achieving the end state.
  - (iii) Proposed restoration measures, including measures for correcting increasingly destructive conditions, such as erosion; and measures for removing non-native, invasive plant species and restoring historic features and habitats or ecosystems.
2. Any cutting of healthy trees, grading or regrading, topsoil removal, altering, and diverting or modifying watercourses or waterbodies must be done in compliance with the approved Management Plan and other applicable laws.

3. At Town's discretion, the applicant may be required to provide financial assurance as provided for in Section 18.10(c) for the maintenance and operation costs of common facilities and open space.
4. The Plan Commission or Town Board may require that a construction bond or letter of credit, approved by the Town Attorney and the Town Board, be secured by the applicant or the owner or owners of the common facilities and open space to cover the costs of corrective action if development or maintenance of common facilities and open space does not occur.
5. Modification of the Management Plan after final plat approval may be allowed with approval of the Plan Commission or Town Board.

(g) Sewerage and Water Supply Facilities in Conservation Design Development.

1. Sewerage and water-supply facilities in a Conservation Design Development may consist of any system meeting the requirements of the Wisconsin Department of Commerce, the Wisconsin Department of Natural Resources, the Pierce County Sanitary Ordinance, and this ordinance. In certain overlay districts the Plan Commission and Town Board may require sewerage and water supply as directed in the overlays.
2. With approval of the Town Board, and on recommendation of its engineer, common open space may be used for locating some or all of the permitted sewer and water- supply facilities.

(h) Stormwater Management Facilities in Conservation Design Development.

1. Every Conservation Design Development (CDD) shall have a stormwater management plan which shall be part of the Management Plan described in Section 18.05(4)(f) above and consistent with the stormwater management provisions of this Chapter.

- (i) Stormwater Management Best Management Practices such as ponds or basins may be located within common open space areas as deemed reasonable by the Plan Commission and Town Board but generally not to exceed 35% of common open space area.

(6) ADDITIONAL INFORMATION

(a) Concept, Preliminary or Conservation Design Development Review.

1. The Town may require any additional data or detail relevant to review. Descriptive data shall be sufficiently precise to allow the Town to determine compliance.

2. Existing features shall be shown as such by distinctive underscoring or other identifiers.

## **18.06 PROCEDURE FOR PRELIMINARY PLAT REVIEW AND ACTION ON MAJOR SUBDIVISIONS**

### **(1) PLAN COMMISSION REVIEW**

#### **(a) Submittals.**

1. The subdivider shall submit 15 legible copies of the preliminary plat for the Zoning Administrator and additional legible copies for each of the reviewing agencies listed, as specified in (b) 1. and 2. below, to the Zoning Administrator.
2. To be considered a valid submittal, the application shall include a written response from the subdivider to all issues and concerns raised at the concept review conference.

#### **(b) Reviewing Agencies.**

1. The applicant for any subdivision requiring approval as a "State Subdivision" shall transmit two copies to the Wisconsin Department of Administration (DOA).
2. The applicant also shall transmit copies of the preliminary plat as follows:
  - a. Two copies to the Wisconsin Department of Natural Resources (WDNR).
  - b. One copy to any city or village having extraterritorial plat approval jurisdiction.
  - c. One copy to the County Land and Water Conservation Department.
  - d. One copy to the County Highway Department engineer.
  - e. One copy to the County surveyor.
3. The applicant shall notify each state agency listed in a. and b. above when the copies are sent that it has 45 days from receipt to submit comments to the zoning administrator of the Town.
4. The Town Engineer shall review and approve or reject the erosion and sediment control and stormwater management plans for the preliminary plat and shall consult with the Pierce County Land Conservation Department as part of the review.



5. Staff shall issue a written evaluation report to the Plan Commission on all relevant aspects of the preliminary plat within 30 days of receipt of complete submittal. This shall include any responses received from those notified under Section 18.06(1)(b)2.a.through e.

(c) Decision.

1. Within 90 days from the date of submittal, the Plan Commission shall approve, approve conditionally, or reject the preliminary plat.
2. The Plan Commission shall not approve the plat unless the appropriate state agencies have issued approvals or have notified the Commission that the agencies have no objection to the plan or unless the approval or non-objection has been deemed to occur by State law.
3. Action by the Plan Commission may be postponed past the 90-day limit by written agreement between the Commission and the subdivider, or upon a determination by the Commission that additional information is required.
4. Postponements shall not constitute approval.
5. Plats meeting the definition of subdivision in Wis. Stat. §236.02(12) shall be subject to the provisions of Wis. Stat. §236.11 with respect to time available for review and approval of the preliminary plat.
6. If an applicant's application/preliminary plat is rejected, the applicant cannot file a new concept-sketch plan sooner than 120 days from the date of the rejection.

**18.07 APPLICATION AND REVIEW OF FINAL PLATS.**

(1) MAJOR SUBDIVISIONS.

- (a) Submittals. The subdivider shall submit two legible copies of the proposed final plat and accompanying materials to the Zoning Administrator and additional copies as follows:
  1. Two copies to the Wisconsin Department of Natural Resources (WDNR), one copy to the City of River Falls, one copy to the County Land and Water Conservation Department, one copy to the County Highway Department engineer, one copy to the County surveyor.
  2. The applicant, for any subdivision requiring approval as a "State Subdivision," shall transmit two copies to the Wisconsin Department of Administration (DOA).
  3. The applicant shall notify each state agency listed in a. and b. above when the

copies are sent that it has 45 days from receipt to submit comments to the Zoning Administrator of the town.

(b) Standards.

1. The final plat shall conform to all conditions placed on the preliminary plat.
2. Final plat layout features shall substantially conform to the approved preliminary plat.
3. Final plat depictions of wetlands shall be based upon field identification and on-site staking conducted by a professional wetland delineator contracted by the developer and reviewed by the Town or DNR.
4. Final plat descriptions of contiguous buildable areas shall also be based upon on-site staking by a registered surveyor if requested by the Town for specific lots.
5. Final plat to show locations and widths for all driveways and roads and construction plans and specifications for any proposed roads.
6. All road names shall be shown on the final plat and shall conform to Section 18.09(2)(d).
7. All easements and applicable setbacks shall be shown on the final plat.
8. A complete soils evaluation shall be done on each lot to determine suitability for an on-site wastewater disposal system for a dwelling on a single lot, or a complete site and design evaluation for suitability of state approved common on-site wastewater disposal systems that serve more than one dwelling.
9. Soil boring locations in reference to the locations of contiguous buildable areas shall be identified on a separate, scaled map with cross-reference to test results as reported on a current State soil evaluation form.
10. The subdivider shall submit final versions of all proposed restrictive covenants, conservation easements or deed restrictions with the final plat.

(c) Legibility Standards. The following standards apply to the legibility of documents.

1. Plat layout and preparation guidelines shall follow the current provisions of Wis. Stats. §§ 236.20 through 236.21, and the Wisconsin Platting Manual as compiled and updated by the Wisconsin Department of Administration.
2. The recorded plat shall be on media approved by the Pierce County Register of Deeds.

3. Drawings shall have exterior boundaries and block boundaries drawn with 0.5 millimeters or heavier lines.
4. Lot boundaries, outlot boundaries, easement boundaries and other required platting features shall be drawn with 0.3 millimeters or heavier lines.
5. Other graphically represented information which is not required to be shown pursuant to this Ordinance or other statute, regulation or code, may be drawn in lighter weight lines.
6. All required lettering and numbering shall be no smaller than 0.08 inches in height.
7. No lettering or numbering shall be smaller than 0.05 inches in height.
8. All information on plats shall be clear and legible enough to be capable of legible photocopying and microfilming by equipment used in the Pierce County Register of Deeds office.
9. The plat shall bear the dated seal and signature of the surveyor who prepared the plat.
10. When more than one sheet is used for any plat, each sheet shall be consecutively numbered, shall show the relation of that sheet to the other sheets; and the location of the subdivision by government lot, quarter-quarter section, section, township, range; and town, county and state of jurisdiction shown below the name or heading.

(d) Approval Process.

1. If the final plat is not submitted within 12 months of the approval of the preliminary plat, the Plan Commission may refuse to approve the final plat based on major land use changes affecting the plat, significant ordinance revisions, planned ordinance revisions, State or County rule or proposed rule changes.
2. The applicant shall transmit copies to the agencies listed, as specified, under Sections 18.06(1)(b)2.a. and b.
3. The agencies to whom the final plat is sent shall be notified in writing by the applicant that their comments or reviews must be submitted to the Zoning Administrator within 30 days of receipt unless a shorter deadline is established for "objecting agencies" under state law. The Zoning Administrator shall compile all comments and reviews and incorporate them into a comprehensive report on the proposed final plat to the Committee.

4. The Plan Commission and Zoning Administrator shall examine the final plat for conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this Chapter, and all laws, rules, regulations, comprehensive plans and comprehensive plan components which apply to it.
5. The Plan Commission shall approve, approve conditionally or reject the plat within 90 days of its submission. Failure of the Plan Commission to take action on the plat within 90 days shall be deemed approval unless other agencies have not responded within the allowable time, there remain unsatisfied objections by other agencies, or unless the Plan Commission's review time has been extended by written agreement with the subdivider.
6. The Plan Commission shall, at the time it approves, approves conditionally, or rejects the plat, give written notice of its decision to the County where the proposed plat is located and any municipality having extraterritorial subdivision approval jurisdiction. The Plan Commission shall not approve the plat unless the state agencies have issued approvals or have notified the Plan Commission that the agencies have no objection to the plat or unless the approval or non-objection has been deemed to occur by state law.
7. The Plan Commission or Town Board may decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, watercourses, scenic points, historical spots and similar Town assets which, if preserved, will add attractiveness and stability to the proposed development of the property and surrounding property.
8. If all the conditions are not satisfied within 90 days from the date of any committee approval, the final plat approval is void. If the final plat is not recorded within 30 days of satisfaction of conditions, the approval is void.
9. After the final plat has been approved by the Committee and required improvements have either been installed, or an agreement and sureties insuring their installation acceptable to the Committee have been filed and all conditions have been satisfied, the Zoning Administrator shall certify the approval upon the plat.
10. The subdivider shall then record the plat with the Pierce County Register of Deeds. The subdivider shall provide written notice to the Zoning Administrator that the plat and related documents have been recorded. If the final plat and related documents are not recorded within 30 days of the date of final plat approval the approval is void.

## ( 2 ) MINOR SUBDIVISIONS.

- (a) Applications and procedures.

1. Standards.
  - a. Minor subdivisions will be processed following the same application and review procedures of a major subdivision through Section 18.02. The Plan Commission may waive certain procedures and requirements in following sections of the ordinance if it deems them too onerous, time-consuming, expensive, and unnecessary for the project proposed.
  - b. One existing lot split into two lots is considered to be a one-lot subdivision relating to eligibility for a minor subdivision.
2. Legibility Standards. Requirements of Section 18.07(1)(c) on legibility standards apply to certified survey maps, except that:
  - a. A certified survey map shall follow the provisions of Wis. Stat. §236.34 and the Wisconsin Platting Manual as compiled and updated by the Wisconsin Department of Administration.
  - b. The recorded certified survey map shall be on media approved by the Pierce County Register of Deeds.
3. Approval Process.
  - a. A concept review is required between the subdivider and staff. The Plan Commission may authorize a waiver of the concept review conference in full or in part, if no public improvements or stormwater facilities are required.
  - b. A preliminary certified survey map and accompanying application materials shall be submitted for review by the Plan Commission and Town Board.
  - c. The content of the submittal shall be the same as for a preliminary plat when public improvements or stormwater facilities are required. The Plan Commission may authorize a waiver of a portion of the submittal requirements when public improvements or stormwater facilities are not required or the proposed lot contains an existing building site.
  - d. The process of review by the Town shall be the same as for a preliminary plat, except that the process may include referral to state agencies or the Plan Commission. The procedures and standards of Section 18.06 and the standards of Wis. Stat. §236.34 shall apply to a minor subdivision.
  - e. A final certified survey map shall be submitted for each minor subdivision.
  - f. The procedures and standards of Section 18.05(1) shall apply to a minor subdivision, except that the Town shall approve, approve conditionally or

reject the certified survey map within 90 days of its submission. Failure of the Town to take action on the certified survey map within 90 days shall be deemed approval unless other agencies have not responded within the allowable time, there remain unsatisfied objections by other agencies, or unless the Town's review time has been extended by written agreement with the subdivider.

- g. The form of the certified survey map shall comply with Wis. Stat. §236.34 and shall also contain any additional information required by the Town at either the preliminary or final review stage.
- h. If approved, the Zoning Administrator shall certify the approval on the final certified survey map.

## **18.08 REPLATS**

### **(1) APPLICATION AND PROCEDURES.**

#### **(a) Standards.**

1. A replat is the change in the exterior boundaries of a previously platted subdivision.
2. Changing the interior boundaries within a subdivision is a subdivision if the change creates one or more parcels of less than 35 acres and is not a replat.
3. A replat that does not alter areas dedicated to the public, or lots or outlots owned in common by the owners of lots within the subdivision, shall be processed as a subdivision under this Chapter. Whether it is processed as a minor subdivision or a major subdivision shall depend upon the number of lots created: five or fewer lots shall be a minor subdivision.
4. A replat that proposes to alter lands dedicated to the public, or lots or outlots owned in common by the owners of lots within the subdivision, shall be similarly processed. The approval of the replat by the Plan Commission shall be conditioned upon approval by a court of the alterations of the areas dedicated to the public, pursuant to Wis. Stats. §§ 236.40 - 236.44.

## **18.9 DESIGN STANDARDS FOR MAJOR AND MINOR SUBDIVISIONS**

### **(1) PURPOSE AND REQUIREMENTS.**

#### **(a) Purpose.**

1. The purpose of subdivision design is to create a functional and attractive development, to minimize adverse effects on persons and land, and to ensure that a project will be an asset to the community.

2. To promote this purpose, a subdivision shall conform to the standards of this section.
3. In addition to standards set forth in this Chapter, the Town shall determine compliance of the plat with Wis. Stats. §§ 236.15, 236.16, 236.20 and 236.21, for those plats that are not reviewed by the Wisconsin Department of Administration.

(b) General Design Standards.

1. Subdivision design shall take into consideration existing local, Town, County and regional plans and existing and proposed developments in the surrounding areas. The Town of River Falls Subdivision Design Manual shall serve as a guide to subdivision design.
2. Design shall be based on a site analysis. To the maximum extent practicable, as determined by the town, the design shall:
  - a. Preserve the natural features of the site.
  - b. Avoid areas of environmental sensitivity.
  - c. Avoid adverse effects on ground water and aquifer recharge
  - d. Avoid unnecessary impervious cover.
  - e. Prevent flooding
  - f. Minimize adverse effects of shadow, noise, odor, traffic, drainage, and utilities on the site and on neighboring properties.
  - g. Minimize negative impacts on and alteration of natural features and adverse effects of cutting and filling.
  - h. Avoid risk of harm to persons and land.
  - i. Provide adequate access to lots.
  - j. Incorporate Best Management Practices for erosion and sediment control and stormwater management.
  - k. Minimize land disturbance so as to avoid excessive grading, the extensive removal of ground cover and tree growth, and general leveling of the topography.

1. Avoid, through buffering and/or distance separation, conflicting land uses.
3. All road rights-of-way that serve 5 or more lots shall be offered for dedication and accepted by the Town or other designated local unit of government. Such designation shall be approved by the Town Board. Once dedicated, the unit accepting the dedication may control vegetation within the right-of-way.
4. Topsoil stripped from within the subdivision may not be removed from the subdivision until final land contours, topsoil finishing and seeding is successfully completed.
5. A soil evaluation shall be done to determine suitability for an on-site wastewater disposal system for a dwelling on a single lot, or a complete site and design evaluation for suitability of state approved common on-site wastewater disposal systems that serve more than one dwelling.
6. In reviewing a subdivision, the Town may require that sensitive areas of the subdivision be placed within non-buildable portions of lots and must be either offered for dedication, or protected under conservation easements, deed restrictions or covenants dealing with use and management of these areas.

(2) ROADS.

(a) Design Objectives and Jurisdiction.

1. The road system shall be designed to meet the following objectives: to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population with a simple and logical pattern; to respect natural features and topography; minimize local road maintenance and replacement costs; and to present an attractive appearance.
2. In the course of a subdivision review, the Town shall designate roads as arterial, collector, subcollector, or access roads. This decision shall be based upon Town comprehensive plans or official maps. The Town may require any road to be constructed to the boundary of the subdivision. The Town may require special setbacks, screening and other buffers along roads and may limit access along such roads.
3. All road rights-of-way included within the design of a subdivision that serve three or more lots shall be offered for dedication and accepted by the Town or other designated local unit of government. The Town shall approve such designation. Once dedicated, the unit accepting the dedication may control vegetation within the right-of- way.
4. Any new subdivision, whether major or minor that borders on or is in direct view of a Rustic Road shall at a minimum use landscaping and screening as



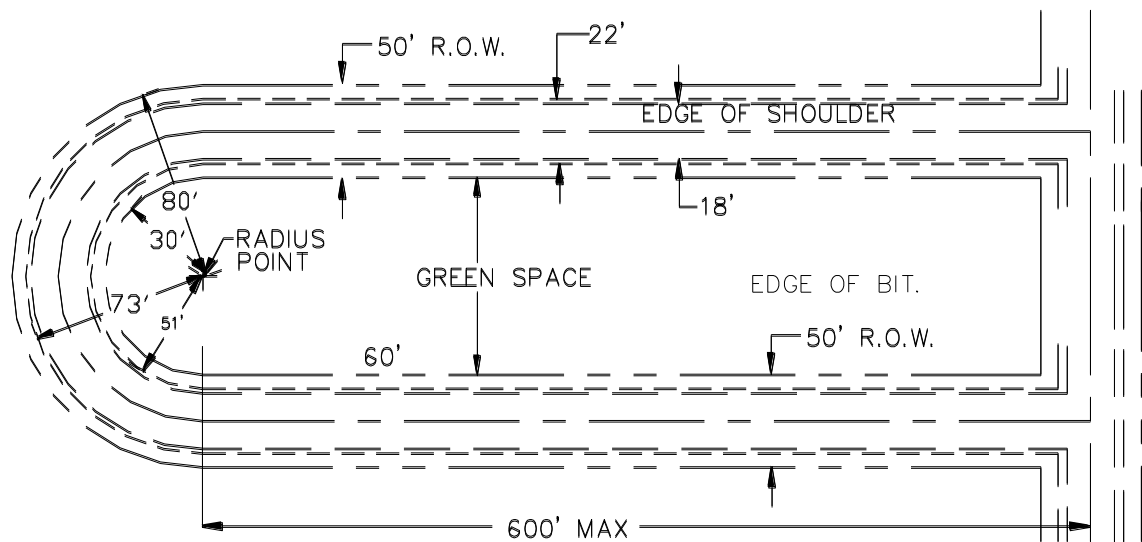
directed by the Town, including:

- a. On-site vegetation shall be preserved to the maximum extent practical.
  - b. Where the site abuts or is in direct view of a Rustic Road, the site shall be landscaped in accordance with vegetative screening as prescribed in Section 18.09(8)(b). Additional features such as berms with plantings may be required.
5. Lots shall be designed with building sites set back 200 feet from Rustic Roads.

(b) Design and Construction Standards.

1. A road serving three or more lots must be designed and built to the standards of this Chapter and all other non-conflicting provisions of Section 8.04 of the General Code.

TYPICAL LOOP ROAD  
CONVENTIONAL DEVELOPMENT



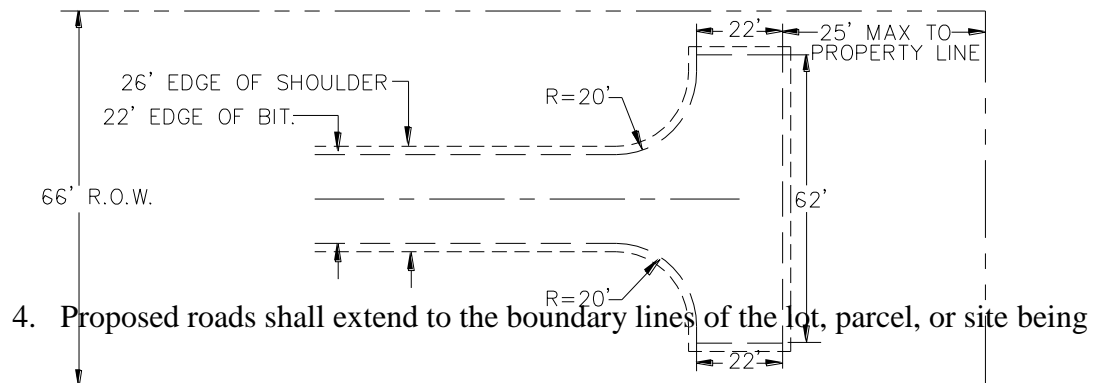
(c) Road Layout Standards.

1. The Town Engineer shall examine the design of roads and driveways to assure lots are laid out in a way that will produce intersections, grades and other features satisfying the following standards:
  - a. The number of intersections along arterial and collector roads shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1000 feet along these roads.
  - b. Road intersection jogs with centerline offsets of less than 150 feet on

existing or proposed roads are not allowed.

- c. No more than two roads shall intersect at one point.
  - d. The intersection angle of a driveway to a road, and a road to a road, shall be 90 degrees measured from the centerline of the roadway or driveway to the right-of-way of the intersecting roadway or driveway.
  - e. The Town may require intersection vision clearances.
2. Subdivision roads shall provide connection to existing or planned road extensions and adjacent unplatted property.
  3. All road layout design shall be consistent with any applicable policies adopted in the Town comprehensive plan or official map.

TYPICAL TEMPORARY TERMINATION  
"T" - SHAPED TURNABOUT



subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Town, such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of adjacent lands or conservation design development.

5. All arterial and collector roads shall be built to the boundary of the subdivision.
6. All road extensions shall be constructed at the time of the development's initial road construction.
7. Temporary termination of roads intended to be extended at a later date shall be accomplished with the construction of a temporary "T"-shaped turnabout contained within the street right-of-way. The T shall be constructed as shown in the above diagram:
8. Narrow strips of land between the road and the subdivision boundary (spite strips) shall not be permitted unless conditions under which the adjacent parcel can be connected to the road are established.
9. The vertical alignment of the centerline shall be based on the minimum safe stopping sight distance in accordance with the design standards of the AASHTO.
10. Cul-de-sacs shall not be allowed.
11. A loop road shall not exceed 600 feet from centerline of intersecting road to point of radius.
12. The planning, location and designations of roads in an area shall not allow the continuation of traffic from residential developments directly into commercial or industrial developments or vice versa. The Town may grant a variance if no other option is available and appropriate buffering is provided.
13. The Town may require joint driveways where it deems them appropriate.
14. All driveways that abut a proposed roadway shall be constructed through the right-of-way concurrent with the road construction.
15. The Town may require additional driveway construction beyond the right-of-way where deemed necessary to prevent erosion.

(d) Road Names.

1. Existing Town policies for naming and/or numbering shall be used. The County shall approve the naming and/or numbering of roads.

2. Approved road names shall be placed on the final plat.
3. Approval of road names on a preliminary plat or preliminary certified survey map will not reserve the road name, nor shall it be mandatory for the Town to accept it at the time of final subdivision approval.
4. Road name prefixes shall not duplicate any name which has already been used elsewhere, is similar to a name used elsewhere, is a name which may cause confusion or which is difficult to spell or pronounce. This prohibition includes roads with different ending or suffix nomenclature but the same first word or words or prefix. For example Smith Drive and Smith Circle will not both be allowed. Only one of the following would be allowed: Wildwood Trail, Wildtree Trail or Wylde Woode Road.
5. Road naming suffix nomenclature shall follow the standards in the following table:

<b>ROAD NAMING STANDARDS</b>		
<b>Type of Road</b>	<b>Straight</b>	<b>Curvilinear</b>
North/South Roads	Street	Drive or Lane
East/West Roads	Avenue	Road or Trail
Permanent Turnabout Roads, Loop Roads or Cul-de-sacs	Circle or Court	Circle or Court

6. Where a road maintains the same general direction except for curvilinear changes for short distances, the same name shall be used for the entire length of the road.
7. A road that will potentially connect to another road shall use the same name for all existing and planned sections.

(e) Bicycle and Pedestrian Ways.

1. Bicycle and pedestrian ways shall meet the following standards:
  - a. A right-of-way width of not less than 20 feet may be required where deemed necessary by the Town to provide adequate bicycle and pedestrian circulation or access to schools, parks, shopping centers, churches, and other places of public assembly or transportation facilities.
  - b. The bicycle and pedestrian way will be constructed with 10 to 12 feet of paved or limestone surface and a five to four-foot buffer on each side.
  - c. Bicycle and pedestrian ways in wooded and wetland areas shall be so

designed and constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserve the natural beauty of the area.

### (3) LAND DISTURBANCE RESTRICTIONS FOR PUBLIC IMPROVEMENTS

#### (a) Standards.

1. Development shall incorporate Best Management Practices for erosion and sediment control and stormwater management.
2. Land disturbance shall be minimized so as to avoid excessive grading, the extensive removal of ground cover and tree growth, and general leveling of the topography.
3. On slopes of 25 percent or greater, no development, grading or stripping of vegetation shall be permitted except to correct a pre-existing erosion problem on slopes up to 35%.
4. The maximum disturbance allowed in slope areas between 20 percent to 24.9 percent shall be 10 percent of the area between 20 to 24.9 percent in the plat.
5. The maximum disturbance allowed in slope areas between 15 to 19.9 percent shall be 50 percent of the area between 15 to 19.9 percent in the plat.
6. The maximum disturbance allowed in slope areas between 0 to 14.9 percent may be 100 percent depending on size of project.
7. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent.
8. For the purposes of application of these regulations slope shall be measured over 5 or more two-foot contour intervals (10 cumulative vertical feet of slope).
9. All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the State of Wisconsin.
10. The Town may authorize exceptions to these standards for corrective measures on actively eroding sites.

### (4) UTILITY EASEMENTS

#### ( a ) Standards.

1. Utility easement areas shall be identified on the plat or certified survey map.

2. As a general rule, the width of easements shall be 12 feet, six feet of which shall be on each side of the easement running along a joint lot line.
3. No utility lines carried overhead on poles shall be permitted. Lots shall be served by underground electric, gas, telephone, and cable television lines, if available. The subdivider is responsible for stabilizing any land disturbance for the installation of utilities.
4. To allow for the installation of underground utilities, excavation materials shall not be stored on the easement. Where utility lines are to be installed underground, the easement shall be graded to within six inches of the final grade by the subdivider.
5. Utility lines and equipment within an easement, whether overhead or underground, shall not be closer than one foot to a lot line or three feet to any survey monument.
6. The subdivider shall coordinate the installation of utilities with the installation of erosion control measures. The subdivider is responsible for stabilizing any land disturbance for the installation of erosion control measures. The deposits for a construction and maintenance guarantee for erosion control work shall be held until all utility work is done.
7. All utility easements shall be granted by the developer and shall not be located in the right-of-way.
8. Utility easements may also serve as drainage easements.

(5) **STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PLANS.**

(a) Design Standards.

1. Stormwater Management and Erosion and Sediment Control plans shall meet or exceed the design criteria, standards and specifications and BMP's identified in 2. through 6. below and in the following documents or their subsequent revisions:
  - a. NR 151 Subchapters I, III and V.
  - b. The Wisconsin Stormwater Manual, WDNR WR-349-94.
  - c. The Wisconsin Construction Site Best Management Practice Handbook, WDNR WR-222-93.

- d. The Wisconsin Department of Transportation Erosion Control Product Acceptability List.
  - e. The Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction Manual.
  - f. Wisconsin Department of Transportation Facilities Development Manual, Chapter 10.
  - g. The United States Department of Agriculture Technical Guide 4.
2. Stormwater management and erosion and sediment control plans shall be certified by a registered professional engineer.
  3. The developer's agreement shall contain a provision which requires a registered engineer to do the following:
    - a. Commit to oversee installation of all stormwater management and erosion and sediment control features shown on the approved plans.
    - b. Submit a set of record drawings upon construction completion.
    - c. Certify over the professional seal of the registered professional engineer that the "as built" conditions substantially conform to the approved plans.
    - d. This certification shall not release the subdivider from the responsibility to construct in accordance with approved plans until town and County inspections have been made, and approval of "as built" conditions has been given by the public agencies.
  4. The proposed post-development runoff volume and peak flow rate must not exceed the runoff volume and peak flow rate for pre-development land use conditions based on a 100-year, 24 hour, Type II storm event.
  5. A 75' structure setback shall be maintained around closed depressions that drain an area of 10 or more acres or are identified as a sinkhole by the county.
    - a. The 75' structure setback shall be measured landward from the determined High Water Elevation. (H.W.E.) of the closed depression.
    - b. The H.W.E. shall be calculated, assuming developed conditions, using a 100 year, 24 hour, Type II storm event.
  6. Perennial and intermittent streams, springs, and drainageways that contain running water during spring runoff, during storm events or when it rains shall be required to have a minimum filter strip for sediment trapping as defined in NRCS

Filter Strip practice standard, Code 393.

(6) DRAINAGE EASEMENTS

(a) Standards.

1. Drainage easements may be required to accommodate preexisting and post-development runoff identified in the stormwater management plan under Section 18.09(5).
2. Drainage easements may include designed stormwater ponds and drainageways and other natural water courses.
3. In most instances, the property covered by a drainage easement shall be privately owned as part of a lot(s) or in Conservation Design Development as part of the common open space.
4. All regional stormwater ponds shall be located on outlots.
5. The Town shall approve ownership and control of easement rights and obligations within a drainage easement.
6. The Town shall be granted the authority to enforce easement rights, covenants, and/or deed restrictions regarding drainage easements.

(7) LOTS

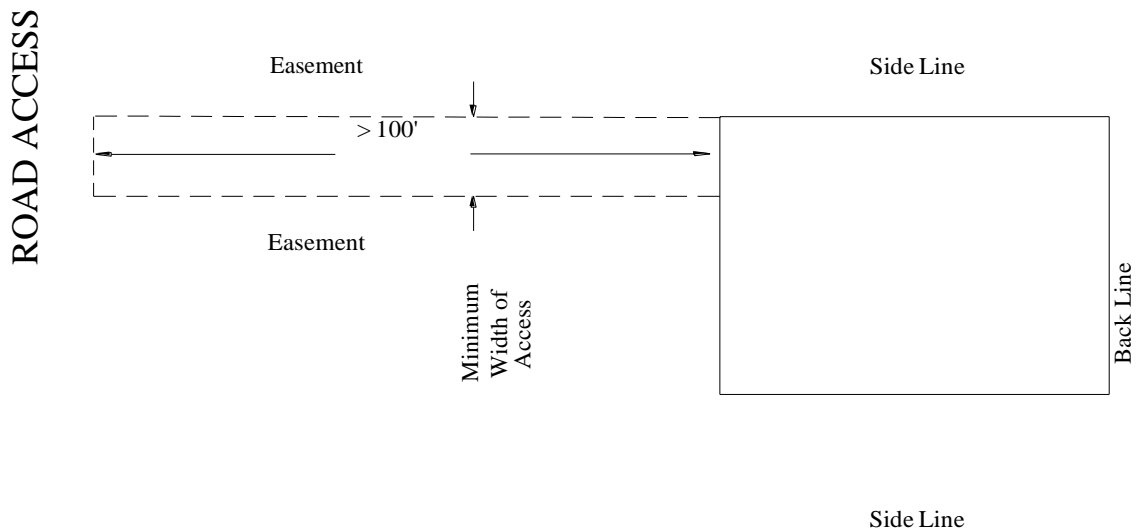
(a) General Design Standards.

1. 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.
2. Lots shall be designed to provide aesthetically pleasing, safe and convenient building sites, and proper architectural settings for buildings.
3. Development on slopes shall only be allowed in conjunction with Section 18.09(5) Stormwater Management and Erosion and Sediment Control Plans.
4. Subdivision grading shall be minimized wherever practicable so as to avoid excessive grading, the extensive removal of ground cover and tree growth, and general leveling of the topography.
5. The County may require that the plat or certified survey map contain notice to prospective purchasers that wetlands, floodplains, or steep slopes within lots may limit building or driveway locations.



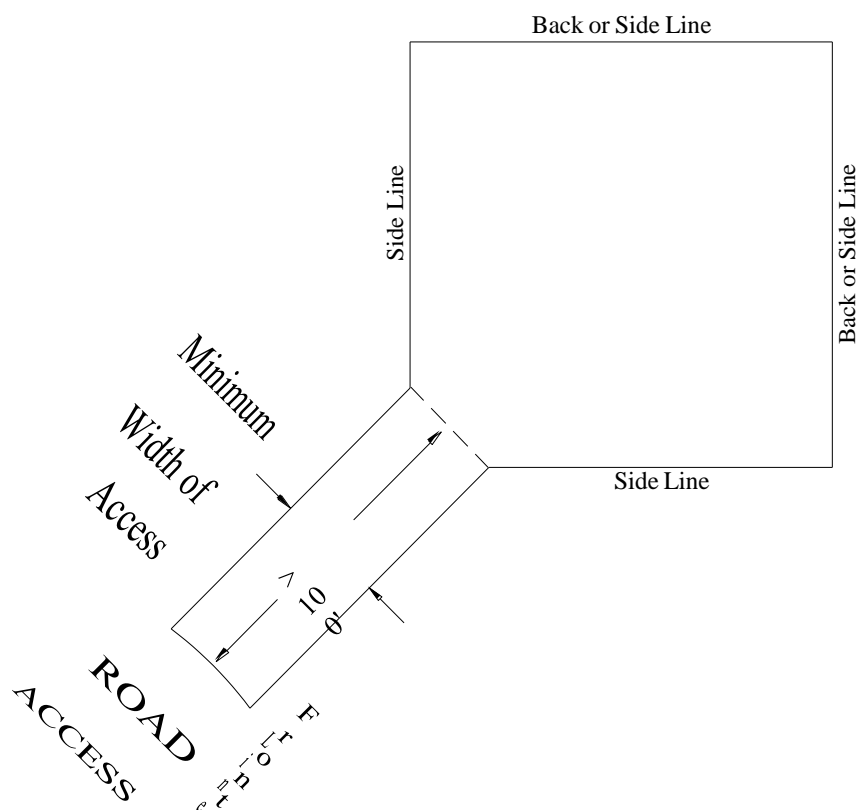
6. Each lot affected by a high water elevation shall have a L.B.O. set a minimum of two feet above the emergency overflow elevation of the closed depression or stormwater pond.
7. Subdivisions with 20 lots or more shall have two or more accesses onto existing public roads. When counting lots under this provision, all existing and proposed lots shall be counted, including lots in subsequent phases contemplated or proposed by the developer or deemed likely by the Town to be proposed in the future.
8. Flag lots shall be prohibited. The Town may make an exception where necessary to accommodate exceptional topography or to preserve natural resources in conservation design. This shall only be upon approval by Pierce County Land Conservation and Land Management staff.

Example of a "Flag Lot".



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53

### Example of a "Flag Lot".



#### (b) Lot Area Standards.

1. Each unsewered lot must contain a net contiguous buildable area of one-half acre or more. Each net contiguous buildable area must be capable of accommodating the building site without disturbing areas of 20 percent and greater slope that existed prior to concept review. Conservation Design Development lots are exempt from contiguous buildable area standards unless onsite wastewater treatment systems are proposed.
2. Each unsewered lot must contain an area suitable for the entire on-site wastewater disposal system. The area for the on-site wastewater must be in addition to the contiguous buildable area under a. above. This standard may be waived for Conservation Design Development with an approved, appropriate common wastewater treatment system plan.
3. Lot area shall be calculated as per Lot Area and Lot Width table, following Section 18.09(7)(b)4.

4. Lot area for improvements and lot width as measured at the building setback line shall conform to the requirements of Town land use regulations but shall not be less than the following table:

<b>LOT AREA AND LOT WIDTH</b>		
<b>Type of Development</b>	<b>Area</b>	<b>Width in Feet</b>
Subdivision served by Publicly-owned or community owned Wastewater Treatment System	10,000 Sq. Ft.	75
Subdivision in an Urban or Transitional Planning Area not served by Publicly-owned or community-owned Wastewater Treatment System	1 acre	120
Subdivision in an area not served by publicly-owned or community-owned Wastewater Treatment System	2 acres average <sup>1</sup> 1 ½ acres minimum	148
Conservation Design Development	Minimum necessary to meet requirements	
On the bulb of a cul-de-sac or on horizontal curves having a radius less than 100 feet	N/A	75

<sup>1</sup> The average shall be calculated based on the approved preliminary plat or certified survey map (C.S.M), not on subsequent phases of the final plat.

5. The Plan Commission may increase these minimums in particular cases if it determines that the lot may not safely handle on-site waste disposal.
6. The Plan Commission may set different minimums to match municipal standards for subdivisions that are within the extraterritorial jurisdiction of the municipality.
7. The ratio of depth to width of a lot shall not exceed 3:1. The ratio measurement shall be determined starting at the point whether by ownership or easement, where the lot accesses or abuts the public roadway and the Town shall determine conformance. See examples following Section 18.09(7)(d)5. for depth to width calculations.
8. Side lot lines shall be substantially at right angles or radial to street lines.
9. Lot lines shall follow local jurisdictional and zoning boundary lines rather than cross them.
10. Lots having frontage on two non-intersecting roads shall be avoided except: Where essential to provide separation of residential development from arterial land roads or to overcome specific disadvantages of topography and orientation. If this type of frontage is allowed, a landscaped buffer at least 10 feet wide shall be provided parallel with and outside the utility easement abutting the arterial road.
11. Direct access from an arterial road to a lot with double frontage is prohibited.

(c) Lot Access Standards.

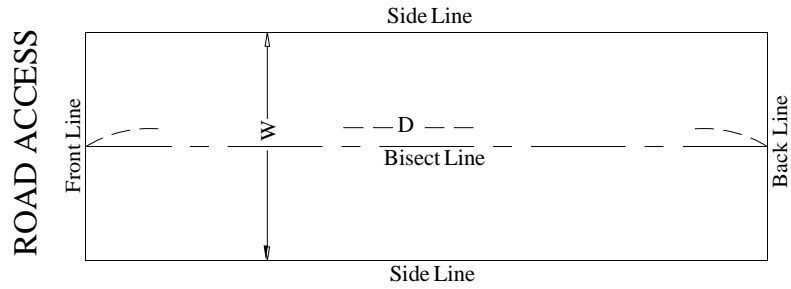
1. Each lot shall have a driveway which connects the contiguous buildable area to the adjoining access road. The driveway width shall be exclusive of wetlands, floodplains, ponds, lakes, drainageways, road rights-of-way, easements, applicable structure setbacks, slopes 20 percent and greater and other sensitive areas.
2. Each lot shall front upon a public road or a private road, provided that a private road shall serve not more than two lots.
3. A lot shall have a minimum road frontage of 33 feet if it is served by a driveway serving only that lot and 66 feet if it serves more than two lots so as to facilitate the possible development of a public right-of-way. A lot on (the bulb of a cul-de-sac or) loop end of a loop road shall have a minimum of 33 feet of frontage on a road.

4. All accesses serving five or more lots shall be public roads dedicated to the town. No lot shall be approved that does not have road access as specified in this Chapter. Any private road existing prior to the effective date of this Chapter that had served two or more lots shall be dedicated in its entirety to the Town if any additional lots will take access from the private road.
5. If a proposed driveway location is within 100 feet of a side lot line, the adjoining parcel must be examined to determine if driveway separation standards can be met. If not, the Plan Commission may require a waiver of driveway access from the owner of the adjoining parcel, or may require the applicant to change the location of the proposed driveway.

(d) Ghost Platting (Overlay).

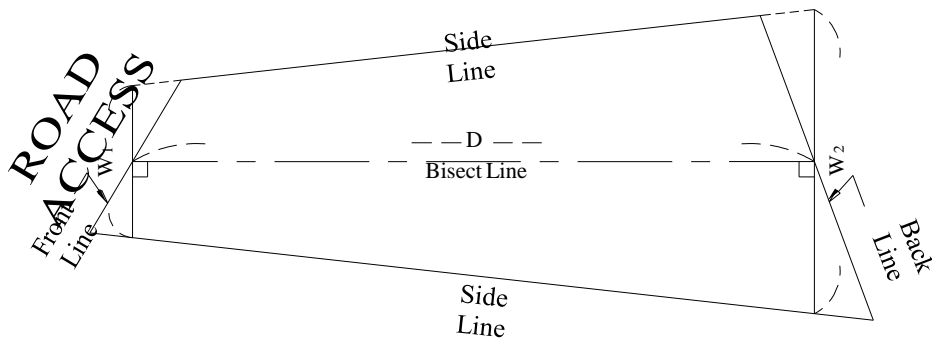
1. In the ETZ where R-1, R-2, and R-S zoning exist, all lots shall be divided in such a manner as to allow for the re-subdividing the lots at some future date when municipal services are available.
2. To this extent, the Town may require additional frontage or other dimensional restrictions and shall regulate the location of structures and private on-site wastewater treatment systems on the lot.
3. Proposed structures shall be subject to the applicable zoning side yard and rear yard building setbacks from ghost lot lines.
4. The number of ghost lots included in each platted lot shall correspond to the urban residential density standard of the nearest incorporated municipality.
5. Dashed ghost lot lines shall be depicted and recorded on the plat or certified survey map.

Lot ratio example of parallel side lines.



D= Lot Depth; The length of the bisect line of the side lines, between the front and back lot lines.  
 W= Lot Width; The perpendicular distance between the parallel side lines of the lot.

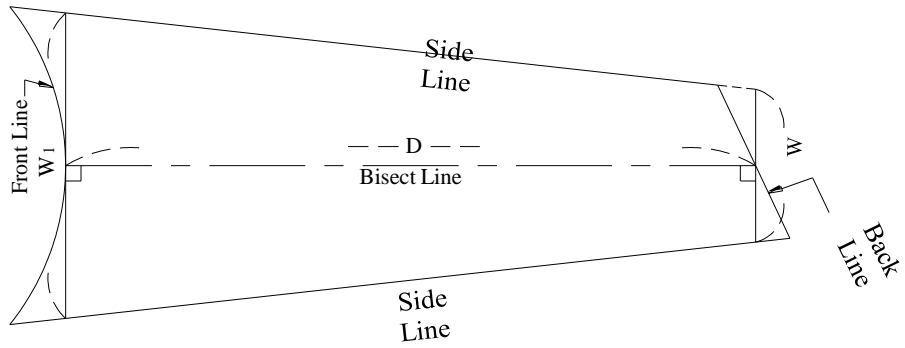
Lot ratio example of nonparallel side lines.



D= Lot Depth; The length of the bisect line of the side lines, between the front and back lot lines.  
 W= Lot Width; The average of base W<sub>1</sub> and base W<sub>2</sub> of the trapezoid determined as shown.

$$W = \frac{W_1 + W_2}{2}$$

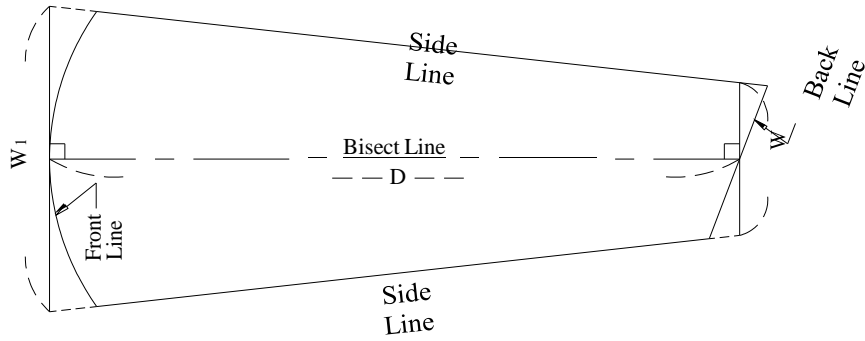
Lot ratio example of nonparallel side lines.



D= Lot Depth; The length of the bisect line of the side lines, between the front and back lot lines.  
 W= Lot Width; The average of base W<sub>1</sub> and base W<sub>2</sub> of the trapezoid determined as shown.

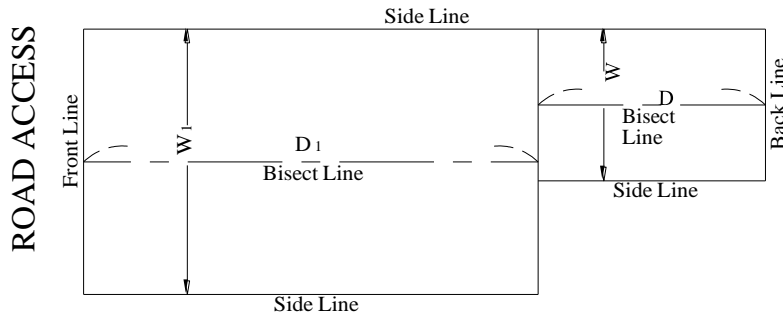
$$W = \frac{W_1 + W_2}{2}$$

Lot ratio example of nonparallel side lines.



D= Lot Depth; The length of the bisect line of the side lines, between the front and back lot lines.  
 W= Lot Width; The average of base W<sub>1</sub> and base W<sub>2</sub> of the trapezoid determined as shown.

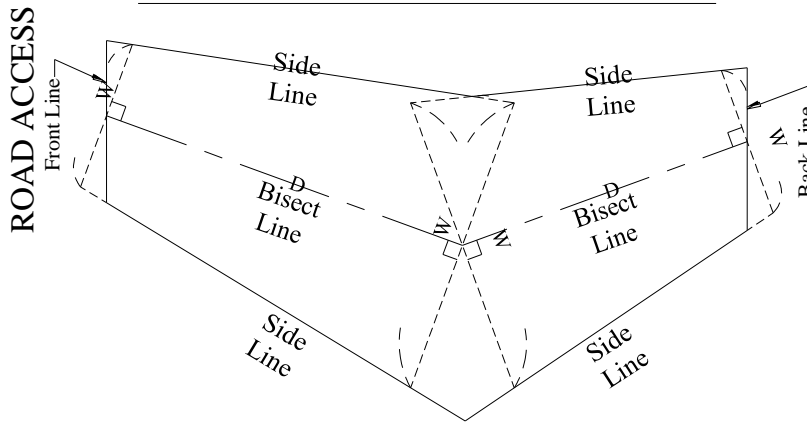
Lot ratio example of parallel side lines.



D= Lot Depth; The sum of the bisect lines of the two rectangles determined as shown.  
 W= Lot Width; The sum of the proportional, widths of those determined rectangles as shown.

$$D = D_1 + D_2 \quad W = \left( \frac{D_1}{D_1 + D_2} \times W_1 \right) + \left( \frac{D_2}{D_1 + D_2} \times W_2 \right)$$

Lot ratio example of nonparallel side lines.

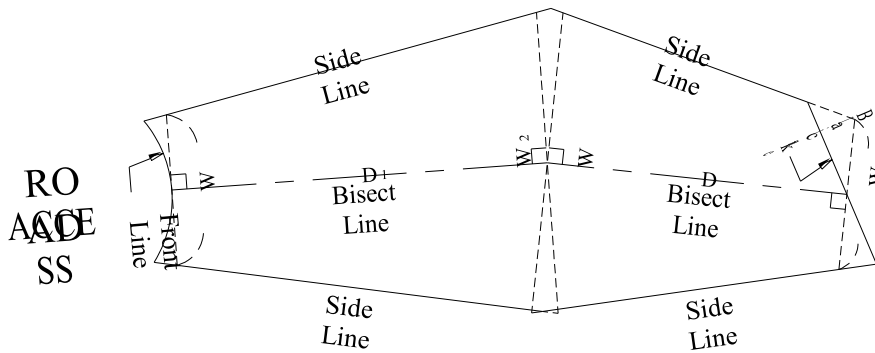


D= Lot Depth; The sum of the bisect lines of the side lines of the two trapezoids, determined as shown.  
 W= Lot Width; The sum of the proportional, width averages of those determined trapezoids as shown.

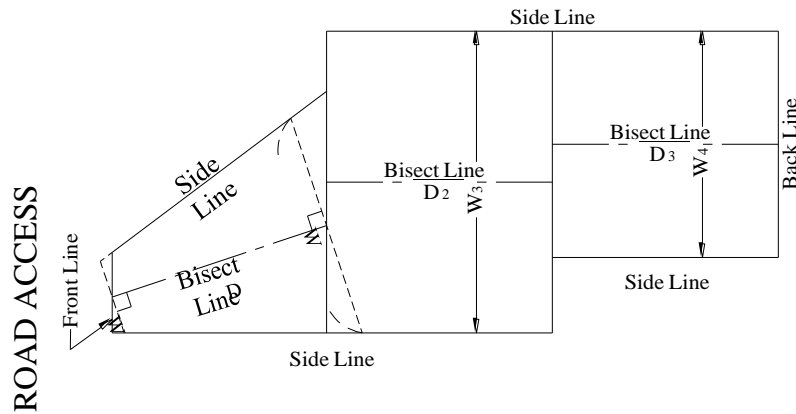
$$D = D_1 + D_2 \quad W = \left( \frac{D_1}{D_1 + D_2} \times \frac{W_1 + W_2}{2} \right) + \left( \frac{D_2}{D_1 + D_2} \times \frac{W_3 + W_4}{2} \right)$$



Lot ratio example of nonparallel side lines.



Lot ratio example with a combination of parallel and nonparallel side lines.



D= Lot Depth; The sum of the bisect lines of the side lines of the trapezoid and rectangles, determined as shown.  
 W= Lot Width; The sum of the proportional, width or width average of those rectangles and trapezoid determined as shown.

$$D = D_1 + D_2 + D_3$$

$$W = \left( \frac{D_1}{D_1 + D_2 + D_3} \times \frac{W_1 + W_2}{2} \right) + \left( \frac{D_2}{D_1 + D_2 + D_3} \times W_3 \right) + \left( \frac{D_3}{D_1 + D_2 + D_3} \times W_4 \right)$$

## (8) LANDSCAPE SCREENING AND BUFFER AREA

### (a) Purpose and Application.

1. Landscaping and buffer requirements are established to promote aesthetically pleasing developments that will protect and preserve the appearance, character, health, safety and welfare of the community.
2. These standards are intended to increase compatibility of adjacent land uses by requiring a buffer or screen between uses, to minimize the harmful impact of noise, dust, debris, motor vehicle headlight glare, or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use, to preserve scenic views and/or to otherwise enhance the rural landscape as seen from existing perimeter roads.
3. These landscaping and buffer standards apply to new major and minor subdivisions, new conservation design development and any unique circumstances identified by developer's agreements.
4. The buffer area shall be landscaped to screen any commercial, industrial, or residential lot that abuts or is across from any area that is not commercial, industrial, residential or other incompatible development.
5. Residential development adjacent to an agricultural zone must incorporate a 100 ft. buffer area to be landscaped with screening vegetation as specified in Section 18.09(8)(c) and may also require fencing to the standards specified in Wis. Stats. §§90.02 and 90.03 pertaining to a legal fence.

### (b) General Standards.

1. The buffer shall consist of an area of land located within and along the outer perimeter of a lot or boundary line. The buffer may overlap drainage and/or utility easements; however plantings should not impede the flow of water within a drainage easement nor should they be located on any portion of an existing or dedicated public street or right-of-way.
2. Landscaping within the buffer area shall consist of native plant species. It should include a mix of trees and shrubs and can also include herbaceous materials such as grasses, vines, aquatic plants, wild flowers and other vegetative materials. Acceptable varieties of trees, evergreens, and shrubs are listed in Appendix A.
3. Where space allows, landscape plantings shall be placed in an informal, random pattern to create a naturalized landscape.
4. The landscape plantings shall include low-maintenance, non-invasive,

drought- and salt-tolerant species.

5. Preserving healthy, desirable, existing vegetation should always take precedence over planting new vegetation and should be encouraged by crediting such preservation toward the landscaping requirement.
6. Existing healthy, native trees and shrubs shall be properly protected from construction activities in accordance with sound conservation practices.
7. The landscaped buffer area may contain any combination of preserved natural vegetation or newly installed plantings. It may include berms, fences, or walls.
8. If a berm, fence or a wall is used, it shall be visually dominated by planted vegetation and attain 50 percent opacity/coverage within 12 months of planting. The newly planted vegetation should be growing on the residential or existing use side of the fence or wall.
9. Tree plantings shall include a variety of species to better help ensure a disease- tolerant mixture.
10. The Town may waive part or all of the landscaping requirements where there is an opportunity to preserve a unique native landscape such as a native prairie, oak savannah or woodland.

(c) Minimum Landscaping Standards.

1. Unless otherwise indicated, the landscaped buffer area requirement is a minimum of 80 plants per area of land 10 feet in width by 100 feet in length, these to consist of 10 evergreen trees, 5 shade trees, and 25 shrubs, all ten-gallon container-sized and purchased from a reputable nursery (unless otherwise permitted by the Town).
2. A combination of preserved plants or installed plants may be used. If plants are preserved they must be shrubs or trees in order to count toward the requirement.
3. A landscaped buffer is required in the following locations:
  - a. Along street right-of-way/pavements. No landscaped buffer over 2 feet in height that might block any driver's view shall be permitted within the vision clearance triangle of a driveway or street/railroad intersection. The landscaped buffer may include berms, fences or walls.
  - b. Around the perimeter of parking lots or pavements.

- c. Along property lines abutting residential development or other incompatible uses.
  - d. Where required by the Town Board or Plan Commission.
4. If berms are used to supplement or replace some of the planting requirements the width of the buffer area must be adequate to accommodate the size of the berm, based on the berm slope, crown, height and form. However, the subdivider shall demonstrate that any reduction in required new plantings shall not reduce the effectiveness of the buffer area screen.
  5. Berms shall contain side slopes not exceeding 4 feet of horizontal distance to one foot of vertical distance (4:1) with a maximum height of 6 feet and shall be natural in appearance and undulating wherever possible.
  6. If a hedge or hedge/berm combination is used, the shrubs shall be at least 3 feet in height at time of planting. Shrubs of sufficient screening density shall be spaced according to growth needs of the species for the hedge to attain at least 6 feet in height and 80 percent opacity at maturity.
  7. Preserved trees and shrubs used as the landscaped buffer must also meet an opacity of at least 80 percent. They shall be at least 6 feet in height.
  8. The Town may permit alternative landscape treatments, which shall have a buffering or screen capacity equal to or greater than the requirements set forth here.

(d) Landscaping Plan.

1. A Landscaping Plan for the buffer area(s) shall be provided by a licensed landscape architect and approved by the Town. It shall include and address:
  - a. Existing vegetation that will be preserved.
  - b. Quantity, size, species and root condition of proposed plant materials.
  - c. Proposed locations for plant materials.
  - d. Planting method and schedule.
  - e. An ongoing ownership and maintenance plan for the landscape plantings and existing vegetation. This will include a walk-through by an independent licensed landscape architect before approval of final plat to determine if plantings have been done according to plan. If they have not been, the developer will make the necessary improvements or the Town will authorize use of funds placed in escrow for this purpose. Additionally, the

maintenance plan will include a yearly walk-through by an independent landscape architect to determine whether the plants need attention or replacing. Should this be determined to be so, the developer will make the necessary improvements or the Town will authorize the use of funds placed in escrow for this purpose.

2. If plantings are not installed prior to approval of a final plat, a landscaping schedule shall be specified in a developer's agreement.
3. Appropriate financial guarantees shall be required to cover the cost of installation of plant materials and replacement of all dead, dying, defective or diseased plant material for a period of five years.

(e) Landscape Materials.

1. All plant materials must meet the minimum standards set by the American Association of Nurserymen.
2. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive on native species.
3. Plant materials shall comply with the following standards:
  - a. Minimum plant size shall be as specified in the following table. For the purpose of determining trunk size, caliper inches shall be measured 6 inches above ground level.

<i>Plant Type</i>	<i>Minimum Size</i>
<i>Trees: Evergreen</i>	6 feet in height
Deciduous Overstory	2 ½" caliper inches
Deciduous Ornamental	1 ½" caliper inches
<i>Shrubs: Evergreen or Deciduous</i>	18" in height

4. Landscape materials shall be tolerant of specific conditions, including but not limited to heat, drought and salt.
5. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets minimum plant size specified in the table above.
6. Landscape materials shall be of a size that allows growth to the desired height and opacity.

- (f) Installation.
  - 1. Areas to be landscaped shall be prepared, improved and planted as specified by current Wisconsin Department of Transportation standards.
- (g) Preservation of Existing Natural Landscape.
  - 1. For the purpose of conserving the natural landscape and in recognition of the time value of existing vegetation, the preservation of existing vegetation shall always be preferred to the installation of new plant material.
    - a. Existing woodland and hedgerows shall be retained to the maximum extent possible. Where possible, existing woodlands and hedgerows shall be incorporated into the required separation areas between cluster groups and external streets and site boundaries.
    - b. Suitable existing vegetation shall be credited toward the landscaping requirements of the Section, when, in the opinion of the Plan Commission it would equal or exceed the visual impact of the new required plant material after two years of growth.
    - c. All new landscaping to be installed and existing vegetation to be preserved shall be protected in accordance with the methods specified in Sections 18.09(8)(b) and (c).
  - 2. Street Trees.
    - a. Street trees shall be planted along internal streets within cluster groups.
    - b. Street trees may be planted, but are not required, along internal streets passing through common open space.
    - c. Informal arrangements are encouraged for street trees, to avoid the urban appearance that regular spacing may invoke.
    - d. Street trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the street.
    - e. The species of street trees shall be selected from the "List of Recommended Species for Landscaping" in Appendix A.
    - f. Street tree plantings shall comply with all applicable regulations in the Subdivision Chapter and/or other applicable chapters.

(9) PARKS AND PARKWAYS

(a) Standards.

1. The subdivider/developer of any major or minor subdivision shall be required to dedicate for parks or other open space purposes a parcel of land equal to 10% of the gross area of all property proposed for the subdivision. Such parcel shall be shown and marked on the plat, Dedicated for Park Purposes. This provision shall also apply to all outlots in existence.
2. The Town Board may require the lands dedicated for park and open space purposes be of a character, size and location suitable for such use and purpose; and may further require it to be relatively level and dry. All such parcels shall be reviewed and recommended by the Parks and Recreation Committee and the Plan Commission prior to Town Board approval.
3. Landscaping may be required on parks, parkways, and trails.
4. Where, with respect to a particular development, there is the dedication of a parcel of land for parks, open space purposes and/or conservancy, the Town Board shall also require a payment of funds. The parks fee payment schedule for single-family dwelling lots, two family dwelling lots and apartments, townhouses, condominiums and other dwelling units shall be as such as is from time to time established by resolution of the Town Board.
  - a. The Town Board shall require that all money received for this purpose be deposited in a park fund. The Board shall use such funds in a park that will benefit those persons or subdivisions making the contribution.

(10) APPLICABILITY AND DESIGN STANDARDS FOR CONSERVATION DESIGN DEVELOPMENT IN MAJOR SUBDIVISIONS

(a) Applicability.

1. Conservation Design Development (CDD) provides an alternative set of design objectives and standards for major subdivision residential development within the residential zoning districts deemed sensitive to development, such as Class I, II, and III soils, or environmental corridors, flood plains, floodway areas, or highly erodable lands. These objectives and standards are requirements which must be met by the applicant. The Plan Commission and Town Board shall determine whether there is adequate compliance with these objectives and standards; if not the application shall be denied.

(b) Design Objectives.

1. The design objectives of Conservation Design Development (CDD) are as

follows:

- a. To provide for the unified and planned development for clustered, single-family, appropriate-density residential uses which is located and designed to reduce the perceived density of development, provide privacy for dwellings, and incorporate large areas of permanently protected common open space.
- b. To allow for the continuation of agricultural uses in those areas best suited for such activities and when adjoining residential uses are compatible with such activities
- c. To maintain and protect the Town's rural character by preserving important landscape elements, including but not limited to those areas containing such unique and environmentally sensitive natural features as woodlands, river and stream corridors, drainageways, wetlands, closed depressions, floodplains, shorelands, prairies, ridgetops, steep slopes, critical species habitat, and productive farmland by setting them aside from development. Such areas contained in primary and secondary environmental corridors, independent environmental resources and potentially productive agricultural land, as identified by the Pierce County Soils Maps and Town of River Falls Master Plan, are of particular significance for conservation.
- d. To connect common open space areas between adjacent properties and create environmental corridors throughout the Town. Areas contained in primary and secondary environmental corridors, independent environmental resources and potentially productive agricultural land, as identified by the Town of River Falls Master Plan, are of particular significance for conservation.
- e. To preserve scenic views and to minimize views of new development from existing homes and streets.
- f. To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard use regulations in order to minimize the disturbance of rural landscape elements and sensitive areas, scenic quality, and overall aesthetic value of the landscape.
- g. To increase flexibility and efficiency in the siting of services and infrastructure by altering street length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.
- h. To create groups of dwellings with direct visual and physical access to



common open space.

- i. To permit active and passive recreational use of common open space by residents of developments within this use or by the public.
- j. To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.
- k. To permit various means for owning common or preserved open space or agricultural land, and for protecting such areas from development in perpetuity.
- l. To create a stewardship approach for the land within common open space by requiring a land management plan for the common open space.

(c) Density Standards.

1. The total number of dwelling units that are allowed in a Conservation Design Development is referred to as the Residential Gross Density.

**R-S = Single Family Suburban--No Municipal Sewer 60,000 sq. ft, with sewer 25,000 sq. ft., with sewer CDD 20,000 sq. ft.**

**R-1 = Single Family Residential--No Municipal Sewer 1 acre, with sewer 15,000 sq. ft., with sewer CDD 12,000 sq. ft.**

**R-2 = Multiple Family Residential--Single Family 1 acre, with sewer 15,000 sq. ft., with sewer CDD 12,000 sq. ft.**

**Multiple Family State and Town standards**

(d) Residential Base Density.

1. The base density or the base number of allowable dwelling units is determined by the yield plan pursuant to Extra Territorial Zoning Ordinance (20.07). Existing dwellings that may or may not be part of a farmstead that will be retained shall be counted toward the base density.

(e) Residential Gross Density.

1. The residential gross density, or the total number of dwelling units that are allowed in a Conservation Design Development, is the residential base density plus 25 percent of the number of dwelling units prescribed by the residential base density.

<b>CONSERVATION DESIGN DENSITY ALLOCATION EXAMPLES</b>						
<b>Yield Plan</b>	<b>Base Density</b>	<b>Gross Density</b>	<b>Dwelling Units Mix</b>	<b>Sample Breakdown</b>	<b>Totals</b>	
18 Lots	i) 18 D.U.	ii) 22 D.U.	iii) 22 S.F.D.U.	22 –1-Family Detached D.U.	22 D.U.	
50 Lots	50 D.U.	62 D.U.	47 S.F.D.U. 15 M.F.D.U. 62 D.U.	47 –1-Family Detached D.U. 5 –3-Family Attached D.U.	47 D.U. 15 D.U. 62 D.U.	
100 Lots	100 D.U.	125 D.U.	94 S.F.D.U. 31 M.F.D.U. 125 D.U.	94 –1 Family Detached D.U. 7 – 2-Family Attached D.U. 3 –3-Family Attached D.U. 2 –4-Family Attached D.U.	94 D.U. 14 D.U. 9 D.U. 8 D.U. 125 D.U.	

(f) Prescribed Lot Area.

1. The lot size that is allowed under Conservation Design Development (CDD) is called the prescribed lot area.
2. For an existing or new farmstead on a tract used for conservation designed development, the prescribed lot area shall be a lot large enough to accommodate all structures within a building envelope created by a 100-foot setback from all sides of the lot. Animal husbandry shall be controlled by covenants.
3. The prescribed lot area of new lots shall be that which results from meeting all of the standards and requirements of the Conservation Design Development section within this Chapter.

(g) Minimum Common Open Space.

1. For Conservation Design Development, the minimum amount of common open space shall be:
  - a. In the R-1, R-2, and R-S districts, 50 percent of the total site area minus pre-existing rights-of-way and utility easements. No more than 35% of the open space can be ponds, basins, shoreline, steep slopes, bluffs, and other land that is deemed undevelopable.
  - b. The required common open space designated in (g)1.a above can be reduced by the minimum amount necessary to prevent any allowable lot from being reduced to an unbuildable lot size in the attempt to meet those common open space requirements.

(h) Design and Dimensional Standards for Cluster Groups.

1. All dwelling units shall be grouped into cluster groups. The number of dwelling units in each cluster group shall be determined as follows:
2. For conservation designed developments 40 acres and smaller, each cluster group shall be no larger than 40 percent of the total number of dwelling units in the development and no smaller than 15 percent of the total number of dwelling units in the development, except as provided for in c. below.
3. For all conservation designed developments over 40 acres, each cluster group shall be between 6 and 16 dwelling units.
4. Conservation designed developments with a total number of units of 16 dwelling units or less may contain a single cluster group if all other standards in Section 18.09(10) are met.
5. The number of dwelling units in a cluster group may be decreased or increased and each cluster group may be assembled into smaller or larger groupings, provided that the applicant can demonstrate to the satisfaction of the Town Board that such an alternative design is more appropriate for the tract concerned, and will meet both the general intent and design objectives of this ordinance and the goals and objectives of the Town of River Falls Master Plan.
6. A plat may contain one or more cluster groups.
7. All lots in a cluster group shall take access from interior streets.
8. Each cluster group shall be defined by the outer perimeter of contiguous lots or abutting streets and may contain lots, streets, and cluster group interior open space. When the development does not include individual lots, such as a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer to any unit than 75 feet.
9. The outer boundaries (lot line extents) of each cluster group shall conform to the separation distances in the following table:

LIMITING FACTOR	SEPARATION DISTANCE
a. From other cluster group outer boundaries	100 feet
b. From existing and proposed rights-of-way of arterial or collector highways or from state designated scenic roads	100 feet
c. From all other existing or proposed external highway or road rights-of-way	50 feet
d. From all development tract boundaries	100 feet
e. From cropland or pastureland	100 feet
f. From existing residential structures or buildings or barnyards housing livestock or poultry (unless stipulated differently in covenants)	300 feet
g. From wetlands, floodplains, watercourses or drainageways	75 feet
h. From active recreation areas, such as courts, playing fields or pools	100 feet

10. The dimensional standards specified in Section 18.09(10)(h)9. may be reduced under the following circumstances:

- a. The separation distances along existing or proposed arterial streets and tract boundaries may be reduced to a minimum of 50 feet only if the applicant can demonstrate that existing vegetation, topography or a combination of these form an effective visual screen.
- b. The Town may accept constructed berms and planted native vegetation for these reduced separation distances if such items will form an effective visual screen and are included to be maintained in the Conservation Design Development management plan.
- c. Separation distances in Sections 18.09(10)(b)1. a. through f. and h. may be reduced by 50 percent only if the applicant can demonstrate that such reduced setbacks are more appropriate for the tract concerned, and improve the project's conformance with the design objectives in Section 18.09(10)(j), the intent of this Chapter, and the goals, objectives and policies of the Town of River Falls Master Plan.

11. All separation areas for cluster groups along existing streets shall be landscaped in accordance with Sections 18.09(8) and (10)(j).

12. All cluster groups shall be surrounded by open space. All lots in a

cluster group shall abut common open space to the front or rear. Cluster group internal open space and common open space across a street shall qualify for this requirement.

13. Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lot or yard areas. Streets may separate cluster groups if the street right-of-way is designed as a vegetated center median.

14. In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. When the objective is to preserve prime farmland soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than 50 percent of the canopy on any single wooded lot is cleared for the construction of dwellings, driveways, garages, storage buildings, wells, and onsite wastewater treatment systems. See Section 18.09(10)(i)2.

(i) Design Standards for Common Open Space Areas.

1. On all tracts developed under the conservation design development regulations, the minimum amount of common open space area, as set forth in Section 18.09(10)(g), shall be set aside as protected common open space.
2. Common open space shall comply with the following design standards:
  - a. The location of common open space shall be consistent with the design objectives in Section 18.09(10)(b), and the goals, objectives and policies of the Town of River Falls Master Plan.
  - b. All open space areas shall be part of a larger continuous and integrated open space system. At least 75 percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this section, contiguous shall be defined as either physically touching or located within 100 feet across a public right-of-way, for example, on opposite sides of an internal street.
  - c. Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character and conserving natural resources in compliance with the intent of this Chapter and consistent with the goals, objectives and policies of the Town of River Falls Master Plan.
3. Primary and secondary environmental corridors, independent natural resources and potentially productive agricultural land as identified in the Pierce County

Soils Maps and Town Master Plan are of particular significance for protection. It is recognized that there may be varying open space preservation objectives that will result in differences between subdivisions as to areas set aside for open space. Developments designed to preserve rural character values may look much different from developments striving to preserve viable agriculture. Applicants must provide an explanation of the open space objectives achieved with their proposed development.

4. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance or restore their overall condition and natural processes, as recommended by professionals in the area being modified and in compliance with an approved management plan, as described in Section 18.05(4)(b)19.a. Permitted modifications may include:
  - a. Woodland or forest management.
  - b. Reforestation.
  - c. Meadow or prairie management.
  - d. Wetlands management.
  - e. Streambank protection.
  - f. Establishing native, non-invasive vegetation in buffer areas.
5. All wetlands, floodplains, unique wildlife habitat areas, steep slopes 20 percent or greater, closed depressions and at least 80 percent of primary environmental corridor, as identified in the Town of River Falls Master Plan shall be contained in common open space. The requirement that at least 80 percent of primary environmental corridor be contained in common open space can be reduced under the following conditions:
  - a. The site is predominantly primary environmental corridor and development at permitted density would not be possible without encroaching further on primary environmental corridor.
  - b. It can be demonstrated that additional development within primary environmental corridor meets the overall objectives of this ordinance.
  - c. All wetlands, floodplains, unique wildlife habitat areas, steep slopes 20 percent or greater, and closed depressions remain in common open space.
  - d. Any reduction of primary environmental corridor included in common open space below 80 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.

6. Maximize common boundaries with existing or future open space on adjacent tracts.
7. In order to preserve scenic views, ridgetops and hilltops should be contained within common open space wherever possible, and homes should be not be located at the highest elevations of the parcel.
8. At least 80 percent of the area of existing woodlands shall be contained within common open space; 20 percent of the area of existing woodlands may be used for lots and residential development. This limitation may be exceeded under the following conditions:
  - a. The site is primarily wooded, and development at permitted density would not be possible without encroaching further on woodlands.
  - b. It can be demonstrated that additional development within woodlands meets the overall objectives of this ordinance.
  - c. Any encroachment on woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.
9. Any development of woodlands 40 acres or larger with at least one-quarter mile of width shall have cluster groups arranged around the periphery of the woodland to preserve as much of the woodland interior habitat as possible. The arrangement of the cluster groups around the periphery shall preserve natural undisturbed corridors to the interior.
10. No common open space area shall be less than 10,000 square feet in area and not less than 30 feet in its smallest dimension, with the exception of internal open space within cluster groups, as described in Section 18.09(10)(h)14. Open space not meeting this standard shall not be counted toward the total required minimum common open-space area.
11. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
12. Common open space shall include lands located along existing public roadways in order to preserve existing rural landscape character as seen from these roadways, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
13. When the common open space is utilized for some or all of the permitted sewer and water facilities, then an easement shall be granted, which describes the right of the individual property owner to have access to the common open space to construct, maintain, gain access and/or replace a private sewer or water facility.

Additionally, the restrictive agreement on the common open space utilized for sewer or water facilities will include limitations to prevent compaction of the soils used for sewage treatment.

14. Safe and convenient pedestrian access and access for maintenance purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:
  - a. At least one access point no less than 25 feet in width per cluster group shall be provided.
  - b. This access may be in the form of a commonly held easement.
  - c. Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.

15. The following areas shall not be included in common open space areas:

- a. Private lot areas.
- b. Street and highway rights-of-way, public or private.
- c. Railway and utility rights-of-way, except underground pipeline rights-of-way.
- d. Parking areas.
- e. Areas not meeting the requirements of Section 18.09(10)(i)10.
- f. Farmsteads.

(j) Permitted Uses of Open Space.

1. Uses of Open Space may include the following:
  - a. Conservation of natural, archeological or historical resources.
  - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
  - c. Walking or bicycle trails, provided they are constructed of porous paving materials.
  - d. Passive recreation areas, such as open fields.
  - e. Active recreation areas, provided that they are limited to no more than 10% of the total Open Space and are not located within Primary Conservation



Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space.

- f. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices (as determined and approved by Pierce County Land Conservation staff) are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas.
- g. Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas.
- h. Easements for drainage, access, and underground utility lines.
- i. Other conservation-minded uses compatible with the purposes of this Chapter.

(k) Prohibited Uses of Open Space.

- 1. Golf courses.
- 2. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections.
- 3. Agricultural and forestry activities not conducted according to accepted Best Management Practices as determined by Pierce County Land Conservation staff.
- 4. Impoundments.
- 5. Other activities as determined by the committee and recorded on the legal instrument providing for permanent protection.

**18.09(11) REQUIRED INSTALLATIONS**

- (1) The Subdivider shall install survey monuments in accordance with the requirements of Wis. Stat. §236.15 and as may be required by the Town and County.
- (2) The subdivider shall install all required stormwater drainage features.
- (3) The subdivider shall construct or install all erosion control measures specified in the approved erosion control and/or stormwater management plan. If the erosion control features are damaged or altered by any means, the maintenance or restoration of them shall be the responsibility of the subdivider unless the

subdivider has, by written agreement, assigned responsibility for the maintenance to the lot owners.

- (4) Any road intersecting with a public road, and another road serving more than two lots, shall be improved by the subdivider, including necessary bridges, culverts, and ditches, to standards established by the Town or standards found within Pierce County town road standards, whichever is more exacting. Paving may be required by the Town Board.
- (5) The installation of the required improvements or removal of existing features and temporary management structures will be identified and scheduled in a Developer's Agreement entered into by the Developer and the Town.
- (6) All required improvements shall be completed within one year of commencement of construction of any improvements.

#### **18.10 CONSTRUCTION AND MAINTENANCE GUARANTEE.**

##### **(1) STANDARDS.**

(a) Purpose. A financial guarantee shall be provided to ensure the proper construction, installation and maintenance of required roads, utilities, stormwater management and erosion and sediment control measures, required landscaping and other improvements, and removal of existing features and temporary erosion and sediment control and stormwater management structures.

##### **(b) Guarantees.**

1. A financial guarantee may be required to ensure the proper construction and installation of required survey monuments.
2. The owner or the developer shall be identified as the responsible party to provide a construction and maintenance guarantee.
3. The nature and duration of the guarantee shall be structured to achieve installation and maintenance without adding unnecessary costs to the responsible party.
4. The Town may extend the time allowed for installation of the improvement for which the construction guarantee has been provided.
5. A construction and maintenance guarantee shall be required before the construction of required improvements and as a condition of preliminary subdivision approval.
  - a. The construction and maintenance guarantee shall be in an amount not to exceed 120 percent of the cost of installing an improvement.

- b. The construction and maintenance guarantee shall be valid until substantial completion of all required improvements and released by the Town.
- c. A portion of the original construction and maintenance guarantee shall be retained by the Town upon completion of the required improvements for maintenance purposes.
  - (i) The retained guarantee shall be for a period not to exceed 2 years after final acceptance of an improvement.
  - (ii) The retained guarantee shall be in an amount not to exceed 15 percent of the cost of the improvement.
  - (iii) In the event that other governmental agencies or public utilities own the improvement, or the improvement is covered by a maintenance agreement or other guarantee to another governmental agency, no guarantee shall be required by the Town.

(c) Maintenance of Common Facilities and Open Space.

1. In the event that the common facilities and open space of a Conservation Design Development are not maintained in reasonable order and condition in accordance with the Management Plan and all applicable laws, rules, and regulations, the Town may serve written notice upon the responsible person or organization and upon the residents and property owners of the uses relating thereto, setting forth the reasons why the person or organization has failed to maintain the aforesaid common facilities and open space in reasonable condition.
2. Such notice shall set forth the nature of the corrections required and the time within which the corrections shall be made.
3. Upon failure to correct within the time specified, the following provisions will apply:
  - a. The Town may take corrective action in the event a person or organization fails to maintain common open space or facilities according to the Management Plan as outlined in Section 18.05(5)(f).
  - b. The Town may perform the corrective work or, pursuant to Wis. Stats. 66.0703, can assign special charges to the responsible person(s), organization, or individual property owners within the development.
  - c. Any additional corrective action taken by the Town shall be pursuant to Section 18.16.

(d) Form

1. The construction and maintenance guarantee shall be secured.
2. The Town may select from a variety of secure means including, but not limited to, the following:
  - a. A security bond from a bonding company authorized to do business in this state.
  - b. An irrevocable letter of credit from a reputable bank or lending institution acceptable to the Town.
  - c. Cash or an instrument readily convertible into cash.

(2) RELEASE OF FINANCIAL GUARANTEE.

(a) Decision Process.

1. Upon substantial completion of all required improvements, the responsible party shall notify the Zoning Administrator of the completion of and cost of the improvements in writing, by certified mail.
2. The Zoning Administrator, in consultation with appropriate experts, shall inspect the improvements and shall authorize approval, partial approval, or rejection of such improvements.
3. A statement of reasons for rejection and corrective action shall be provided in writing.
4. If the responsible party fails to correct the condition specified by the stated corrective action, the responsible party shall be provided notice and opportunity to be heard.
5. After notice and opportunity for the responsible party to be heard, the Town shall approve, partially approve, or reject the improvements.
6. The responsible party shall receive notice in writing, by certified mail, of the Town action not later than 10 days after the action is taken.
7. If the Town takes no action to approve, partially approve, or reject the improvements within 45 days of receipt of the notice of substantial completion, the improvements shall be deemed to have been approved, and the responsible party and/or surety, if any, shall be released from the construction and maintenance guarantee for such improvements.

(b) Partial Approval. Where partial approval of the improvement is granted, the responsible party shall be released from liability under the construction and

maintenance guarantee to the extent of the approval.

(c) Denial.

1. If approval of the improvement is denied, the Town shall utilize the construction and maintenance guarantee to see that improvements are properly completed.

## **18.11 DEVELOPER'S AGREEMENT**

(1) AUTHORITY AND PURPOSE.

(a) Authority. The Town may enter into and adopt agreements, called Developer's Agreements, concerning the development and use of real property within the Town with the owner(s) and developer(s) of such property, and with the other governmental units with jurisdiction.

(b) Purpose.

1. Provide a method for the Town and owners and developers of land to form agreements regarding development and land use that are binding on all parties.
2. Describe and detail the terms, conditions, and other provisions as to how the development shall take place, as generally authorized and specified within this Chapter.
3. Include terms, conditions, and other provisions that may not otherwise be authorized or specified within this Chapter.
4. Promote stability and certainty in land development regulation by providing for the full enforceability of such agreements by both the local government and owners and developers of land.

(2) STANDARDS.

(a) Process.

1. The Developer's Agreement shall be:
  - a. Approved by the Town as part of the preliminary plat approval;
  - b. Recorded, by the owner or owners that are party to the Developer's Agreement, with the Pierce County Register of Deeds within 30 days of its approval and before construction commences. A short form version, approved by the Town Board and its Attorney, may be recorded in place of the full text of the Developer's Agreement.

- c. Binding upon and enforceable by the Town and all subsequent owners of the property that is the subject of the Agreement, for the duration of the Agreement.

(b) Requirements.

1. The Developer's Agreement shall be in writing and shall include:
  - a. A statement identifying either the owner or the developer as the responsible party to satisfy the terms of the Developer's Agreement.
  - b. The names of all parties to the Developer's Agreement.
  - c. A description of the property that is the subject of the Developer's Agreement.
  - d. A statement detailing how the Developer's Agreement is consistent with the Town and local comprehensive plan.
  - e. The effective date of the Developer's Agreement.
  - f. The duration of the Developer's Agreement to be specified by the Town.
  - g. A schedule and timeline for the installation of required temporary and permanent improvements.
  - h. A schedule and timeline for removal of existing features and temporary erosion and sediment control and stormwater management structures.
  - i. A schedule and timeline for maintenance.
  - j. The parties contracted for the installation and maintenance of improvements.
  - k. The details of the construction and maintenance guarantee required by this Chapter.

(c) Termination.

1. A Developer's Agreement may be canceled or revised at any time by:
  - a. The mutual written consent of all parties thereto; or
  - b. The Town if it finds that a hazard or unexpected situation exists on or near the subject property that was unknown at the time the agreement was adopted. The Town shall notify the developer in writing that a situation exists that would endanger the public health or safety if development were to commence or proceed pursuant to the Developer's

Agreement.

## **18.12 CONSTRUCTION WITHIN SUBDIVISIONS.**

### **(1) CONSTRUCTION INITIATION**

#### **(a) Pre-construction approvals and meetings.**

1. No land grading or site preparation, removal of trees or brush, alteration of drainageways, waterways or water features, or commencing the construction of any roads, ditches, ponds, swales, drainageways or the like, shall occur prior to final approval of the final plat or final certified survey map, including final Commission approval of all plans for improvements, drainage and erosion and sediment control measures, ditches and culverts, and other improvements.
2. Before activities delineated in 1. above may be undertaken, a meeting must take place between the developer, Town chair, the Town engineer, Pierce County Land Management staff, Land Conservation staff, and a city of River Falls representative to certify agreement that all standards, rules, and regulations pertaining to the development have been reviewed, understood, and will be met.

#### **(b) Waiver.**

1. The Town may waive paragraph a. above, provided that:
  - a. The subdivider represents that no land alterations described in paragraph a. have occurred within one year prior to the date of the request for waiver.
  - b. Staff confirms this representation.
  - c. The Commission shall have approved the preliminary plat or the preliminary certified survey map and the proposed work or construction.
  - d. Deposits for a construction and maintenance guarantee and inspection fees have been received.
  - e. Such construction activities are taken at the subdivider's risk.
2. The Town shall approve a schedule for the construction activities identified in the construction plans or Developer's Agreement.
3. The waiver schedule shall specifically state the time within which the work may be done and the extent of the work permitted by the waiver.

4. No waiver shall be granted if land alteration activities have taken place within one year preceding the request for waiver, and all prior approvals shall be revoked after notice to the subdivider.

(2) REQUIRED INSTALLATIONS.

(a) Standards.

1. The subdivider shall have survey monuments installed in accordance with the requirements of Wis. Stat. §236.15 and as may be required by the County.
2. The subdivider shall install all required stormwater drainage features as required in the stormwater management plan.
3. The subdivider shall construct or install all erosion and sediment control measures specified in the approved erosion and sediment control and stormwater management plan. If the erosion and sediment control features are damaged or altered by any means, the maintenance or restoration of them shall be the responsibility of the subdivider unless the subdivider has, by written agreement, assigned responsibility for maintenance to the lot owner(s).
4. Any road intersecting with a public road, and any other road serving more than two lots, shall be improved by the subdivider, including necessary bridges, culverts and ditches, to standards established by the town or standards found within Section 18.09(2), whichever is more exacting.

(b) Timeframe.

1. The installation of the required improvements or removal of existing features and temporary management structures will be identified and scheduled in a Developer's Agreement entered into by the developer and the Town.
2. All required improvements shall be installed and completed in substantial conformance with the approved plans and as specified in the developer's agreement within one year following the effective date of the initial construction and maintenance guarantee.
3. If the required improvements are not installed within one year, as described in 2. above, then the Town may cease to issue all permits, subject the developer to forfeitures and take the construction and maintenance guarantee to complete outstanding improvements.

**18.13 VARIANCES, ADJUSTMENTS AND ADMINISTRATIVE APPEALS.**



(1) VARIANCES.

(a) Authority.

1. The Commission may grant variances to design standards during the review and approval stages upon a showing that the subdivider will suffer unnecessary hardship if strict compliance with the standard is required.
2. The granting of a variance shall not violate the spirit or intent of this Chapter or other Town or County land use regulations.

(b) Standards.

1. Unnecessary hardship shall meet the following standards:
  - a. Unnecessary hardship is defined as a situation where in the absence of a variance no feasible use can be made of the lot.
  - b. Unnecessary hardship does not include self-created hardship, conditions personal to the subdivider, the subdivider's personal convenience, economic gain or loss, or conditions not unique to a particular lot.

(c) Approval Process.

1. The Committee shall hold a public hearing on a request for a variance.
  - a. A Class 2 notice shall be published for the hearing.
  - b. Additionally, notice shall be mailed to any municipality with extraterritorial subdivision approval jurisdiction, and adjacent landowners.
  - c. The Town Clerk shall be responsible for providing all notices.
2. The Commission shall make a decision on the request for variance within 10 days of the hearing.
  - a. Written findings of fact, conclusions, and the reasons for the decision shall be prepared, and signed by the Commission chairman.
  - b. The original decision shall be filed in the Zoning Administrator's office.
  - c. A copy of the decision shall be mailed to the subdivider, the town(s), and municipality(ies).
3. Any person aggrieved by the decision may commence an action in circuit court seeking the remedy available by certiorari. The procedures in §59.694

(10), Wis. Stats., apply to this action.

(2) ROAD SETBACK ADJUSTMENT.

(a) Standards.

1. The road setback on an approved final plat or certified survey map may be adjusted to a reduced setback from that specified in the governing zoning ordinance, if the following standards are met:
  - a. Setbacks in platted and recorded subdivisions shall not be changed or adjusted, except by a corrective instrument, prepared by a Wisconsin registered land surveyor, executed on the plat to reduce setback.
  - b. The setback adjustment shall only be allowed on vacant lots.
  - c. The setback adjustment shall only be allowed in the unusual circumstance where an adjustment to the setback will allow the lot(s) to be in greater compliance with the standards and objectives of this Chapter.
  - d. The Commission shall approve the setback adjustment.
2. The setback adjustment shall be processed with the same procedures found in Section 18.13(1)(c) preceding.

(3) ADMINISTRATIVE APPEALS.

(a) Decisions Appealable.

1. Any person, company, partnership, corporation or government unit aggrieved by a written administrative decision made by the Zoning Administrator, his/her designee or the Commission may appeal the decision to the Board of Appeals.
2. The Board of Appeals shall have the power to hear and decide appeals where it is alleged there is error in any decision, interpretation, or determination made by the Zoning Administrator or his/her designee in the administration of this Chapter.

(b) Procedure For Appeal.

1. Within 30 days of the date of a written decision, an aggrieved person may appeal a decision to the Board of Appeals pursuant to Section 17.09 of the General Code.
2. A written request for appeal of a decision shall be made on a form provided

by the Zoning Department and must be filed with the Zoning Department within 30 days of the date of the written decision.

(c) Stays.

1. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator or Commission shall certify to the Board of Adjustment after the notice of appeal has been filed that a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order, granted by either the Board of Appeals or a court of record.

(d) Decision.

1. The Board of Appeals may reverse or affirm the decision.

## **18.14 FEES**

(1) STANDARDS.

(a) Basic Fees.

1. Any person requesting a land division, shall pay fees to the Town of River Falls Clerk for the cost of administration, review, inspection, advertising, legal review and processing.
2. Any person requesting a variance to the standards of this Chapter shall pay a fee to the Town Clerk for the cost of the hearing, advertising and processing.
3. All fees shall be established in a fee schedule by the Town Board with approval of the Commission as deemed appropriate.

(b) Extraordinary Fees.

1. The subdivider shall pay a fee equal to the cost of any extraordinary engineering, legal, other professional review, administrative or fiscal work that is done in connection with the plat or certified survey map.
2. The Town may require the subdivider to reimburse the Town for the expense of a legal opinion from outside counsel confirming the enforceability of deed restrictions, covenants or conservation easements.
3. Legal work shall include the drafting or review of proposed developer's agreements, restrictive agreements on common open space, conservation easements, or other easements between the subdivider and the Town, the utility companies, lot owners or others.

4. These fees may also include the cost of obtaining professional assistance or opinions from experts including, but not limited to, attorneys, engineers, surveyors, foresters, hydrogeologists, landscape architects, land planners, or the Zoning Administrator.
- (a) Impact Fees. If the Commission or the Town Board adopts a resolution regarding impact fees, such fees shall be paid as a condition of subdivision approval as provided in the resolution.

## **18.15 LAND DIVISIONS OTHER THAN SUBDIVISIONS**

### **(1) PROCEDURE**

- (a) The divider shall file a certified survey map with the Plan Commission, which shall within 40 days approve, approve conditionally, or reject the map. The divider shall be notified in writing of any conditions of approval or the reasons for rejection.

### **(2) REQUIREMENTS**

- (a) To the extent reasonably practicable, the division shall comply with the provisions of this chapter relating to general requirements, design standards, and required improvements.
- (b) The survey shall be performed and the map prepared by a qualified surveyor or professional engineer.
- (c) All corners shall be monumented in accordance with Wis. Stat. §§236.15(1)(c) and (d).
- (d) The map shall be prepared in accordance with Wis. Stats. §§ 236.20(2)(a), (b), (c), (e), (f), (g), (h), (j), (k), and (l), on durable white paper 8.5 inches wide by 14 inches long. All lines shall be made with non-fading black ink on a scale of not more than 500 feet to an inch.

### **(3) CERTIFICATES AND AFFIDAVITS**

- (a) The map shall include the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with nonfading black ink, giving a clear and concise description of the land surveyed by bearing and distances, commencing with some corner marked and established in the U.S. Public Land Survey or some corner providing reference to a corner marked and established in the U.S. Public Land Survey. Such affidavit shall include the certificate of the surveyor to the effect that he has fully complied with the requirements of this section.
- (b) The certificate of approval of the Plan Commission shall be typed, lettered, or reproduced legibly with nonfading black ink on the face of the map.

- (4) MAP: The map shall be filed by the divider for record with Register of Deeds.

## **18.16 VIOLATIONS AND PENALTIES**

### **(1) AUTHORITY**

#### **(a) Standards**

1. Any person, partnership, corporation or other entity that fails to comply with the provisions of this Chapter shall, upon adjudication of violation, be subject to penalties and forfeitures as provided in Wis. Stats. §§ 236.30, 236.31, 236.32, 236.335, and 236.35. These sections provide penalties for:
  - a. Improperly recording or causing to be recorded a final plat that does not comply with submittal requirements of Wisconsin Statutes or County or Town regulations.
  - b. Offering for sale lots in a final plat that has not been recorded unless the offer or contract for sale includes language making the sale contingent upon approval of the final plat, and the sale void if the plat is not approved.
  - c. Disturbing survey monuments in violation of state law or County or Town regulations, or not placing survey monuments as prescribed by state law or County or Town regulations.
  - d. Subdividing lots that fail to conform to Wis. Stat. §236 or any applicable Department of Commerce administrative rules, or this Chapter.
  - e. Selling land which abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing that the road is not a public road and maintenance is not required to be performed by the town.
2. Any failure to take action on past violations shall not operate as a waiver of the right to take action on present violations.

#### **(b) Procedures**

1. The Zoning Administrator may institute any appropriate action or proceeding against violators of this Chapter as provided by law or this Chapter, including issuing or commencing a lawsuit seeking forfeitures and/or injunctive relief.
2. In general, the Zoning Administrator shall use the following, in the order listed, to address violations of this Chapter:

- a. Issue a notice of violation and order that specifies the corrective action to be taken.
  - b. Issue a citation for a violation.
  - c. Refer the matter to legal counsel for evaluation and commencement of a lawsuit when the violation merits such action.
3. The Zoning Administrator is not mandated to follow the order of possible action if, in the Zoning Administrator's discretion, a situation requires different action.
- (2) **VIOLATION AND PENALTIES.** Any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in 25.04.