

CHAPTER 16

LAND DIVISION, CONDOMINIUM, AND SURVEYING REGULATIONS

Subchapter I – General Provisions

- 16.01 Title
- 16.02 Authority
- 16.03 Purpose
- 16.04 Definitions
- 16.05 Geographic Jurisdiction
- 16.06 Land Divisions Governed By This Chapter
- 16.07 Parcel Combinations and Reconfigurations
- 16.08 Classification of Land Divisions
- 16.09 Suitability Standards
- 16.10 Division by Plat of Land with High Agricultural Value
- 16.11 Limitations on Large Lot, Unsewered Developments in Areas With Potential For Sanitary Sewer Service
- 16.12 Compliance and Requirements
- 16.13 Abrogation and Greater Restrictions
- 16.14 Construction
- 16.15 Severability
- 16.16 Nonliability

Subchapter II – Certified Survey Maps

- 16.20 Pre-Application Consultation
- 16.21 Certified Survey Maps
- 16.22 Retracement Certified Survey Maps

Subchapter III - Plats

- 16.30 Pre-Application Consultation
- 16.31 Application and Review – County and State Plats
- 16.32 Preliminary Plats
- 16.33 Final Plats
- 16.34 Recording of Final Plat
- 16.35 Replats; Vacations or Alterations in Recorded Plats
- 16.36 Improvements

Subchapter IV – Surveying Regulations and Design Standards

- 16.40 Surveying Requirements and General Provisions
- 16.41 Design Standards - General
- 16.42 Surface Drainage and Erosion Control
- 16.43 Streets Public and Private Roads, and Access Easements
- 16.44 Access
- 16.45 Blocks
- 16.46 Lots and Outlots
- 16.47 Lands Near Water's Edge
- 16.48 Parks, Playgrounds, Schools and Open Space
- 16.49 Utility Placement
- 16.50 Dedications

Subchapter V – Condominium Developments
16.70 Condominium Developments

Subchapter VI – Administration
16.80 Planning, Resource, and Development Committee
16.81 Administration and Enforcement
16.82 Fees
16.83 Variances
16.84 Appeals
16.85 Enforcement
16.86 Amendment

SUBCHAPTER I – GENERAL PROVISIONS

- 1 **16.01 TITLE.** This chapter shall be known as the “Dunn County Land Division, Condominium,
2 and Surveying Regulations Ordinance” and is referred to as the “Ordinance” in this chapter.
- 3 **16.02 AUTHORITY.** This chapter is adopted under the authority granted by Wis. Stat. §§ 59.69,
4 59.692, 236.45, 281.31, and Chapter 703, Wis. Stats.
- 5 **16.03 PURPOSE.** The regulations in this chapter are adopted for the following purposes:
- 6 (1) To promote the wise use, conservation, protection, and property development of Dunn
7 County’s soil, water, wetland, woodland, and wildlife resources, and to achieve a balanced
8 relationship between land use and development and supporting and sustaining Dunn County’s
9 natural resource base;
- 10 (2) To establish reasonable design standards and land division procedures to facilitate the orderly
11 and well-planned layout, division, use, and development of land in Dunn County, and to prevent
12 overcrowding of land and undue congestion of population;
- 13 (3) To secure safety and resiliency from disastrous storms, fire, flood, pollution, disease and
14 other hazards and to help minimize expenditures for emergency response and disaster relief and
15 other mitigation actions;
- 16 (4) To ensure adequate and efficient transportation, water, sewerage, stormwater drainage,
17 schools, parks, playgrounds, recreation, and other facilities;
- 18 (5) To ensure that the design of the transportation system will not have a negative long-term
19 effect on neighborhood quality, traffic, and pedestrian movement and safety;
- 20 (6) To prevent and control erosion, sedimentation, and other pollution of air and water, ensure
21 the adequacy of drainage facilities, and safeguard subsurface water;
- 22 (7) To prevent destruction or impairment of environmentally sensitive areas;
- 23 (8) To conserve land with high agricultural value;
- 24 (9) To protect and provide for the public health, safety, and general welfare of Dunn County and
25 its municipalities;

26 (10) To guide the future growth and development of Dunn County in accordance with the
27 comprehensive plan;

28 (11) To ensure a system for review of proposed condominium instruments that is similar to the
29 review procedures for land divisions. Such review of condominiums is deemed appropriate
30 because they function in the same manner and have the same neighborhood and environmental
31 impacts as land divisions;

32 (12) To provide for proper ingress and egress.

33
34 **16.04 DEFINITIONS.** For purposes of this chapter, certain words and terms shall have the
35 following meanings:

36 Access Easement: An easement which allows for ingress and egress to a parcel of land.

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

39 Applicant: The owner of land proposed to be subdivided or the owner's representative who shall
40 have express written authority to act on behalf of the owner.

41 Archaeological Site: Any land or the bed of any stream or lake where there are objects or other
42 evidence of archaeological interest, aboriginal mounds and earthworks, ancient burial grounds,
43 prehistoric and historical ruins, Indian mounds, historic and prehistoric watercraft and associated
44 objects, aircraft and other archaeological and historical features.

45 Block: A platted tract of land bounded by streets or by a combination of streets and public parks,
46 or other recognized lines of demarcation.

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

49 Certified Survey Map: A map of a division of land into four (4) lots or less prepared in
50 accordance with Ch. 236, Wis. Stats., and the terms of this chapter may be referred to as a CSM.

51 Committee: The Dunn County Planning, Resource and Development Committee authorized by
52 Wis. Stat. §59.69.

53 Contiguous: Parcels of land sharing a common boundary. Parcels that meet at only a single point
54 are not considered contiguous.

55 Contiguous Tract: All of a contiguous area of land in which title is held under identical
56 ownership. Contiguous parcels under identical ownership are considered to be one (1) parcel for
57 the purpose of this definition, even though separate parcels may have separate tax identification
58 numbers or were acquired at different times or from different persons. Contiguous parcels shall
59 be treated as a single parcel or tract for the purposes of this ordinance unless they are bisected by
60 an existing public highway, railroad, or meandered body of water. An un-meandered or
61 intermittent stream, creek or drainage ditch does not bisect a contiguous tract. Each lot or outlot
62 within a recorded plat or certified survey map shall be considered as its own contiguous tract.

63 County: Dunn County, including any agency, department or committee thereof.

64 County Plat: The creation of five (5) or more lots from a contiguous tract, of which no more than
65 four (4) lots are one and one-half (1½) acres or less in area, either by a division or by successive
66 divisions within a five (5) year period.

67 County Surveyor: The County employee responsible for performing the duties prescribed in Wis.
68 Stat. § 59.45.

69 Cul-de-sac: A local road with only one vehicular outlet and having an appropriate terminal for
70 the safe and convenient reversal of traffic movement.

71 Days: Shall refer to calendar days.

72 Department: The Dunn County Environmental Services Department.

73 Division: See “Land Division.”

74 Dryland Access: A vehicular access route which is above the regional flood elevation and which
75 connects land located in the floodplain to land outside the floodplain, such as a road with its
76 surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

77 Easement: The portion of land set aside or over which, a liberty, privilege, or advantage in land
78 without profit, existing distinct from the ownership of land, is reserved for the public, utility, or
79 some particular person, corporation or part of the public for limited right of use.

80 Environmentally sensitive area: Areas identified as being environmentally sensitive include all of
81 the following:

82 (a) Wetlands.

83 (b) Land within seventy-five (75) feet of wetlands.

84 (c) All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), the
85 Wisconsin Department of Natural Resources, or any other public or private entity.

86 (d) All areas within seventy-five (75) feet of the ordinary high water mark of navigable streams
87 and lakes.

88 (e) All areas having slopes of 20% and greater.

89 (f) Perennial and intermittent streams.

90 (g) Archeological sites.

91 (h) Those areas identified on the Wisconsin DNR Surface Water Data Viewer as wetland
92 indicators and soils.

93 Extraterritorial plat approval jurisdiction: The unincorporated area within three (3) miles of the
94 corporate limits of a first, second or third class city or one and one half (1½) miles of a fourth
95 class city or village.

96 Final Plat: A subdivision prepared in compliance with the provisions of Chapter 236, Wis. Stats.,
97 and the terms of this chapter.

98 Floodplain: Land which has been or may be covered by flood water during the regional flood. It
99 includes the floodway and the flood fringe, and may include other designated floodplain areas
100 for regulatory purposes. Floodplains are regulated by Chapter 15, Dunn County Code of
101 Ordinances.

102 Frontage: The length of the front property line of the lot or tract of land abutting a public or
103 private street, road, highway, public right-of-way, or navigable water body.

104 High Water Elevation (H.W.E.): The H.W.E. shall be calculated, assuming developed
105 conditions, using the critical 100-year storm event for closed depressions and stormwater ponds.
106 A critical 100-year storm is either a 100-year back-to-back storm event or a 10-day snowmelt
107 event, whichever is more restrictive.

108 Improvement: The act of changing or enhancement that alters the present condition.

109 Land Division: The act of creating one (1) or more new separately described parcels.

110 Land with High Agricultural Value: Any of the following:

111 (a) Land with a class I or class II land capability classification as shown by the Natural
112 Resources Conservation Service of the U.S. Department of Agriculture in the Dunn County
113 Soil Surveys.

114 (b) Land, other than land described in par. (a), designated in the Dunn County Comprehensive
115 Land Use Plan as Farmland Preservation Plan Certified.

116 Lot: A parcel of land legally created by plat or certified survey map.

117 Lowest Building Opening (L.B.O.): The lowest window, door or other inlet elevation at which
118 water may enter a building.

119 Meander line: The traverse of the margin of a permanent natural body of water.

120 Meandered body of water: A permanent natural body of water where a meander line was
121 surveyed by the original Government Land Office and government lots were platted along its
122 boundary.

123 Minor Subdivision: Certified survey map.

124 Municipality: All units with local self-government.

125 Navigable Water: Waters deemed navigable under the navigable-in-fact principle of Chapter 30,
126 Wis. Stats.

127 Nonconforming Structure: As defined in section 13.7.0 of the Dunn County Code of Ordinances.

128 Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence
129 and action of surface water is so continuous as to leave a distinctive mark, such as by erosion,
130 destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other
131 easily recognized characteristics. Where the bank or shore at any particular place is of such
132 character that it is difficult or impossible to ascertain where the point of ordinary high-water
133 mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a
134 lake or flowage to determine whether a given stage of water is above or below the ordinary high-
135 water mark.

136 Outlot: A non-buildable parcel of land, other than a lot or block, intended for transfer of
137 ownership, which does not meet the requirements of a lot at the time of platting, is intended for
138 open space or other use and held in common ownership, or is transferred to a public agency or
139 utility. An outlot may be a non-buildable parcel having poor soils or topographic conditions, or a
140 remnant parcel. An outlot may not be used as a building site unless it is in compliance with
141 restrictions imposed under this ordinance with respect to building sites. Outlots shall not be used
142 to circumvent the intent of this ordinance.

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

145 Parcel: A piece of land held in one ownership.

146 Person: Person in this chapter shall include any natural person, corporate entity, or statutory
147 entity.

148 POWTS: Private Onsite Wastewater Treatment System.

149 Preliminary Plat: A map showing the features of a proposed subdivision submitted to the
150 Committee for purposes of preliminary consideration.

151 Private Road:

152 (a) An existing access easement that has been assigned a road name designation by the Dunn
153 County Land Information Office for the purpose of rural addressing.

154 (b) An existing outlot being used for the sole purpose of access that has been assigned a road
155 name designation by the Dunn County Land Information Office for the purpose of rural
156 addressing.

157 (c) A proposed access easement that will be assigned a road name designation for the purpose of
158 rural addressing based upon a determination by the Dunn County Land Information Office.

159 Plat: The preliminary or final map of a County or State Plat or Assessor's Plat.

160 Regional Flood: A flood determined to be representative of large floods known to have occurred
161 in Wisconsin. A regional flood is a flood with a one (1) percent chance of being equaled or
162 exceeded in any given year, and if depicted on the Flood Insurance Rate Map (FIRM), the
163 Regional Flood Elevation (RFE) is equivalent to the Base Flood Elevation (BFE).

164 Remnant: The remainder of a former contiguous tract which would be unaffected by the
165 proposed land division.

166 Replat: The process of changing, or the map or plat which changes, the boundaries of a recorded
167 plat, certified survey map or a part thereof.

168 Restrictive Covenant: Written stipulations regarding development which the owner(s) must abide
169 by and be governed by the owner(s) of interest unless otherwise so stipulated, that may not be
170 less restrictive than any local ordinance.

171 Retracement Certified Survey Map: A certified survey map that retraces, identifies and locates
172 the boundaries of an existing parcel(s) of land where no new additional parcels are created.

173 Right-Of-Way: A strip of land occupied or intended to be occupied by a road, railroad, utility
174 line, or for other special purposes, and normally requiring public dedication where public
175 maintenance is involved.

176 Road: A way for vehicular traffic that provides vehicular access to parcels, not including private
177 driveways within parcels.

178 Sewage Disposal System, Private a/k/a Private On-Site Waste Treatment System: An on-site
179 septic, aerobic, experimental, holding, or other system approved for use by the Department of
180 Safety and Professional Services.

181 State Plat: A map of a division of land prepared in accordance with Ch. 236, Wis. Stats. and the
182 terms of this chapter where:

183 (a) The act of division creates five (5) or more lots of one and one-half (1½) acres each or less in
184 area; or

185 (b) Five (5) or more lots of one and one-half (1½) acres each or less in area are created by
186 successive divisions within a period of five (5) years.

187 Stream: A channel appearing as dashed or solid blue lines on the USGS 7.5 minute quadrangle
188 map or that meets the following definition: A watercourse having a readily discernable source
189 and terminus, banks and beds, through which water flows at least periodically. It does not lose its

190 character as a watercourse even though it may break up and disappear temporarily and reappear
191 downstream.

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

195 Structure: Anything constructed or erected, the use of which requires a location in or on the
196 premises, or any other attachment to something having a permanent location on the ground
197 which includes, but is not limited to, objects such as dwellings, retaining walls, towers, signs,
198 factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks,
199 satellite dishes or swimming pools. Also included are items of personal property that may have
200 been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for
201 storage or intermittent human habitation. Such incidental structures may include, but are not
202 limited to, truck boxes or semi-trailers, truck campers, travel trailers, buses or motor homes.

203 Subdivider: Any person, corporation or authorized agent who undertakes the subdivision of land
204 as defined in this section.

205 Subdivision: A land division which is affected under this chapter by a certified survey map or
206 plat.

207 Surveyor: A person who surveys land and is duly licensed in the State of Wisconsin.

208 Tract: A contiguous area of land.

209 Utility Easement: An easement to place, replace, maintain, or move utility facilities, such as
210 telephone, water, sewer, gas, and cable television.

211 Variance: A departure from the terms of this chapter as applied to a specific building, structure,
212 or parcel of land, which the Committee may permit, pursuant to this chapter.

213 Wetlands: Those areas where water is at, near, or above the land surface long enough to be
214 capable of supporting aquatic or hydrophilic vegetation and which have soils indicative of wet
215 conditions including areas either identified as a wetland by a certified wetland delineator, or
216 designated on the DNR Surface Water Data Viewer as mapped wetlands.

217 **16.05 GEOGRAPHIC JURISDICTION.** The provisions of this chapter shall apply to all land
218 and water within the geographical boundaries of Dunn County, Wisconsin, except within any
219 incorporated city or village. Where a duly adopted town ordinance regulating the division of land
220 is more restrictive than this chapter, the town shall be responsible for enforcement of all more
221 restrictive ordinance requirements.

222 **16.06 LAND DIVISIONS GOVERNED BY THIS CHAPTER.**

223 (1) The provisions of this chapter shall apply to:

224 (a) All divisions and conveyances of land, including land contracts, and combination or
225 reconfiguration of lots or outlots.

226 (b) Any remnant portion of a contiguous tract.

227 (c) All certified survey maps, non-restrictive to size, including retracement certified survey maps
228 and certified survey maps created for mortgage purposes.

229 (2) The following are exempt from the requirements of this chapter:

230 (a) Divisions of less than 5 parcels by transfers of interests in land by will or pursuant to court
231 order.

- 232 (b) Divisions of less than 5 parcels by leases for a term not to exceed ten (10) years, mortgages,
233 or easements.
- 234 (c) Divisions of less than 5 parcels by the sale or exchange of parcels of land between owners of
235 adjoining property if additional lots are not thereby created and the lots resulting are not
236 reduced below the minimum sizes required by this chapter or other applicable laws or
237 ordinances. For the purpose of this subsection, any fractional part of a lot or outlot intended
238 to be conveyed to an adjoining landowner, or any parcel of land that is not part of a lot or
239 outlot intended to be conveyed to an owner of an existing lot or outlot shall be considered to
240 be an additional lot.
- 241 (d) Assessor's Plats made under Wis. Stat. § 70.27, provided, however, that such plats shall meet
242 all requirements specified in Wis. Stat. §§ 70.27 and 236.03(2).
- 243 (e) Creation or transfer of parcels of twenty (20) acres or greater in size, or that can be described
244 as an equal rectangular half (1/2) of an entire government protracted quarter-quarter section
245 or government lot as defined by the original public land survey system that does not front on
246 a meandered body of water, none of which may be bisected by a public highway.
- 247 (f) Cemetery plats made under Wis. Stat. §157.07.
- 248 (g) Divisions of land relating to the acquisition or exchange of land by public agencies, for
249 public use and occupancy, including but not limited to, land divisions made for road
250 construction purposes.

251

252 **16.07 PARCEL COMBINATIONS AND RECONFIGURATIONS.**

253 (1) The combination or reconfiguration of two or more adjoining lots or outlots of a certified
254 survey map or plat shall require the preparation of a new certified survey map in compliance
255 with all provisions of this chapter, except as provided in section 16.07(3), and shall be subject to
256 review by the Department.

257 (2) Existing parcels may be reconfigured in accordance with Wis. Stat. § 236.34. A certified
258 survey map may be used to reconfigure no more than four (4) lots or outlots within a recorded
259 plat, or CSM, provided that the reconfiguration:

- 260 (a) Does not result in a subdivision as defined by Wis. Stat. § 236.02(12)(am); and
261 (b) Creates parcels that comply with applicable county and other local ordinances, minimum
262 layout requirements in Chapter 236, Wis. Stats., and, if served with private sewerage
263 facilities, Wis. Admin. Code SPS 383 & 385; and
264 (c) Does not change areas previously dedicated to the public; and
265 (d) Does not change a restriction or easement placed on the platted land.

266 (3) Reconfigurations that include existing non-conforming lots shall not be permitted if any
267 additional non-conformity is created thereby.

268 (4) Parcels being combined shall be contiguous, within the same municipality, and under
269 identical ownership.

270 **16.08 CLASSIFICATION OF LAND DIVISIONS.** Land divisions are classified under this
271 chapter as either:

272 (1) Minor Subdivision.

273 (a) Creation of a lot smaller than 20 acres from a contiguous tract shall require a certified survey
274 map. A maximum of 4 lots smaller than twenty (20) acres may be created from each quarter-

275 quarter or government lot within a contiguous tract within a 5-year period. Additional lots must
276 be created by county plat or state plat.

277 (b) Any lot created that is located in multiple quarter-quarters or government lots shall be
278 counted against the quarter-quarter or government lot in which the greater area of the created lot
279 lies.

280 (c) Certified survey maps shall be prepared and submitted for review, approval, dedication, and
281 recording as required by this chapter and Ch. 236, Wis. Stats., as applicable.

282 (2) County Plat.

283 (a) County plats, while resembling state plats, are not subject to state administration review, but
284 are subject to the surveying requirements of chapter 236, Wis. Stats., and shall be prepared and
285 submitted for review, approval, dedication, and recording as required by this chapter.

286 (b) Creation of 5 or more lots of less than 1½ acres by a division or successive divisions within a
287 period of 5 years within the contiguous tract meets the definition of state subdivision and is
288 subject to state administrative review and the requirements for state plats under this chapter.

289 (3) State Plat. Land divisions meeting the definition of state subdivisions are subject to
290 mandatory state review under Ch. 236, Wis. Stat., as well as county review under this chapter.

291 **16.09 SUITABILITY STANDARDS.**

292 (1) Pursuant to Wis. Stat. § 236.45, the county is authorized and may prohibit the division of
293 lands where such prohibition will serve to carry out the purposes set forth in this chapter. The
294 county may also regulate the manner of land division in areas where divisions are permitted.

295 (2) The suitability standards of this section are in addition to standards set forth in other land
296 regulatory ordinances applicable to the county.

297 (3) These suitability standards shall be applied to all proposed land divisions under the authority
298 stated herein.

299 (4) No land shall be divided which is held unsuitable for its proposed use for the reasons of
300 flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential,
301 unfavorable topography, inadequate or contaminated water supply or sewage disposal
302 capabilities, groundwater contamination susceptibility, or any other feature or circumstance
303 likely to result in the imposition of unreasonable costs to remedy severe and avoidable problems
304 or to be harmful to the health, safety, or general welfare of the future residents of the land
305 division or of the community.

306 (5) Lands deemed unsuitable may, with the approval of the Committee, be divided and
307 designated as an outlot. It must be noted on the face of the certified survey map or plat that the
308 outlot is unsuitable for habitable structures, sanitary facilities or other development uses.

309 **16.10 DIVISION BY PLAT OF LAND WITH HIGH AGRICULTURAL VALUE.**

310 (1) It is declared to be the policy of Dunn County to make a conscious effort to preserve the
311 agricultural use of land which, because of soil characteristics, aggregate acreage, proximity to
312 other farms or other pertinent characteristics, has high value for continued farm uses to meet the
313 food and fiber needs of the county, region, state and nation. In the interest of furthering the
314 orderly use of land, preserving the character of these portions of the county, and encouraging the
315 use of land most appropriate to the essential nature of the land itself, land divisions by plat shall
316 be discouraged from intruding on areas of high agricultural value.

317 **16.11 LIMITATIONS ON LARGE LOT, UNSEWERED DEVELOPMENTS IN AREAS**
318 **WHICH HAVE POTENTIAL FOR SANITARY SEWER SERVICE.** It is declared to be the
319 policy of Dunn County to encourage sanitary sewer service for subdivided developments. In the
320 interest of promoting the orderly use and development of lands and facilitating adequate
321 provisions for sewage services, the following standards shall apply to all land divisions:

322 (1) Developments that can be connected to sanitary sewage collection and treatment facilities at
323 the time of development shall have all laterals and services to the property line installed in the
324 course of development and shall be connected to the available treatment system prior to
325 occupancy.

326 (2) Developments in areas wherein sanitary sewage treatment service can reasonably be expected
327 to be available within 5 years of the date of recording of the plat shall have a sewage collection
328 system including services to the property lines installed prior to completion and occupancy. Such
329 collection systems within the boundaries of the tract shall be capped pending availability of a
330 connection to the expected treatment system. The Committee shall make diligent inquiry into all
331 municipal, state, and federal policies which bear upon the likelihood that service will, in fact, be
332 provided on schedule. If payments from the subdivider and/or owner are a precondition to
333 provision of a sewage service, the requirement that appropriate funds be placed in escrow may be
334 imposed.

335 **16.12 COMPLIANCE AND REQUIREMENTS.**

336 (1) Land divisions subject to this chapter shall comply with the following applicable rules and
337 regulations:

338 (a) Chapters 59, 70, 87, 92, 15, 236, and 281, Wisconsin Statutes.

339 (b) For state approved subdivision plats, the rules of the Wisconsin Department of
340 Administration (DOA) regarding that agency's administration of Chapter 236, Wisconsin
341 Statutes.

342 (c) State law regulating sanitation and sewerage.

343 (d) Rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.

344 (e) Rules of the Wisconsin Department of Transportation and the Dunn County Highway
345 Department relating to safety of access and preservation of the public interest and investment
346 in the highway system if the land owned or controlled by the subdivider abuts a County or
347 State trunk highway or connecting highway or street.

348 (f) Statutory requirements regulating development within floodplain, wetland and shoreland
349 areas, and Standard Best Management Practices, including Chapter 30, Wis. Stats., and Wis.
350 Admin. Code Chapters NR 102, 103, 115, 116, 118, and 151.

351 (g) Applicable county and local regulations, including zoning, erosion and stormwater
352 management, and sanitary ordinances.

353 (h) Comprehensive plans or plan components adopted by the county or local municipalities.

354 (i) All other applicable ordinances and state and federal regulations.

355 (2) No land division shall be approved if any part of the contiguous tract has delinquent taxes or
356 outstanding special assessments.

357 (3) An offer or contract to convey a lot in a proposed land division shall state on its face that it is
358 contingent on final approval and shall be void if the land division is not approved and recorded.

359 **16.13 ABROGATION AND GREATER RESTRICTIONS.**

360 (1) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any
361 existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or
362 permits previously adopted or issued pursuant to law. However, wherever this chapter imposes
363 greater restrictions, or conflicts with any other ordinance, statute or administrative rule, the more
364 restrictive provision shall govern.

365 (2) Notwithstanding subsection (1), to the extent that this chapter contains time limits, deadlines,
366 notice requirements or other provisions that provide protections for an applicant contained in
367 Chapter 236, Wis. Stats., the provisions contained in Chapter 236 shall apply.

368 **16.14 CONSTRUCTION.** In the interpretation and application of the provisions of this chapter,
369 requirements shall be held to be the minimum requirements and shall be liberally construed in
370 favor of Dunn County, and shall not be deemed a limitation or repeal of any other power granted
371 by the Wisconsin statutes. References to Wisconsin statutes and administrative code sections
372 shall include all subsequent amendments and successor sections.

373 **16.15 SEVERABILITY.** If any section, clause, provision, or portion of this chapter is adjudged
374 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter
375 shall not be affected thereby.

376 **16.16 NONLIABILITY.**

377 (1) In carrying out any of the provisions of this chapter or in exercising any power or authority
378 granted to them thereby, there shall be no personal liability upon the Department, its agents and
379 employees. In such matters, it is understood that the Department, its agents or employees act as
380 agents and representatives of the County.

381 (2) The County does not guarantee, warrant, or represent that only those areas designated as
382 floodplains will be subject to periodic inundation and that those soils listed as being unsuited for
383 specific uses are the only unsuited soils within the County and thereby asserts that there is no
384 liability on the part of the County, its agencies, or employees for sanitation and water supply
385 problems or structural damages that may occur as a result of reliance upon, and conformance
386 with this chapter.
387

SUBCHAPTER II – CERTIFIED SURVEY MAPS

388 **16.20 PRE-APPLICATION CONSULTATION.**

389 (1) Prior to submitting an application for County approval of a certified survey map, it is
390 recommended that the applicant or agent schedule a pre-application consultation to meet with the
391 Department to discuss the location and nature of the proposed project.

392 (2) Based upon information provided in the pre-application consultation, the Department shall
393 explain to the applicant:

394 (a) Whether the proposal will require County and/or State reviews.

395 (b) Which standards of this chapter, other applicable county ordinances, and Ch. 236, Wis. Stats.
396 will apply to the land division.

397 (c) The procedure to follow to submit a land division for review.

398 **16.21 CERTIFIED SURVEY MAPS.**

399 (1) All certified survey maps shall be prepared by a professional land surveyor licensed in the
400 State of Wisconsin.

401 (2) The subdivider or their designated agent, shall submit a minor subdivision application form
402 provided by the Department, one (1) copy of the certified survey map, the required review fee
403 and, if applicable, a maintenance and repair agreement as required by section 16.43(3)(h) to the
404 Department. Upon receipt of all items required in the submission, the Department shall transmit
405 one (1) copy of the application and the certified survey map to each of the following authorities:

- 406 (a) Clerk of the town in which the land division is located.
407 (b) Clerk of an adjoining city or village if the land division lies within their extraterritorial plat
408 approval jurisdiction.
409 (c) Where applicable, the Dunn County Highway Department or the Wisconsin Department of
410 Transportation.

411 (3) Certified survey maps required by this chapter shall be reviewed and approved prior to
412 recording. The Department shall review and approve, conditionally approve, or reject certified
413 survey maps within ninety (90) days. The ninety (90) day time period shall commence with the
414 submittal of a complete application, the review fee, and certified survey map. The Department's
415 decision shall be stated in writing and based upon the standards of this section, Wisconsin
416 statutes and administrative code, and all applicable portions of this chapter.

417 (4) The certified survey map shall show correctly on the face of the map the following
418 information in addition to that required by Wis. Stat. § 236.34 and Wis. Admin. Code Chapter A-
419 E 7:

- 420 (a) Date of preparation.
421 (b) Name and address of the owner of the parcel to be divided or their agent, and surveyor.
422 (c) Location and identity of all existing structures. If there are no existing structures on a
423 proposed lot or outlot, this must be stated.
424 (d) Location of existing driveways, wells, POWTS tank cover and vents and the approximate
425 outline of the base of any mound system or above grade drain field.
426 (e) Location of any existing wetlands.
427 (f) Location of existing ponds, perennial and intermittent streams, lakes, rivers and flowages,
428 including a 75' offset line from the ordinary high water mark of all navigable streams and
429 lakes.
430 (g) Area of each lot and outlot shown in square feet and acres including and excluding any road
431 rights-of-way. Acreage shall be calculated and shown to a minimum of 1/100th of an acre.
432 (h) Discrepancies between surveyed and occupied lines.
433 (i) Public areas to be dedicated, identified as "dedicated to the public".
434 (j) Regional floodplain boundaries and the contour line which is two (2) feet above the regional
435 floodplain boundary line as defined in Wisconsin Administrative Code Chapter NR 116.
436 (k) The following note shall be placed on the map whenever a land division is located within one
437 thousand (1000) feet of a navigable lake, pond or flowage and/or within three hundred (300)
438 feet of a navigable river or stream: "Due to the proximity of (insert name of water body) this
439 parcel may be subject to shoreland zoning setbacks and buffers. Prior to any construction or
440 improvements on this property, the Dunn County Environmental Services Department shall
441 be contacted regarding permitting requirements."
442 (l) Apparent easements or private rights-of-way which adjoin or cross the property.

- 443 (m) Proposed and existing road(s) showing road name and right angle width.
444 (n) A clear and concise legal description that exactly matches the bearings and distances shown
445 on the map. The error of closure for the legal description may not exceed 1 in 3,000.
446 (o) A statement by the surveyor certifying that the provisions of this chapter and any other local
447 ordinances have been fully complied with.
448 (p) The meander line, ordinary high water mark and water's edge labeled where applicable.
449 (q) An approval/signature block for the county surveyor's office and, when applicable, the
450 county zoning office, in the following forms:

Approved by the Dunn County Surveyor's Office

This _____ day of _____, 20__.

Dunn County Surveyor

Approved by the Dunn County Planning/Zoning Office

This _____ day of _____, 20__.

Dunn County Planning/Zoning Official

- 451
452 (r) A 3" x 3" blank square in the upper right hand corner provided on sheet one for recording
453 information by the Register of Deeds.
454 (s) Datum reference for any elevations.
455 (t) If any easement is created or granted on a certified survey map, a mortgagee certificate must
456 be included on the certified survey map if the parcel being divided currently has an open
457 mortgage.
458 (u) The following note shall be placed on the map whenever any part of a proposed lot or an
459 outlot contains wetlands or areas identified on the Wisconsin DNR Surface Water Data
460 Viewer as wetland indicators and soils: "The parcels shown on this map contain soils which
461 may be seasonally or permanently saturated. These soils may be unsuitable for standard
462 septic systems or other types of on-site wastewater treatment systems and may impose
463 limitations for different types of development or uses, including but not limited to a high
464 water table, ponding, poor drainage, and shrink-swell potential."
465 (5) Any certified survey map containing lands that is part of two or more contiguous tracts, the
466 title of which is held by different owners, shall contain a duly notarized owner's certificate
467 executed by all owners of each contiguous tract. The certificate shall state that the owners
468 consent to the surveying, dividing, and mapping of the property as shown on the map.
469 (6) The Department may send any certified survey map to State agencies for advisory review and
470 comments upon a determination that such a referral could yield information that might be useful
471 in the review process.
472 (7) Where the Department finds that the County requires additional information relative to a
473 particular problem presented by the proposed development in relation to County standards, the
474 Department shall have the authority to request such information in writing from the subdivider.
475 Such additional information may include, but not be limited to the following:
476 (a) Existing and proposed zoning on the property adjacent to the proposed land division.

- 477 (b) Identification of surface drainage patterns, showing direction of flow, grading plan with
478 proposed contours shown at two (2) foot intervals and indicating the manner and extent to
479 which the drainage patterns will be altered by the subdivision and its development.
480 (c) Contours within the proposed lots and outlots extended to the centerline of adjacent public
481 streets at vertical intervals of not more than two (2) feet or as designated by the Department.
482 (d) Location and dimensions of all sites to be reserved or dedicated for public use, such as parks,
483 playgrounds, and drainage ways.
484 (e) Any proposed lake or stream access, improvement, or relocation.
485 (f) Identification or the proposed use of all lands within the proposed land division.
486 (g) Identification of sources of water supply and sewage services.
487 (h) Location and names of any adjacent subdivision, parks, cemeteries; identification of the
488 owners of record of abutting, unplatted lands; sketch plan for future use and development of
489 all adjoining lands owned by the subdivider.
490 (i) All lands reserved for future public acquisition.
491 (j) An erosion control plan.
492 (k) Report on soil borings and percolation tests, as required by Wisconsin Administrative Code
493 for all lots not served by public sewer. Locations of borings shall also be shown on the face
494 of the map.

495 (8) Certified survey maps shall be recorded pursuant to the requirements of Wis. Stat. §
496 236.34(2). Prior to recording, the subdivider or their representative shall obtain the signatures on
497 the accompanying certificates as required by Wis. Stat. § 236.34.

498 (9) The Department shall refer a certified survey map to the Highway Committee for review and
499 action if road dedications to the county are present.

500 (10) All applications for certified survey maps for which the review process has been suspended
501 without an approval or disapproval shall expire twelve (12) months from the date of submission.
502

503 **16.22 RETRACEMENT CERTIFIED SURVEY MAPS.**

504 (1) Where it is desired to show the boundaries of an existing contiguous tract and establish a
505 convenient legal description for record of title or conveyance, and no additional parcels are
506 created, the subdivider shall do so by use of a retracement certified survey map which complies
507 with the requirements of Wis. Stat. § 236.34 and all applicable sections of this chapter. A
508 retracement certified survey map shall not be used to correct a land division violation.

509 (2) Retracement certified survey maps are subject to all requirements specified in subsections
510 16.21(1), (2), (3), (4), (8), (9), and (10) of this chapter.

511 (3) The following statement shall be shown on the face of all retracement certified survey maps:

512 "This Certified Survey Map is not a division of property but solely a retracement
513 and depiction of the land boundaries recorded in (Volume _____ Page _____ or
514 Document Number _____), of Dunn County Records."

SUBCHAPTER III – PLATS

515 **16.30 PRE-APPLICATION CONSULTATION.**

516 (1) Prior to submitting an application for County approval of a County or State Plat, it is
517 recommended that the applicant or agent schedule to meet with Department prior to the

518 preparation of the preliminary plat to prevent the expenditure of time and money on a project that
519 will be denied or extensively modified because of zoning regulations, site limitations such as
520 floodplains, wetlands, soil suitability or drainage, or proposed division of land with high
521 agricultural value. At this meeting, the applicant will inform the Department of the location and
522 nature of the proposed project. Based upon this information, the Department shall explain to the
523 applicant:

- 524 (a) Whether the proposal will require County and/or State reviews.
- 525 (b) Which standards of this chapter and Ch. 236, Wis. Stats. will apply to the land division.
- 526 (c) The procedure to follow to submit a land division for review.
- 527 (d) It is also recommended the subdivider meet with the appropriate Town Board.

528 (2) In order to facilitate the pre-application consultation, the subdivider is asked to submit a
529 concept map drawn to a reasonable scale which clearly represents the proposed land division and
530 contains the following information:

- 531 (a) Site location showing adjacent roads and adjoining development types.
- 532 (b) Proposed land division boundaries and any publicly owned land in the vicinity.
- 533 (c) Approximate topographic and physical features such as steep slopes, bodies of water,
534 wetland areas, rock outcrops, existing vegetative cover and areas subject to periodic floods.
535 The use of a topographic map as a base is recommended.
- 536 (d) Proposed roads and general lot layout.
- 537 (e) Location of any existing and proposed easements.
- 538 (f) Approximate location of existing or proposed structures, including types of construction.
- 539 (g) Proposed surface water drainage and areas to be filled or graded.
- 540 (h) Description of any contiguous property owned or controlled by the subdivider.

541

542 **16.31 APPLICATION AND REVIEW – COUNTY AND STATE PLATS.**

543 (1) Where it is desired to create a County or State Subdivision, the subdivider shall do so by use
544 of a County or State Plat that conforms to the requirements of Chapter 236, Wis. Stats., and all
545 applicable sections of this chapter. The plat shall be prepared by a professional land surveyor
546 licensed in the State of Wisconsin. The subdivider or their designated agent, shall submit a
547 county or state subdivision application form provided by the Department, ten (10) copies of the
548 preliminary plat, two (2) copies of each preliminary soil evaluation report as required by section
549 16.46(8) of this chapter, the required review fee, and, if applicable, a maintenance and repair
550 agreement as required by section 16.43(3)(h) of this chapter, to the Department. Upon receipt of
551 all items required in the submission, the Department shall transmit one (1) copy of the
552 application and preliminary plat to each of the following authorities:

- 553 (a) One (1) copy each to the Dunn County Surveying, Zoning and Land Conservation Offices.
- 554 (b) Dunn County Highway Commissioner.
- 555 (c) Dunn County Land Information Office.
- 556 (d) Clerk of the town in which the land division is located.
- 557 (e) Clerk of an adjoining City or Village if the land division lies within their extraterritorial plat
558 approval jurisdiction.
- 559 (f) Wisconsin Department of Natural Resources.
- 560 (g) Wisconsin Department of Transportation, if applicable.

561 (2) The subdivider or their designated agent shall provide a copy of the preliminary plat to each
562 affected public or private utility.

- 563 (3) The Committee, within ninety (90) days of the date of filing of a preliminary plat with the
564 Department shall approve, conditionally approve or reject such plat, unless the time is extended
565 by mutual agreement with the subdivider. The ninety (90) day period shall commence with the
566 submission of a complete application, the review fee, and required copies of the preliminary plat.
567 One (1) copy of the preliminary plat shall thereupon be returned to the subdivider with the date
568 and the action recorded thereon; and if approved conditionally or rejected, a letter setting forth
569 the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy
570 each of the plat and letter shall be placed in the Department's permanent file. Failure of the
571 Committee to act within ninety (90) days of the date of filing or within the time as extended by
572 agreement with the subdivider shall constitute an approval.
- 573 (4) The Committee shall not approve any preliminary plat that is the subject of an unsatisfied
574 objection from an objecting agency.
- 575 (5) The Department shall not place the preliminary plat on the Committee agenda for review
576 unless there has been a complete submittal, including Town Board input, at least fifteen (15)
577 days prior to the required Committee meeting date.
- 578 (6) Upon approval of the preliminary plat, the subdivider shall submit ten (10) copies of the final
579 plat on 22" x 30" paper to the Department for review and approval. The final plat shall be based
580 upon a survey by a professional land surveyor licensed in the State of Wisconsin. Upon receipt
581 of a final County or State Plat, the Department shall transmit one (1) copy of the plat to each of
582 the authorities listed in section 16.31(1)(a-g).
- 583 (7) The Committee, within sixty (60) days of the date of filing of a final plat with the
584 Department, shall approve, approve conditionally or reject such plat, unless the time is extended
585 by mutual agreement with the subdivider. If approved, the certifications on the plat shall be
586 completed. If approved conditionally, the certifications shall not be completed until the
587 conditions are met. If rejected, a letter setting forth the reasons for rejection shall accompany the
588 plat. Failure of the Committee to act within sixty (60) days of the date of filing or within the time
589 as extended by agreement with the subdivider shall constitute an approval. The sixty (60) day
590 period shall commence with the completed submission of the final plat to the Department.
- 591 (8) The Committee shall not approve any final plat which is the subject of an unsatisfied
592 objection from any objecting agency.
- 593 (9) The Department shall not place the final plat on the Committee agenda for review unless
594 there has been a complete submittal at least ten (10) business days prior to the required
595 Committee meeting date.
- 596 (10) Relationship between Preliminary and Final Plat:
- 597 (a) Approval of a preliminary plat shall be deemed an expression of approval or conditional
598 approval of the layout submitted and a guide to the preparation of the final plat which will be
599 subject to further consideration by the Committee at the time of its submission.
- 600 (b) If the final plat conforms substantially to the preliminary plat as approved, including any
601 conditions of the preliminary approval, and meets the requirements of applicable ordinances,
602 it is entitled to approval.
- 603 (c) If the final plat is not submitted within thirty-six (36) months of the last required approval of
604 the preliminary plat, the Committee may refuse to approve the final plat.
- 605 (11) Partial platting. A final plat may constitute only that portion of the approved preliminary
606 plat which the subdivider proposes to record at that time. Any additional final plat(s) of the

607 remaining portion of the approved preliminary plat must be approved within 36 months after the
608 last required preliminary plat approval, unless extended by the Committee.

609 (12) Restrictive covenants. All restrictive covenants which apply or which the subdivider intends
610 to apply to the land within the subdivision shall be provided in a separate document and
611 accompany the preliminary plat at the time of submittal. The Committee may add further
612 restrictive covenants as provided in Wis. Stat. § 236.293.

613 (13) A final plat rejected by the Committee must be re-submitted for review pursuant to section
614 16.31, including all fees and required copies. Re-submittal of a rejected plat shall commence a
615 new time frame for review purposes.

616 (14) The Department may send any County Plat to State agencies for advisory review and
617 comments upon a determination that such a referral could yield information that might be useful
618 in the review process.

619
620 **16.32 PRELIMINARY PLATS.** In addition to the requirements of Chapter 236, Wis. Stats., all
621 preliminary county or state plats submitted for review shall state correctly on their face the
622 following information:

623 (1) A subtitle of “County Plat” shall be required for all preliminary county plats.

624 (2) The proposed plat name. The plat name shall not duplicate the name of any plat previously
625 recorded in Dunn County.

626 (3) Name and address of the legal owner or agent of the property, developer and surveyor.

627 (4) Location sketch, graphic scale, north arrow and vertical datum reference for any elevations.

628 (5) A map drawn at a convenient scale of not more than 100 feet to the inch showing the
629 boundaries of the property being considered for division.

630 (6) A legal description of the proposed land division tied by lengths and bearings to a
631 monumented boundary line of a quarter section in which the subdivision lies. A description of
632 the monuments at the ends of the line and the bearing and distance between those monuments
633 shall be shown.

634 (7) Bearings and distances along the exterior boundaries of the plat and the total acreage and
635 square footage encompassed thereby.

636 (8) Approximate dimensions and square footage of all lots together with proposed lot and block
637 numbers.

638 (9) Proposed and existing roads showing name and right angle width.

639 (10) Approximate radii and arc length of all curves.

640 (11) Contours within the plat and extended to the centerline of adjacent public streets at intervals
641 of not more than two (2) feet or as designated by the Department.

642 (12) Location and identity of all environmentally sensitive areas including applicable 75-foot
643 offset lines and the vertical contour line which is two (2) feet above the regional floodplain
644 boundary line as defined in Wisconsin Administrative Code NR 116 where applicable. For
645 wetland and shoreland boundaries, sources of data shall be identified. If any portion of the
646 subject property contains lands that are identified on the Wisconsin DNR Surface Water Data
647 Viewer as either mapped wetlands or wetland indicators and soils, the applicant shall have a
648 wetland delineation performed by a certified wetland delineator unless said type of delineation

649 has previously been performed. Acceptance of a previous delineation shall be at the discretion of
650 Department staff.

651 (13) Locations of existing structures, water bodies and courses, drainage ditches, fences, soil
652 borings required by section 16.46(8), and other pertinent features.

653 (14) Location, size and invert elevation of any existing sanitary or storm sewers, culvert and
654 drain pipes, manholes, catch basins, hydrants, electrical and communication facilities, whether
655 overhead or underground and the location and size of any existing water or gas mains within the
656 exterior boundaries of the plat or immediately adjacent thereto.

657 (15) Locations and names of adjoining parks, cemeteries, subdivisions, ponds, streams, lakes,
658 rivers and flowages.

659 (16) Any land reserved for public purposes, including parks, playgrounds, and open spaces.
660 Areas to be dedicated to the public shall be identified as “dedicated to the public.”

661 (17) The area contiguous to the proposed plat owned or controlled by the subdivider shall be
662 indicated on the preliminary plat even though only a portion of the plat is proposed for
663 subdivision development.

664 (18) Location of existing driveways, wells, POWTS tank cover and vents and the approximate
665 outline of the base of any mound system or above grade drain field.

666 (19) Location and dimensions of any proposed lake, river or stream access.

667 (20) The deed reference for the subject property (by volume and page or document number) shall
668 be identified on the map or in the surveyor’s certificate.

669 (21) A surveyor’s certificate stating the plat is a correct representation of the indicated features
670 and that the surveyor has fully complied with the provisions of this chapter.

671 (22) Seal and signature of the surveyor and the date signed on each sheet of the plat.

672 (23) Where the Department or the Committee finds a need for additional information relative to a
673 particular problem presented by the proposed subdivision, it shall have the authority to request in
674 writing that additional information be included on the preliminary plat or accompanying
675 documents. Such additional information may include, but shall not be limited, to the items listed
676 in section 16.21(7).

677

678 **16.33 FINAL PLATS.** In addition to the requirements of Chapter 236, Wis. Stats., all final
679 county or state plats submitted shall show correctly on their face the following information:

680 (1) A subtitle of “County Plat” shall be required for all final county plats.

681 (2) A clear and concise legal description that exactly matches the bearings and distances shown
682 on the plat. The error of closure for the legal description may not exceed 1 in 3,000.

683 (3) Regional floodplain boundaries and the contour line which is two (2) feet above the regional
684 floodplain boundary line as defined in Wisconsin Administrative Code Chapter NR 116.

685 (4) The following note shall be placed on the plat whenever a land division is located within one
686 thousand (1000) feet of a navigable lake, pond or flowage and/or within three hundred (300) feet
687 of a navigable river or stream: “Due to the proximity of (insert name of water body) the parcels
688 shown on this plat may be subject to shoreland zoning setbacks and buffers. Prior to any
689 construction or improvements on this property, the Dunn County Environmental Services
690 Department shall be contacted regarding permitting requirements.”

691 (5) Location of existing wetlands, ponds, perennial and intermittent streams, lakes, rivers and
692 flowages, including a 75' offset line from the ordinary high water mark of all navigable streams
693 and lakes. For wetland and shoreland boundaries, sources of data shall be identified.

694 (6) Location of existing driveways, wells, POWTS tank cover and vents and the approximate
695 outline of the base of any mound system or above grade drain field.

696 (7) Datum reference for any elevations.

697 (8) Area of each lot and outlot shown in square feet and acres including and excluding any road
698 rights-of-way. Acreage shall be calculated and shown to a minimum of 1/100th of an acre.

699 (9) Lands reserved for future public acquisition or for the common use of the property owners
700 within the subdivision. Such lands shall be described and established as outlots. Outlot
701 restrictions shall appear on the face of the plat.

702 (10) Special restrictions required by the reviewing authorities.

703 (11) All certificates required by Wis. Stat. § 236.21, and in addition, certification of full
704 compliance by the surveyor with Chapter 236, Wis. Stats., the provisions of this chapter and any
705 other applicable local ordinances.

706 (12) A pre-designed block for the Register of Deeds recording information shall be placed on
707 sheet one of the plat. The Department shall provide this block to the subdivider at the time of
708 preparation of the final plat.

709 (13) A pre-designed approval certificate for the chair of the Committee shall be placed on the
710 plat. The Department shall provide this block to the subdivider at the time of preparation of the
711 final plat.

712 (14) Where the Department or the Committee finds a need for additional information relative to a
713 particular problem presented by the proposed subdivision, it shall have the authority to request in
714 writing that additional information be included on the final plat or accompanying documents.

715

716 **16.34 RECORDING OF FINAL PLAT.**

717 (1) No plat shall be recorded until the certificates required by Wis. Stat. §§ 236.21 and 236.25
718 are completed and signed. The certification by the Committee shall be the last certification
719 obtained.

720 (2) The final plat shall be submitted to the Register of Deeds for recording within twelve (12)
721 months after date of Committee approval. Failure to submit the plat within the time limit shall
722 render the plat void.

723

724 **16.35 REPLATS; VACATION OR ALTERATIONS OF RECORDED PLATS.**

725 (1) The replatting of all or part of an existing plat that contains no dedication to the public may
726 be accomplished by following the procedures established in sections 16.20–16.21 or 16.30–16.34
727 of this chapter.

728 (2) If the replatting alters areas dedicated to the public, the existing plat shall first be vacated in
729 accordance with Wis. Stat. §§ 236.36-236.445 prior to replatting.

730

731 **16.36 IMPROVEMENTS.** No construction or installation of improvements shall commence in
732 a proposed subdivision until the final plat has been approved by all reviewing authorities, unless
733 specifically approved by the Committee when the preliminary plat is approved.

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SUBCHAPTER IV – SURVEYING REGULATIONS AND DESIGN STANDARDS

16.40 SURVEYING REQUIREMENTS AND GENERAL PROVISIONS.

(1) Surveyors shall install all survey monuments in accordance with the requirements of Wis. Stat. § 236.15 at the expense of the subdivider. The Committee may waive the placing of monuments for a reasonable time on the condition that the subdivider executes a security bond to ensure placement of required monuments within the time required.

(2) If a U.S. public land survey monument record form is required per Wis. Admin. Code Chapter A-E 7.08(1), said form shall accompany all surveys submitted for review.

(3) If a survey includes any portion of a lot or outlot of an existing plat or certified survey map, the previous certified survey map (by lot or outlot and certified survey map number) or plat (by lot or outlot and block number and plat name) shall be labeled on the face of the map in its proper location underscored by either a dotted or dashed line and shall be noted within the caption of the map.

(4) The Government Lot or Quarter-Quarter, Section, Township and Range, Municipal Town, Village or City, County, and State in which a land division is located shall be noted within the caption of all certified survey maps and plats.

(5) Division of lands under this chapter shall comply with all applicable Dunn County ordinances.

(6) The lines of any lots or outlots shown on a land division that follow a quarter-quarter line or government lot line shall be clearly labeled.

16.41 DESIGN STANDARDS – GENERAL. This subchapter shall apply to all divisions of land regulated by this chapter. Land division design shall be planned in proper relation to existing and proposed land divisions, streets, topography, surface water, vegetation cover, and other natural features.

16.42 SURFACE DRAINAGE AND EROSION CONTROL.

(1) The purpose of this section is to protect property and structures from damage caused by increased surface water runoff volumes and/or velocities due to platting and development of land and to prevent the degradation of existing wetlands, waterways, and surface and ground water quality.

(2) Land divisions shall be designed so as to minimize soil erosion, provide reasonable management of surface water drainage, permit the unimpeded flow of natural watercourses, and provide positive drainage away from on-site sewage disposal facilities. The Committee may require engineering studies of erosion potentials and may impose preventative design requirements. The Committee may require documentation of surface water drainage patterns and may impose design requirements to assure that flows are transported and disposed of without causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands or streets or other rights-of-way or excessive infiltration into locations of on-site sewage disposal systems.

(3) Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to

779 the natural lines of such water course, and of such width or construction or both as will be
 780 adequate for drainage purposes. Wherever possible, it is desirable that the drainage be
 781 maintained by an open channel with natural or landscaped banks. In most instances, property
 782 subject to a drainage easement shall be privately owned as part of one or more lots within a land
 783 division.

784 (4) When a proposed drainage system will carry water across private land outside the
 785 subdivision, appropriate drainage rights must be secured and indicated on the plat.

786 (5) Stormwater Management and Erosion Control Plan. For plats and certified survey maps, if
 787 deemed necessary by Department staff, the subdivider shall submit a stormwater management
 788 and erosion control plan. The plan must be approved by Department staff prior to final approval
 789 and recording of the land division and include the following information:

- 790 (a) General site plan of the development, including site boundaries, lot and road locations,
 791 exiting buildings and vegetative cover.
- 792 (b) A narrative describing the proposed development, include implementation schedule for the
 793 planned management practices.
- 794 (c) Soil types, infiltration characteristics, and corresponding hydrological group(s).
- 795 (d) Watershed boundaries and the direction of surface water flow indicated by arrows.
- 796 (e) The location of existing and proposed bridges, culverts, catch basins, waterways, drainage
 797 ditches and swales, storm sewers, detention and retention basins, etc., and indicate the size,
 798 dimensions, elevations and grades of each.
- 799 (f) Existing ground contours at two-foot (2') intervals and proposed contours, if applicable.
- 800 (g) Necessary drainage easements for all drainage ways and stormwater management facilities.
- 801 (h) Erosion control practices.
- 802 (i) Technical data, including calculations of pre-construction and post-construction peak flow
 803 rates, assumed runoff curve numbers, and time of concentration used in calculations.
- 804 (j) A maintenance plan developed for the life of each stormwater management practice
 805 including required maintenance activities, maintenance schedule and responsible entity.
- 806 (k) Cost estimates for the construction, operation, and maintenance for each stormwater
 807 management practice.
- 808 (l) Other information deemed necessary by Department staff to administer this section.
- 809 (m) All site investigations, plans, designs, computations, and drawings shall be certified by a
 810 Professional Engineer, licensed to practice in the State of Wisconsin, to the effect that they
 811 have been prepared in accordance with accepted engineering practices.

812 (6) Minimum Standards for Stormwater Management. All stormwater management facilities
 813 shall be designed, installed, and maintained to effectively accomplish the following:

- 814 (a) Maintain or lower peak runoff discharge rates as compared to pre-settlement (woods-grass)
 815 conditions for the twenty-four (24) hour storm event, using the Runoff Curve Numbers
 816 designated on Table 16.42 below for the appropriate site soil hydrological group.

Table 16.42 Maximum Pre-Settlement (woods-grass combination)				
Runoff Curve Numbers				
Hydrological Soil Type	A	B	C	D
Runoff Curve Number	32	58	72	79

817 Source: "Urban Hydrology for Small Watersheds," USDA Technical Release 55; June 1986.

- 818 (b) Sediment Control. By design reduce the average total suspended solids load by eighty
 819 percent (80%) as compared to no controls for the site.

- 820 (c) Infiltration. Infiltration of stormwater to reduce volume of runoff is encouraged where
821 technically feasible. If stormwater infiltration can be demonstrated, the reduced volume may
822 be taken into account when designing practices to meet the peak flow control, and pollution
823 control requirements of this section.
- 824 (d) Post development runoff volume must be maintained or reduced compared to pre-settlement
825 conditions for the 25 year, 24 hour, Type II storm event.
- 826 (e) Constructed drainage swales shall be designed at a minimum to accommodate a 25 year, 24
827 hour, Type II storm event.
- 828 (f) Each lot affected by a High Water Elevation (H.W.E.) established for a constructed
829 stormwater pond with a designed outlet shall have a Lowest Building Opening set at a
830 minimum of two feet higher than the H.W.E. calculated using the critical 100 year storm
831 event.

832 (7) Stormwater management ponds shall be located on outlots which shall be owned in equal
833 undivided shares by all lot owners. Lot owners shall be liable for an equal undivided share of the
834 cost to repair, maintain or restore said ponds. Dunn County shall not be liable for any fees or
835 special charges in the event the county becomes the owner of any lot or outlot by reason of tax
836 foreclosure.

837 (8) It is the responsibility of all property owners to maintain in satisfactory condition all drainage
838 systems within drainage easements, including drainage swales and retention ponds. No structure,
839 planting or other material shall be placed or permitted to remain within a drainage easement that
840 may damage or interfere with drainage. Any grading or filling that would alter the capacity or
841 flow of any drainage system is prohibited.

842 (9) The Department shall have the right to inspect drainage systems to identify areas that need to
843 be repaired or restored. The Department shall give property owners written notice of the nature
844 of existing defects and the corrective action necessary. Should the owner fail to commence
845 corrective action to the satisfaction of the Department within 30 days from the date of the notice,
846 the County may complete or cause the corrective action to be completed, the cost of which shall
847 become a lien on the real property of the owner until paid.

848 (10) The Department may require a minimum 15-foot-wide access easement dedicated to Dunn
849 County to allow for any future inspection and maintenance work. Any such easement shall be
850 located on adequate soil or surfacing to withstand loads produced by standard construction
851 equipment. The access easement shall not include any area where channelized flow of runoff
852 occurs or where storm water may pond to a depth greater than six inches during a 100-year, 24-
853 hour design storm.

854
855 **16.43 STREETS, PUBLIC AND PRIVATE ROADS, AND ACCESS EASEMENTS.**

856 (1) General Considerations for Public and Private Roads and access easements. Roads and access
857 easements, including cul-de-sacs, shall be designed and improved as required by town ordinance.
858 Where no town ordinance pertaining to design and improvement of roads and easements exists,
859 roads and easements shall be designed and improved as provided in this section and located with
860 due regard for existing and planned roads, access easements, future subdivisions, topographic
861 conditions, natural terrain and features, and public convenience and safety. These provisions
862 shall apply to all public and private roads, and access easements within the jurisdiction of this
863 chapter:

- 864 (a) No existing or proposed structures shall be permitted within the right-of-way of any newly
865 proposed public or private road or access easement.

- 866 (b) Any municipality of jurisdiction may impose more restrictive road construction or design
867 standards than those imposed herein. In those situations the municipality of jurisdiction shall
868 be responsible for enforcing those more restrictive requirements.
- 869 (c) All public and private roads must be numbered pursuant to Chapter 23 of the Code of
870 Ordinances. Numbers shall be assigned by the Land Information Office. Before any plat or
871 certified survey map can be approved for recording, road numbers shall be placed on the
872 document to be recorded.
- 873 (d) The committee may waive the requirements set forth in this section for land divisions with
874 unique topography or other physical features, few lots and little potential to connect with
875 existing or future adjacent land divisions, and the waiver will secure substantially the
876 purposes described in section 16.03 and will not be detrimental to the public safety, health or
877 welfare or injurious to other property.
- 878 (2) Public Roads. These provisions shall apply to all public roads intended to provide access to
879 newly created parcels.
- 880 (a) All roads in plats shall be public roads, unless the governing municipality has adopted an
881 ordinance allowing lots and outlots to be served by a private road.
- 882 (b) An owner's certificate of dedication and a Town or County certificate of approval shall be
883 shown on certified survey maps or plats when public roads are created and dedicated.
- 884 (c) Minimum street width shall comply with Wis. Stat. § 236.16(2).
- 885 (3) Private Roads and Access Easements. Except as provided in section 16.43(2), private roads
886 and access easements are only allowed on certified survey maps and shall meet the following
887 requirements:
- 888 (a) No more than 4 lots or outlots, or a combination thereof, including lots and outlots in
889 existence prior to the adoption date of this ordinance, may be accessed by a private road or
890 access easement. This standard shall not apply to plats with private roads.
- 891 (b) Right-of-way width shall be a minimum of 66 feet.
- 892 (c) Any lots, outlots, or parcels existing prior to the adoption date of this ordinance that are
893 accessed by a private road or access easement which is less than 66 feet in width that are
894 either combined or reconfigured so that no new additional parcels are created, shall be
895 exempt from this requirement.
- 896 (d) Two or more existing lots or outlots fronting on a private road or access easement that was in
897 existence prior to the adoption date of this ordinance may be consolidated or reconfigured
898 regardless of how many lots or outlots the private road or access easement is currently
899 serving.
- 900 (e) All private roads designed as permanent dead ends ~~roads~~ shall have sufficient side and
901 overhead clearances to allow access and an adequate turnaround for public service vehicles,
902 including, but not limited to, fire and police vehicles, ambulances, public utility vehicles and
903 school buses. Such private roads shall terminate with either a full (360 degree) circular
904 turnaround having a minimum turnaround right-of-way radius of 75 feet and a minimum
905 finished driving surface radius of 50 feet or with some other style of turnaround approved by
906 the local municipality and emergency responders having jurisdiction.
- 907 (f) Private roads from an existing public road to ~~the~~ newly created lots and outlots shall be
908 shown, dimensioned, and clearly labeled "Private Road" on the map.
- 909 (g) Proposed private roads and access easement shown on a certified survey map or plat, which
910 are not being dedicated, shall include the following note on the face of the map or plat:

- 911 “Any conveyance of the lots or outlots shown on this (map or plat) must either be
912 accompanied by a description for the access easement, or include the easement by
913 reference.
- 914 (g) No private road or access easement shall be designated as an outlot.
- 915 (h) When 2 or more lots or outlots created under the terms of this chapter are accessed by a
916 private road or access easement, an agreement for the repair and maintenance of such road or
917 easement must be submitted for approval to the Department at the time of application.
918 Maintenance agreements shall be recorded simultaneously with the certified survey map or
919 plat. Lots or outlots fronting on a private road or access easement that was in existence prior
920 to the adoption date of this ordinance are exempt from this requirement.
- 921 (i) Any certified survey map or plat that contains a private road shall have the following
922 statement placed on its face:
- 923 “Access to the parcels shown on this map is provided by nonexclusive easement.
924 Access shall be granted at all times for public service vehicles, including, but not
925 limited to, fire and police vehicles, ambulances, public utility vehicles, and school
926 buses. ___ (insert road/street name)___ as shown on this map is not a public road
927 and the Town of _____ and Dunn County have no responsibility for snow
928 plowing or other maintenance, or for the construction of a driving surface, upon
929 said easement.”
- 930 (j) Proposed private roads within county and state plats shall extend to the boundary lines of the
931 tract being subdivided unless prevented by topography or other physical conditions or unless
932 the Committee finds that such extension is not necessary or desirable for the coordination of
933 the layout of the land division or for the advantageous development of the adjacent tracts.
- 934 (k) Existing private roads or access easements that are proposed to provide access to newly
935 created lots shall meet the requirements of this section. If said roads or access easements do
936 not meet such requirements, the subdivider shall meet with the town and committee to
937 determine the suitability of the existing roads or easements and determine what conditions, if
938 any, need to be met to provide for adequate access. Existing private roads or access
939 easements shall be clearly labeled, and the recording information showing ownership or
940 easement interests shall be shown on the map.
- 941 (4) Arrangement.
- 942 (a) All streets shall be properly integrated with the existing and proposed system of streets and
943 dedicated rights-of-way and future subdivisions.
- 944 (b) All streets shall be properly designed to accommodate special traffic generators, such as
945 industries, business districts, schools, churches, and shopping centers.
- 946 (c) Minor streets shall be laid out to conform as much as possible to the topography, to
947 discourage use by through traffic, to permit efficient drainage and sewer systems, and to
948 require the minimum amount of streets necessary to provide convenient and safe access to
949 property.
- 950 (d) The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where
951 such use may result in a more desirable layout.
- 952 (5) Half streets. Where an existing dedicated or platted half street is adjacent to the tract being
953 subdivided, the other half street shall be dedicated by the subdivider.
- 954 (6) Street intersections.

- 955 (a) Streets shall be laid out so as to intersect as nearly as possible at right angles but deflections
956 of up to twenty (20) degrees from right angles will be acceptable. No more than two (2)
957 streets shall converge at an intersection unless specifically approved by the Committee.
- 958 (b) Proposed new intersections along one side of an existing street shall coincide with any
959 existing intersections on the opposite side of such street. Street jogs with centerline offsets of
960 less than one hundred twenty-five (125) feet shall not be permitted. Where streets intersect
961 major streets their alignment shall be continuous.
- 962 (c) The Town Board or Committee may require the subdivider to dedicate or reserve land at
963 intersections to the extent deemed necessary to provide adequate sight distances.
- 964 (7) Alleys. Alleys may be required by the Committee where deemed necessary. Alleys in
965 residential districts and dead-end alleys shall be prohibited.
- 966 (8) Alignment. When a continuous street centerline deflects at any point by more than ten (10)
967 degrees, a circular curve shall be introduced having a minimum centerline radius of one hundred
968 (100) feet. A tangent at least one hundred (100) feet in length shall be provided between reverse
969 curves.
- 970 (9) Temporary cul-de-sacs. Temporary cul-de-sacs may be required by the Committee to insure
971 continuity of the road pattern between adjoining subdivisions. The Committee shall determine
972 maximum length, turnaround dimensions and design.
- 973 (10) Floodplain areas. Any part of a street located within a floodplain area shall meet all
974 requirements of Chapter 15, Dunn County Code of Ordinances. All streets located within or
975 passing through floodplain areas shall be constructed in a manner that will not impede the flow
976 of floodwaters.
- 977 (11) Utility easements. The Committee may require easements for electric power and
978 communication facilities, storm and sanitary sewers, gas, water and other utility lines. Easements
979 shall be of sufficient width for the proposed use and shall be placed wherever feasible along lot
980 lines. All easements shall be noted on the final plat followed by a reference to the use for which
981 they are intended.

982
983 **16.44 ACCESS.**

- 984 (1) All lots shall front on a public or private road or access easement.
- 985 (2) Access easements through the lands of others shall be recorded prior to approval of any land
986 division. Recorded documents granting access shall be shown by volume and page or document
987 number on the face of the certified survey map or plat.
- 988 (3) Major land divisions abutting state highways are subject to Wis. Admin. Code Chapter Trans
989 233.
- 990 (4) Any created parcels and/or developments abutting or requiring access from a county highway
991 shall require consultation with the Dunn County Highway Department.
- 992 (5) Any county plat and major subdivision abutting a navigable river, lake or stream shall
993 comply with the requirements of Wis. Stat. § 236.16(3)(a).

994 **16.45 BLOCKS.**

- 995 (1) General. If a land division includes blocks, the width, length and shape of blocks shall be
996 suited to the planned use of the land, zoning requirements, need for convenient access control
997 and safety of street traffic and topography. Blocks shall be designed as required by town

- 998 ordinance. Where no town ordinance pertaining to block design exists, blocks shall be designed
999 as follows:
- 1000 (a) Residential blocks. Block lengths in residential areas should not, where practical, exceed one
1001 thousand three hundred twenty (1,320) feet nor be shorter than six hundred (600) feet. Blocks
1002 shall have sufficient width to provide for two (2) tiers of lots of appropriate depths except
1003 where greater depth is required to separate residential development from through traffic,
1004 public parks, cemeteries, railroads, shorelines, waterways, or extreme topography.
- 1005 (b) Nonresidential blocks. Blocks designed for business, commercial, or industrial uses shall be
1006 of such length and width as may be determined suitable by the Committee for the prospective
1007 use.
- 1008 (2) Pedestrian ways. In blocks over nine hundred (900) feet long, the Committee may require
1009 paved pedestrian ways through blocks as deemed necessary for access to streams, lakeshores,
1010 public parks, schools or other public and quasi-public areas.

1011 **16.46 LOTS AND OUTLOTS.**

- 1012 (1) No lots or outlots created under the terms of this chapter shall be bisected by a public road or
1013 proposed private road or proposed access easement. Lots or outlots bisected by a private road or
1014 access easement that existed prior to the adoption date of this ordinance shall be exempt from
1015 this provision if they are ever further subdivided.
- 1016 (2) Lot dimensions.
- 1017 (a) Towns with Town zoning: minimum lot size and width designated in the town zoning
1018 ordinance.
- 1019 (b) Towns under County zoning: minimum lot size and width designated in the Dunn County
1020 Comprehensive Zoning Ordinance.
- 1021 (c) Shoreland overlay districts areas: minimum lot size and width designated in the Dunn County
1022 Shoreland Zoning Ordinance.
- 1023 (d) Areas that are not located within Shoreland overlay districts, or regulated by County or Town
1024 Zoning: minimum lot size of 43,560 square feet and an average minimum lot width of eighty-
1025 five (85) feet. A copy of average lot width formulas for various lot configurations shall be
1026 kept on file in the County Surveyor's Office and provided upon request.
- 1027 (e) Two or more adjacent lots that were in existence prior to the adoption date of this ordinance
1028 that are either combined or reconfigured shall be exempt from the requirements in (d), above,
1029 subject to section 16.07(3) of this chapter.
- 1030 (f) The area located within the right-of-way of any public or private road or access easement
1031 shall not be included in the minimum lot area of any lot or outlot created under the terms of
1032 this chapter.
- 1033 (g) The depth of any lot shall not be greater than four times the lot width. A copy of average lot
1034 width formulas for various lot configurations shall be kept on file in the County Surveyor's
1035 Office and provided upon request.
- 1036 (3) Corner lots shall be platted with an average width of at least one hundred (100) feet.
- 1037 (4) All lots must have dryland access to a public or private road.
- 1038 (5) The lot size, width, depth, shape, and orientation shall be sufficient to provide reasonable
1039 developable area that is not restricted by easements, building setbacks, zoning setbacks, zoning
1040 requirements, environmentally sensitive areas, or other constraints.

- 1041 (6) When a newly created lot contains environmentally sensitive areas, the applicant may be
1042 required to demonstrate to the satisfaction of the Department that the lot has sufficient area to
1043 accommodate building setbacks, the entire on-site wastewater treatment system, and its
1044 replacement. Department staff may require a report on soil borings and percolation tests as
1045 required by Wisconsin Administrative Code during the review.
- 1046 (7) Side lot lines shall be radial to curved streets or cul-de-sacs where possible, and generally
1047 perpendicular to street lines.
- 1048 (8) Any lot created by plat that is not served by public water and sewer facilities and provisions
1049 for such service have not been made, shall require a minimum of one (1) soil boring meeting the
1050 requirements of Wis. Admin. Code SPS 385 for private onsite sanitary systems and a preliminary
1051 soil evaluation report. All soil borings required under this chapter shall be conducted by a
1052 Certified Soil Tester licensed in Wisconsin.
- 1053 (9) All lots and outlots shall have a minimum of thirty-three (33) feet of frontage directly on a
1054 public or private road or access easement. Any proposed outlot that is intended to be conveyed to
1055 an adjoining landowner, shall be exempt from this provision and will require the following note
1056 to be placed on the face of the certified survey map or plat: "Outlot (insert number) is intended to
1057 be conveyed to an adjoining landowner. Any future independent conveyance of said outlot to a
1058 non-adjointing landowner, shall include an access easement as part of the conveyance."
- 1059 (10) Where a contiguous tract is subject to the right-of-way of a public road, any newly created
1060 lot or outlot fronting on the public road shall also include that portion of the contiguous tract
1061 lying immediately adjacent to the lot or outlot which is subject to the road right-of-way, unless
1062 said portion of the contiguous tract is dedicated to the public.
- 1063 (11) No lot shall be created if the proposed division will result in a nonconforming structure,
1064 unless an owner's certificate is placed on the certified survey map or plat requiring that the
1065 nonconforming structure be razed or moved in such a way to correct the nonconformity prior to
1066 the conveyance of the surveyed lot.
- 1067 (12) All outlots created shall be accompanied with a statement of purpose or use. Outlots shall
1068 not be used to circumvent the intent of this ordinance.
- 1069 (13) Retracement certified survey maps prepared in accordance with section 16.22(2) of this
1070 chapter shall be exempt from all requirements of this section.
- 1071 (14) All newly-created lots shall contain a minimum of ten thousand (10,000) square feet of
1072 contiguous land lying above the contour line which is two (2) feet above the regional floodplain
1073 boundary line.

1074 **16.47 LANDS NEAR WATER'S EDGE.**

- 1075 (1) Lands lying between the meander line, established in accordance with Wis. Stat. §
1076 236.20(2)(g) and the water's edge, and any otherwise unplattable lands, such as floodways,
1077 which lie between a proposed land division and the water's edge shall be included as part of lots,
1078 outlots or public dedications in any map or plat abutting a lake or stream. This requirement
1079 applies not only to lands proposed to be divided, but also to all lands under option to the
1080 subdivider or in which the subdivider holds an interest and which abut a lake, river or stream as
1081 provided in Wis. Stat. § 236.16(4).
- 1082 (2) Lands located below the ordinary high water mark of any navigable water shall not be
1083 included in determining minimum lot size of any lot created under the terms of this chapter.

1084 (3) Lots fronting on a navigable body of water shall meet the frontage requirements in section
1085 14.05, Code of Ordinances.

1086 (4) Newly created lots divided by streams must have a contiguous buildable area on at least one
1087 side of the stream including access to the building location.

1088

1089 **16.48 PARKS, PLAYGROUNDS, SCHOOLS AND OPEN SPACE.**

1090 In the design of the subdivision, due consideration shall be given to the preservation of suitable
1091 sites of adequate area for future schools, parks, playgrounds, drainage ways, bike and pedestrian
1092 trails, and other public purposes. Such areas as are shown on an adopted master plat or official
1093 map shall be made a part of the subdivision design. Consideration shall also be given in the
1094 design of the subdivision to the preservation of scenic and historic sites, stands of fine trees,
1095 marshes, lakes and ponds, watercourses, watersheds and ravines.

1096

1097 **16.49 UTILITY PLACEMENT.** Utilities may not place any poles, pedestals, or lines (overhead
1098 or underground), within three (3) feet of any monumented Public Land Survey System corner or
1099 property corner. The submittal of any County or State Plat required by this chapter, shall require
1100 the preceding sentence to be shown on the face of the plat.

1101

1102 **16.50 DEDICATIONS.** Dedications shall be effected as provided in Wis. Stat. § 236.29.

1103 Dedications to the county, other than road dedications, shall require approval of the county board
1104 of supervisors.

SUBCHAPTER V – CONDOMINIUM DEVELOPMENTS

1105 **16.70 CONDOMINIUM DEVELOPMENTS.**

1106 (1) This section is created under the authority of Wis. Stat. § 703.115.

1107 (2) Land divided for the establishment of a condominium plat shall meet the requirements of the
1108 Dunn County Zoning Ordinance or Town Zoning Ordinance in independently zoned towns.

1109 (3) A condominium plat shall be submitted to the Department for review and approval pursuant
1110 to Wis. Stat. § 703.115. The Department shall have ten (10) business days after submission for
1111 its review. If the review is not completed within ten (10) business days the instrument is
1112 approved for recording.

1113 (4) Condominium instruments may not be used to create or alter lots, parcels, outlots, public
1114 streets, or other areas to be dedicated to the public.

1115 (5) The Register of Deeds shall reject condominium instruments that have not been reviewed as
1116 provided in this section.

SUBCHAPTER VI – ADMINISTRATION

1117 **16.80 PLANNING, RESOURCE, AND DEVELOPMENT COMMITTEE.** The Planning,
1118 Resource, and Development Committee shall be empowered to ensure proper administration and
1119 compliance with the provisions of this chapter, conduct such hearings and meetings as necessary,
1120 approve, conditionally approve or deny applications under the terms as set forth herein, and set
1121 fees and adjust them from time to time as is deemed necessary.

1122
1123 **16.81 ADMINISTRATION AND ENFORCEMENT.** The Survey Division of the
1124 Environmental Services Department shall be responsible for the administration and enforcement
1125 of this chapter. The subdivider shall submit the necessary copies of proposed land division
1126 instruments (applications) and applicable fees to the Department. Copies will then be circulated
1127 to the appropriate agencies, divisions, or departments for review and recommendations
1128 concerning matters within their jurisdiction.

1129
1130 **16.82 FEES.** Application and review fees shall be established by the Committee and set forth in
1131 an Appendix to this chapter.

1132
1133 **16.83 VARIANCES.**

1134 (1) Where strict application of the provisions of this chapter would impose undue hardship
1135 because of unique topographic or other conditions of the land involved or other conditions
1136 predating adoption of this chapter, or to achieve consistency with a City or Village
1137 extraterritorial ordinance, the Committee may approve variances to any requirement of this
1138 chapter to the extent deemed just and proper, provided such variance shall not impair the intent
1139 and purpose of this chapter or be contrary to the Wisconsin Statutes or Wisconsin Administrative
1140 Code.

1141 (2) Petitions for variances shall be made to the County Surveyor on forms furnished by the
1142 Department and include the following:

1143 (a) Completed application form (Petition) provided by the Department and completed by the
1144 petitioner. Multiple variance requests can be included on the same application.

1145 (b) Payment of a fee as specified by the Department fee schedule.

1146 (c) Narrative explanation of the variance sought and justification.

1147 (3) The Committee shall not grant variances unless it shall make findings based on evidence
1148 presented to it with each request for variance that:

1149 (a) The granting of the variance will not be detrimental to the public safety, health or welfare or
1150 injurious to other properties.

1151 (b) The conditions upon which the request is based are unique to the property for which the
1152 variance is sought and are not applicable generally to other property.

1153 (c) Because of the particular physical surrounding, shape, or topographical conditions of the
1154 specific property involved, a particular undue hardship to the owner would result, as
1155 distinguished from a mere inconvenience. Undue hardship shall relate solely to the physical
1156 characteristics of the property. Financial hardship, loss of profit, self-imposed hardships such
1157 as that resulting from unfamiliarity with regulations, deed restrictions, proceeding without
1158 required permits, or illegal sales are not sufficient reasons for the granting of a variance.

1159 (4) No variances may be granted under this section that would modify or waive requirements of
1160 any other county ordinance.

1161 (5) For all approved variances, a notation shall be placed on the plat or certified survey map
1162 stating the nature of the variance granted and the date of approval by the Committee.

1163 (6) Once a variance is granted, it attaches to the property as a permanent right for the current
1164 owner and all subsequent owners.

1165

1166 **16.84 APPEALS.**

1167 (1) An applicant for land division approval may appeal a decision of the Department to the
1168 Committee. An appeal must be in writing, shall state with specificity the basis for the appeal, and
1169 must be received within 30 days of the date of the decision of the Department. Upon receipt of
1170 an appeal, the Department shall transmit the appeal to the Committee.

1171 (a) The Committee shall, within 40 days of receipt by the Department of a written appeal, review
1172 the appeal against the applicable standards of this ordinance, and affirm, modify, or reverse
1173 the decision of the Department.

1174 (b) The applicant and the Department shall be permitted to make presentations to the Committee
1175 under such terms, conditions and procedures as established by the Committee.

1176 (c) The decision of the Committee and the reasons therefore shall be entered in the Committee
1177 minutes. An extract of the minutes or notice of the decision shall be mailed to the applicant.

1178 (2) An applicant aggrieved by a decision by the Committee objecting to a plat or failing to
1179 approve a plat may appeal to the Circuit Court for Dunn County as provided in Wis. Stat. §
1180 236.13(5) within thirty (30) days of notification of the decision. Where failure to approve is
1181 based on an unsatisfied objection, the agency making the objection shall be made a party to the
1182 action.

1183 **16.85 ENFORCEMENT.**

1184 (1) General.

1185 (a) No person shall build upon, divide, convey, record or monument any land in violation of this
1186 chapter or the Wisconsin Statutes.

1187 (b) The Dunn County Zoning Office shall withhold all permits where the applicant, owner, or
1188 licensed contractor is in violation of this chapter, and for any parcel of land which has an
1189 outstanding violation of this chapter, until the violation has been corrected.

1190 (c) No approval pursuant to this chapter shall be issued where the applicant is in violation of this
1191 or any ordinance administered by the Department.

1192 (d) No certified survey map or plat shall be recorded unless all applicable requirements of this
1193 chapter have been met.

1194 (e) Assessor's plats may be ordered by the County at the expense of the divider or the owners of
1195 record when a land division is created by successive divisions, not in compliance with this
1196 chapter.

1197 (2) Standards.

1198 (a) Any person, firm or corporation who fails to comply with the provisions of this chapter or
1199 who willfully enters into a conspiracy with one or more other persons for the purpose of
1200 circumventing this chapter, shall, upon adjudication of violation, be subject to penalties and
1201 forfeitures established by the county or as provided in Wis. Stat. §§ 236.30, 236.31, 236.32,
1202 236.335, and 236.35. These sections provide penalties for:

1203 1. Improperly recording or causing to be recorded a final plat that does not comply with
1204 submittal requirements of Chapter 236, Wis. Stats., or this chapter.

1205 2. Offering for sale lots in a final plat that has not been recorded unless the offer or contract
1206 for sale includes language making the sale contingent upon approval of the final plat, and the
1207 sale void if the plat is not approved.

1208 3. Monuments disturbed or not placed.

1209 4. Subdividing lots that fail to conform to Chapter 236, Wis. Stats., or any applicable
1210 Wisconsin administrative regulation or this chapter.

1211 5. Selling land that abuts on a road that has not been accepted as a public road unless the
1212 seller informs the purchaser in writing that the road is not a public road and maintenance is
1213 not required to be performed by the County or Town.
1214 (b) Any failure to take enforcement action on past violations shall not operate as a waiver of the
1215 authority to take enforcement action on present violations.

1216 (3) The Department may institute any appropriate action or proceeding against violators of this
1217 ordinance as provided by law or this ordinance, including issuing citations or commencing a
1218 lawsuit seeking forfeitures or injunctive relief, or both.

1219 (4) Forfeitures. Any person, firm or corporation adjudicated for violating this ordinance shall pay
1220 a forfeiture of not less than Two Hundred Dollars (\$200) nor more than Two Thousand Dollars
1221 (\$2,000) and the costs of prosecution for each violation, and in default of payment of such
1222 forfeiture costs shall be imprisoned in the county jail until payment thereof, but not exceeding
1223 ninety (90) days. Each day a violation exists or continues shall constitute a separate offense. In
1224 addition to the penalties noted, compliance may be obtained by creating the necessary documents
1225 under the direction of the County Surveyor and placing the cost thereof on the tax roll as a
1226 special assessment.

1227

1228 **16.86 AMENDMENT.** The Dunn County Board of Supervisors may from time to time amend
1229 the regulations imposed by this chapter. Public hearings on all proposed amendments shall be
1230 conducted by the Committee following publication of a class 2 notice, as required by Wis. Stat. §
1231 236.45(4).

1232

1233 Amended in July 2023 as Ordinance No. 23-39.