

**BUFFALO COUNTY
SUBDIVISION ORDINANCE**

ADOPTED: FEBRUARY 9, 1971

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Subdivision Regulation Provisions

Section 1

Statutory Authority and Purpose

In order to achieve the purposes of Chapter 236, Wisconsin Statutes, Section 1.3 of this ordinance, and to provide safe and orderly shoreline subdivision layouts, the following regulations are adopted pursuant to Sections 59.971(3), 144.26(2), 144.26(8) and 236.45, Wisconsin Statutes.

Section 2

Definitions

For the purpose of these regulations the following terms are defined:

County Planning Agency- A county zoning committee authorized by 59.97, Wisconsin Statutes.

Subdivision- The division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half (1 ½) acres each or less in area or where the act of division creates five (5) or more parcels or building sites or one and one-half (1 ½) acres each or less in area by successive division within a five year period.

Replat- The changing of boundaries of a recorded subdivision plat or part thereof.

Section 3

General Provisions

3.1 Compliance

- (1) Any division of land which results in a subdivision as herein defined shall be in compliance with all the provisions of this ordinance and those sections of Chapter 236, Wisconsin Statutes relating to subdivisions defined under Section 236.02(8), including review procedures by state agencies having authority to object to plats.
- (2) When a replat of a recorded subdivision or part thereof is proposed, the subdivision shall be vacated or altered according to the provisions of Section 236.40 through 236.445, Wisconsin Statutes.

3.2 Exclusions

In no instance shall the provisions of this section relating to subdivisions apply to:

- (1) Transfers of interest in land by will or pursuant to court order.
- (2) Leases for a term not to exceed ten (10) years, mortgages or easements.
- (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby reduced below the minimum

sizes required by this ordinance or other applicable laws or ordinances.

Section 4

Land Suitability

No land shall be subdivided which is held unsuitable for the proposed use by the County Planning Agency for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, with severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The County Planning Agency in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing as provided in Chapter 235.45 (4), Wisconsin Statutes.

- (1) In cases where the County Planning Agency has held the site to be unsuitable because of flood hazard and the subdivider wishes to contest that decision the following procedure and standards shall apply:
 - (a) Procedure to be followed in passing on plat approvals where all or part of the proposed plat lies in any flood-prone area. Upon receiving an application for a plat approval the County Planning Agency shall, prior to rendering a decision thereon:
 1. Require the applicant to submit, at the time of the pre-preliminary meeting (Section 8) two copies of an aerial photograph, or a plan certified by a competent technician, which accurately locates the floodplain proposal with respect to the floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal; legal description of the property, fill limits and elevations; building flood elevation; and flood proofing measurements.
 2. Transmit one copy of the information described in subsection (a) to the Division of Environmental Protection with a request, where deemed necessary, to have that agency provide expert technical assistance in evaluating the effects of the proposed project upon flood heights, velocities, and floodplain storage areas and the determination of flood protection levels.
 3. Require the applicant to furnish such of the following additional information as is deemed necessary by the Board of Appeals for the evaluation of the effects of the proposal upon flood flows and floodplain storage and to render a decision on the proposed floodplain use.

- a. A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
 - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities and soil types and other pertinent information.
 - c. Profile showing the slope of the bottom of the channel or flow line of the stream.
 - d. Specifications for building construction and materials, filling, dredging, grading, channel improvements, storage of materials, water supply and sanitary facilities.
4. Affirm, modify or withdraw its determination of unsuitability basing its decision on the following standards.
- (b) Standards to be applied in passing upon plat approval where all or part of the proposed plat lies in a flood prone area:
1. In all cases the decisions of the County Board Planning Agency shall be consistent with the floodplain management standards of the Division of Environmental Protection
 2. Building sites must be filled to a height and area sufficient to provide protection from the regional flood as defined by and according to the standards of the Division of Environmental Protection.
 3. Development of sites, either individually in aggregate, shall not have an adverse effect on flood flows; adverse effects shall be determined according to the standards of the Division of Environmental Protection.
 4. Development of sites shall not have an adverse effect of the storage capacity of the flood plain. Adverse effects shall be determined according to the standards of the Division of Environmental Protection.
- (c) When the County Planning Agency determines that only part of a proposed plat may be safely developed it shall limit development to that part and shall require that the method of development be consistent with its determination.
- (d) When the subdivider does not intend to develop the plat himself, the County Planning Agency determines that limitations are required to insure safe development, it may require the subdivider to impose

appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and on the face of the final recorded plat. Where land is dedicated to the county in such subdivision, the dedication shall also include an enforceable interest in such deed restrictions.

Section 5 Dedication

- 5.1 All subdivision layouts shall be developed in proper relation to existing and proposed streets, the topography, surface water, vegetative cover, other natural features, and the most advantageous development of adjoining areas. The County Planning Agency may require that suitable sites not to exceed 10% of the total area of the subdivision be dedicated or reserved for future public use such as parks, playgrounds, public access and open spaces as needed for the subdivision, subject to acceptance thereof by the county, town and property committees (See E-2), Any part of a street, drainageway or other public way which is indicated on a comprehensive plan or plan component shall conform to the arrangement, width and location indicated, and shall be offered for dedication to the county or town.
- 5.2 Subdivisions abutting on a navigable lake or stream shall, according to the provisions of Section 236.16(3), Wisconsin Statutes, provide access at least 60 feet wide to the high water mark so that there will be public access, which is connected to existing public roads at least at one-half mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the State Conservation Division and the Director of Local and Regional Planning of the Department of Local Affairs and Development and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided. The County Planning Agency may require dedications of access points of greater width or at more frequent intervals at points designated by them.
- 5.3 The lands lying between the meander line, established in accordance with Section 236.20(2)(g), and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in Section 236.16(4), Wisconsin Statutes.

Section 6 Reservations

Reservation of land for public acquisition shall be for a period not to exceed three (3) years. Land so dedicated or reserved must be shown on the final plat.

Section 7
Improvements

Before the final approval of any plat the subdivider may install required street and utility improvements after approval by County Highway Commission and utility companies, or if such improvements are not installed at the time the final plat is submitted for approval, the subdivider shall, before recording the plat, enter into a contract with the County Highway Department and Utilities company to install the required improvements and shall file with said contract a surety bond meeting the approval of the District Attorney as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat or later if specified. One week prior to the time each improvement is to be installed and upon its completion, the subdivider must notify the County Planning Agency so that adequate inspections can be made.

7.1 Public Streets

- (1) The subdivider may be required to dedicate land for and improve public streets. Public streets shall be designed and located to take into account:
 - a. Existing and planned streets;
 - b. Topographic conditions including the bearing capacity and erosion potential of the soil;
 - c. Public convenience and safety including facilitating fire protection, snow plowing and pedestrian traffic;
 - d. The proposed uses of land to be served;
 - e. Anticipated traffic volumes; and;
 - f. Further resubdivision possibilities.
- (2) **Width**
Public Streets shall be of the right-of-way, roadway and surface width specified by the County Highway Commissioner and approved by the County Board. Town roads shall be at least three (3) rods right-of-way width, twenty (20) feet roadway width and sixteen (16) feet surface width except where Section 86.26, Wisconsin Statutes requires larger minimum standards.
- (3) **Construction Standards for Public Roads**
Construction shall be according to local road standards. Where there are no local road standards, the minimum standards of the Division of Highways shall apply. The subdivider shall grade the roadbeds in the roadway width to subgrade and fill with 12 inches of sand and 6 inches of gravel and shall surface all roadways to the width prescribed by these regulations.
- (4) **Sales of lands Abutting on Private Way**
No person shall sell any parcel of land five (5) acres or less in size, located outside the corporate limits of a municipality, if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the town or county.

7.2 Water Supply Facilities

Where there is an existing public water supply system on or near the subdivision, the local municipality furnishing such service and the County Planning Agency shall determine the feasibility of service and the requirements to be followed by the subdivider in connecting the system. Where there is no existing public water supply, individual water supply systems will be permitted in accordance with the minimum standards and regulations of the Division of Resource Development.

7.3 Survey Monuments

The subdivider shall install survey monuments in accordance with the requirements of Section 236.15, Wisconsin Statutes.

7.4 Storm Drainage Facilities, where needed, shall be designed to permit the unimpeded flow of natural watercourses, insure the drainage of all points along the line of streets, and provide positive drainage away from the on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreline erosion and siltation of surface waters and preventing excess run-off on adjacent property. The county planning agency may require that easements or drainage ways of widths sufficient to accommodate anticipated storm water runoff be provided.

7.5 Sanitary Sewerage

(1) General Provisions

- a. In areas that have a sanitary sewer system on or near the proposed subdivision, the local municipality furnishing such service and the procedures to be followed by the subdivider in joining the system.
- b. The County Planning Agency may prohibit the installation of sewage disposal facilities requiring soil absorption systems where such systems would impair water quality, and the agency may, with approval of the Division of Resource Development, allow alternative methods of waste treatment and disposal including, but not limited to package treatment plants, or incinerator or chemical toilets.
- c. Plans for private sewage disposal systems not utilizing soil absorption fields shall be approved in writing by the Division of Health and the county planning agency. The subdivider shall clearly indicate on the face of the plat and in any deed of conveyance that soil absorption fields are not to be used.
- d. In areas that are not to be served by sewer systems, on-site sewage disposal systems utilizing soil absorption fields will be permitted only where soil tests indicate the systems will function adequately. Disposal systems shall be constructed to meet the requirements of Chapter H 62, Wisconsin Administrative Code, the standards set out in Section 5.0 of this ordinance and other state and local requirements.

- (2) Lot area, width, and area free of limiting conditions based on percolation characteristics:
 - a. The shape of individual lots may render portions unusable for installing private sewage disposal systems or providing adequate separating distances between them and watercourse for waterwells. Therefore, any part of a lot less than thirty (30) feet wide shall not be used in computing the minimum lot area.
 - b. The subdivider shall carry out soil tests in the manner required by Chapter H 65, Wisconsin Administrative Code. Lots shall be of the following minimum areas, widths, and shall have the specified minimum areas free of limiting conditions to meet the requirements of Chapter H 65, Wisconsin Administrative Code. To avoid problems with soil absorption fields and to protect the health and safety, the Division of Health has adopted Chapters H 62 and H65, Wisconsin Administrative Code, which relate to private waste disposal and subdivisions not served by public sewers, respectively. In addition, the Division of Health has developed subdivision guidelines as provided in Sections 236.13 (2m) and 144.025 (2)(q), Wisconsin Statutes. Required lot width, area, and minimum area free of limiting conditions are determined by percolation tests.

A minimum lot area of 20,000 square feet is required by this ordinance for unsewered lots with private water supplies to provide room for the necessary separation distances to prevent the concentration of nutrients and pollutants in the ground water.
- (3) Fill
Percolation tests and soil borings in fill shall be conducted as required by Chapter H 65 Wisconsin Administrative Code
- (4) Option of detailed absorption tests:
If a subdivider chooses, he may carry out detailed soil absorption field tests on a proposed lot as provided in Chapter H 65 Wisconsin Administrative Code. The location of at least three required percolation tests over the site of the proposed absorption field shall be accurately recorded on the subdivision plat. An absorption field may be located on the site of the proposed field without further tests, unless further test are deemed necessary by the Zoning Administrator or county planning agency and if installation is within five (5) years of the initial tests.

Section 8

Procedures for Submitting a Plat

- 8.1 Prior to filing of an application for the approval of a preliminary plat, the subdivider shall consult with the County Planning Agency to present his proposed plat for review. As a part of this consultation the subdivider shall submit a sketch of sufficient scale and reasonable accuracy indicating the following information:
 - (1) The boundaries of the property being considered for sale;

- (2) Uses of land adjacent to the proposed subdivisions; proposed roads, easements, public access to navigable water, dedications, community facilities, and utilities
- (3) General lot layout showing proposed lot widths and depths;
- (4) General soil conditions, seasonally wet areas rock outcrops and, areas with slopes over 12 percent;
- (5) Proposed filling, grading, lagooning, dredging;
- (6) Delineation of any areas periodically flooded, shorelines and highwater lines; and
- (7) A description of all property owned or controlled by the subdivider contiguous to the proposed plat even though only a part of the area is proposed for immediate development. At this review or within twenty (20) days thereafter, the subdivider will be informed of any additions, changes or corrections to his proposed plat necessary to expedite the preliminary plat and final plat procedures.

8.2 Preliminary Plat

The subdivider shall submit sufficient copies of the preliminary plat to the county planning agency so that two (2) copies can be submitted by the Planning Agency to the agencies having authority to approve and review plats under the provisions of Sections 236.10 and 236.12 Wisconsin Statute. The preliminary plat based upon an exterior boundary survey by a registered land surveyor shall include:

- (1) Lot width and depths,
- (2) Existing and proposed streets, parks, and public access, community facilities, utilities and easements,
- (3) Land characteristics including seasonally wet areas, and slopes over 12 percent,
- (4) Proposed filling, grading, lagooning, dredging, and
- (5) Delineation of any areas periodically flooded, shorelines and highwater lines.

The proposed layout shall be shown on a map at a scale of one inch equals (100) feet and shall identify the improvements; grading, paving, installation of facilities including, if applicable, preplanned sites for waste disposal, facilities and dedications or reservations of land which the subdivider proposes to make and shall indicate when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be stated. The County Planning Agency shall approve, approve conditionally, or reject the preliminary plat within forty (40) days, as provided by Section 236.11, Wisconsin Statutes. Failure of the County Planning Agency to act within forty (40) days shall constitute an approval.

8.3 Final Plat

Sufficient copies shall be submitted to the County Planning Agency within six (6) months of preliminary plat approval unless this requirement is waived by the County Planning Agency. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those

agencies having the authority to object to the plat as provided in Section 236.12, Wisconsin Statutes. The final plat shall be accompanied by detailed construction plans of all improvements to be provided by the subdivider. Final plats shall be presented to the county planning agency at least ten (10) working days prior to the meeting at which they are to be considered and shall be accepted or rejected by the County Planning Agency and the County Board within sixty (60) days of their submission. Approved final plats shall be recorded in accordance with the requirements of Section 236.25, Wisconsin Statutes, before lots are sold.

8.4 Replat

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Section 236.40 through 236.44, Wisconsin Statutes. The subdivider, or person wishing to replat shall then proceed as specified in Section 17.82 and 17.83.

The County Clerk shall schedule a public hearing before the County Planning Agency when a preliminary plat of a replat of lands within the county is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed replat.

8.5 The County Planning Agency may permit modifications from the subdivision provisions of this ordinance, after holding a public hearing as provided in Chapter 235.45 (4), Wisconsin Statutes under the following conditions:

- (1) Because of the unique topographic or other conditions of the land involved, literal application of the provisions of this ordinance would impose undue hardship.
- (2) Conditions are attached to plat approval that assures compliance with the requirements of this ordinance insofar as practical.
- (3) There is compliance with the provisions of Chapter 236, Wisconsin Statutes and other relevant state laws.
- (4) The purpose and intent of this ordinance are observed.

8.6 Fees

The applicant, upon filling of his application, shall pay a fee to the Zoning Administrator in accordance with the following schedule.

Section 9

Enforcement and penalties

The penalties for violation of the regulations of this ordinance shall be as contained in Sections 236.31, .32 and .335, Wisconsin Statutes.