

Town of Kinnickinnic, Wisconsin
Subdivision Ordinance
2014-1

Adopted: March 4, 2014

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1.0 INTRODUCTION

A. PURPOSE, AUTHORITY, JURISDICTION AND EFFECTIVE DATE

1. PURPOSE

- a. The purpose of this Ordinance is to regulate and control land divisions within the Town of Kinnickinnic in order to promote the public health, safety, general welfare, esthetics, environmental quality and to implement the goals, objectives and policies of the adopted Town Comprehensive Plan.

2. EFFECTIVE DATE, AUTHORITY, JURISDICTION

a. Effective Date

- 1) This Ordinance shall be effective on, _____2014. This Ordinance shall repeal and replace in its entirety the Town's Subdivision Ordinances as previously approved.

b. Authority

- 1) This Ordinance is adopted under the statutory authority granted pursuant to the Powers of the Town, in Wisconsin Statutes §§ 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45.
- 2) Any amendments, repeals or recreations of the statutes relating to this Ordinance are incorporated into this Ordinance by reference as of the effective date of the amendment, repeal or recreation.

c. Jurisdiction

- 1) This Ordinance applies to all subdivisions of land which occur in the Town, St. Croix County, Wisconsin and contains standards for selected aspects of land division. Land in the Town is also under the jurisdiction of the St. Croix County Land Division Ordinance. The County Ordinance is more comprehensive in character and addresses aspects of land division that are not addressed in this Ordinance. Land divisions shall comply with both Ordinances except with respect to public improvements maintained by the Town. The Town Board may disapprove any applications that have not had review and action by appropriate agencies.
- 2) The approving authority under this Ordinance shall be the Town Board, after receiving the recommendation of the Town Plan Commission.
- 3) Approval by the Town Board shall be required before the subdivision of a lot, parcel or tract of land in the Town where the act of division creates one or more new lots or parcels of less than 35 acres in area unless the subdivision activity falls under one or more exemptions listed in St. Croix County Land Division Ordinance section §13.1 B.3.

- 4) The Town has adopted St. Croix County zoning in the Town and shall be in compliance with County zoning prior to the division of land.

B. APPLICABILITY AND EXEMPTIONS

1. COMPLIANCE AND REQUIREMENTS

- a. No person, partnership, corporation or other entity shall subdivide any land in the Town subject to this Ordinance without complying with all of the following:
 - 1) Wisconsin Statutes Chapters 236 and 281-289 and § 59.692 and 87.30.
 - 2) Rules of the Wisconsin Department of Administration (WDOA) that administers Wisconsin Statutes § 236.13(2m), 236.15, 236.16, 236.20 and 236.21(1) and (2).
 - 3) Rules of Wisconsin Department of Transportation (WDOT) relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting road (Wisconsin Administrative Code Trans. 233).
 - 4) Rules of the Wisconsin Department of Natural Resources (WDNR), including Wisconsin Statutes Chapter 30 and Wisconsin Administrative Code NR 102,103,115,116,118 and 151.
 - 5) All St. Croix County land use regulations, including but not limited to:
 - a) § 17.36 Lower St. Croix Riverway Overlay District.
 - b) § 17.40 Floodplain Overlay District.
 - c) § 17.25 Shoreland Zoning.
 - d) Chapter 12 Sanitary Ordinance.
 - e) Chapter 13 Land Division.
 - 6) Dedication of lands for roads, highways, parkways, parks, playgrounds, waterways and public transit facilities. Whenever a parcel of land to be divided as part of a major subdivision within the jurisdiction of this Ordinance encompasses all or any part of a road, highway, parkway, park, playground, waterway or public transit facility which has been designated on a duly adopted Town or County comprehensive plan, it shall be made a part of the subdivision and dedicated in the locations and dimensions indicated in said plan and as set forth in St. Croix County Land Division Ordinance § 13.7 B.1.
- b. No land shall be subdivided which is found by the Town Board to be inappropriate for use by reason of significant flooding, poor drainage, unsuitable soil or rock formations, severe erosion potential, unfavorable topography or any other feature likely to pose a significant threat to the health, safety or welfare of future residents or landowners in the proposed subdivision or of the community, based on County standards.

- c. A condominium plat prepared pursuant to Wisconsin Statutes § 703.11, and other applicable statutes, shall be subject to this Ordinance. The condominium plat shall be reviewed by the Town Board or designee in the same manner as a subdivision plat, comply with applicable design standards and provide for the installation of required improvements.

2. ROUNDING RULE FOR CALCULATIONS

- a. The following rounding rule shall be applied to all calculations of standards and requirements in this Ordinance: unless otherwise specifically provided, fractional values of a whole unit are rounded down to the nearest whole unit.

3. EXCEPTIONS

- a. The St. Croix County Land Division Ordinance § 13.1 B3 for exceptions to this Ordinance are incorporated by reference.

4. MAJOR SUBDIVISIONS

- a. Conventional major subdivisions as described in the St. Croix County Land Division Ordinance are not allowed in the Town. The Town does allow a Modified Conventional Major Subdivision as described in Section 7.0 of this Ordinance. The Town also allows Conservation Design Development for major subdivisions, as described in St. Croix County Land Division Ordinance § 13.7 K.

C. INTERPRETATION

1. ABROGATION

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

2. LIBERAL CONSTRUCTION

- a. The provisions of this Ordinance shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town. If there is a conflict between this Ordinance and any other Ordinance of the Town or St. Croix County the provisions of the more restrictive Ordinance shall apply.

3. SEVERABILITY AND NON-LIABILITY

- a. If a court of competent jurisdiction adjudges any section, clause, provision or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

- b. If any application of this Ordinance to a particular parcel or lot of land, building, structure, water or air is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other land, building, structure, water or air not specifically included in said judgment.
- c. The Town does not guarantee, warrant or represent that only those areas delineated as floodplains on plats and certified survey maps will be subject to periodic inundation. Nor does the Town guarantee, warrant or present that the soils shown to be unsuitable for a given land use from tests required by this Ordinance are the only unsuitable soils on the parcel. The Town asserts that there is no liability on the part of the Town or its employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon and conformance with this Ordinance.
- d. The Town has adopted some requirements that are more restrictive than those in the St. Croix County Land Division Ordinance.

2.0 APPLICATION AND REVIEW OF CONCEPT PLATS OF MAJOR SUBDIVISIONS

A. CONCEPT REVIEW

1. STANDARDS

- a. Before applying for approval of a preliminary plat, the subdivider or agent shall submit the documents referred to in 3c to the Town Clerk. The Clerk shall promptly deliver the materials to subdivider to commence the concept review process under which the subdivider shall receive advice and assistance, and review the procedures and requirements of this Ordinance, other regulations, and any plans or data which may affect the proposed development. This process shall be completed within seven (7) days.
- b. The principal function of the concept review is to review the concept of all proposed subdivisions, the characteristics of the parcel proposed to be subdivided and relevant adjacent land to identify and document suitability questions. Relevant adjacent land for purposes of this review shall generally mean other land within the watershed and other land between the perimeter edges of the proposed subdivision and the nearest public roads.
- c. The Town shall not permit continuing contiguous residential strip development along existing Town or County roads.

2. SUBMITTAL REQUIREMENTS

- a. The subdivider shall submit at a minimum the following items for concept review:
 - 1) A conceptual sketch of any proposed subdivision covering the entire contiguous area owned or controlled by the subdivider.
 - 2) A USGS quadrangle map and St. Croix County soils map for the proposed subdivision and relevant adjacent land.

- 3) A copy of the recorded deed showing land ownership.
- 4) Have a written St. Croix County certification of zoning status.
- 5) The Town Board or designee shall require proof by certified mail return receipt that the subdivider has given written notice of the proposed subdivision including locations of the roads to owners of all lands contiguous to the land division, including those across the road from the proposed subdivision. A copy of this notification must be provided at the time of review.

3. CONCEPT REVIEW AND RECOMMENDATION BY PLAN COMMISSION

- a. As part of concept review, the proposal may be referred to WDNR or other appropriate state agencies for review and comment.
- b. There shall be no land alteration activities or site development preparation prior to preliminary plat approval.
- c. Concept review shall include a site visit by the Plan Commission or its designee unless waived.
- d. Concept review procedures shall be completed within 60 days of submittal of the conceptual sketch plan and descriptive material unless extended by written agreement of the Plan Commission and subdivider.
- e. During concept review, the Plan Commission and/or its designee is authorized to gain entry to the subject land, premises, water and air for the purpose of:
 - 1) Review of applications and issuance of permits required by this subdivision Ordinance, zoning, shoreland, floodplain and sanitary Ordinances and any other Town or St. Croix County land use Ordinance.
 - 2) Determining compliance with any permit issued pursuant to any of the subdivision, zoning, shoreland, floodplain and sanitary Ordinances and any other St. Croix County land use Ordinance.
 - 3) Determining compliance with the provisions of the subdivision, zoning, shoreland, floodplain and sanitary Ordinances and any other Town or St. Croix County land use Ordinance.
 - 4) Determining whether land alteration activities have occurred or are occurring.

Access shall be allowed during the hours between 8:00 a.m. and 5:00 p.m. or other reasonable times, or any other time authorized by a court. If entry is refused after presentation of proper identification, the application will be denied.

- f. A concept review memorandum shall be prepared by the Plan Commission. A copy shall be sent to the applicant, the Town Board, and the County of St. Croix not later than 15 days following conclusion of concept review. The concept review memorandum shall specifically identify any portions of the proposed subdivision that the Town believes are unsuitable for subdivision or unsuitable for proposed uses.
- g. The project review submittal is only conceptual. Nothing communicated by Plan Commission or its designee in the course of the concept review shall be binding on the Town Board.

3.0 APPLICATION AND REVIEW OF PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS

A. PRELIMINARY PLAT APPLICATION

1. STANDARDS

- a. Preliminary plat application review shall begin when the Town Clerk has received a written application, signed by the applicant and property owner (or an authorized representative), accompanied by all required materials and fees and the Application has been acknowledged by the Plan Commission at its next timely monthly meeting. Copies of all application materials shall be delivered to the Town Attorney and Town Engineer by the Town Clerk. The Town Board, Town Plan Commission, Town Attorney, or Town Engineer may require an applicant to provide additional information at any time where site characteristics or other unique circumstances make it appropriate to do so. The applicant shall provide the information necessary to enable the Town Clerk to notify all adjoining landowners of the proposed subdivision activity.
- b. Each preliminary plat shall:
 - 1) Cover the area owned or controlled by the subdivider and proposed for development.
 - 2) Be based upon a boundary survey by a registered land surveyor.
 - 3) Comply with the standards of Wisconsin Administrative Code Chapter A-E7.
 - 4) Be drawn at a scale of not more than 100 feet to one inch.

2. DATA ON THE PLAT

- a. Each preliminary plat shall show the data identified below on its face:
 - 1) A scale drawing of the exterior boundaries of the proposed subdivision referenced to a line established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
 - 2) The date, graphic scale and north point.

- 3) The name of the proposed plat, prominently labeled.
- 4) The name and contact information of the subdivider, subdivider's agent, engineers, surveyors, and other contractors/subcontractors.
- 5) The owner of record and the identity of any proposed buyer.
- 6) The location of the plat by government lot, quarter-quarter section, section, Township and range and the Town, St. Croix County and State of Wisconsin, noted immediately under the name of the subdivision.
- 7) The location of the plat shall be indicated by bearing and distance from a boundary line of a quarter section in which the subdivision is located.
- 8) The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown.
- 9) The names, locations and right-of-way widths of any existing roads or other public or private ways, easements, railroad or utility rights-of-way included within or adjacent to the proposed plat, labeled and underscored with a dotted or dashed line.
- 10) Existing road access restrictions and any existing access control limitations. These shall be explained within the application material and noted on the face of the plat.
- 11) All proposed road names, which shall conform to St. Croix County Land Division Ordinance § 13.7 B.4.
- 12) Location and width of all driveway accesses and roads, and construction plans and specifications for any proposed driveway accesses and roads.
- 13) The location of existing property lines, buildings, drives, streams and watercourses, ponds, lakes, rivers, wetlands, rock outcrops, wooded areas, historic and archeological features, native prairie remnant and any other significant limiting features or characteristics within the proposed subdivision.
- 14) The water elevations of adjoining lakes, ponds or streams at the date of the survey, and the ordinary high water mark, typical stream valley cross-sections, stream channels, flood areas from NFIP maps or other floodplain zoning maps.
 - a) Ordinary high water marks shall be verified by WDNR or a designated agent.
- 15) Wetlands, as defined by Wisconsin Statutes § 23.32, and mapped by WDNR pursuant to that statute and any other wetlands as identified by a professional wetland delineator.
 - a) All wetland depictions shall be based on field identification and on-site staking conducted by a professional wetland delineator and reviewed by the WDNR or a designated agent.

- 16) All floodplain boundaries.
 - a) Floodplain determination will be required for all drainage areas having a watershed greater than one-square mile and in certain drainage areas having high flow depth as defined by FEMA.
 - b) The floodplain shall be identified using the WDNR Floodplain Study Checklist and shall satisfy all pertinent Wisconsin Administrative Code NR116 requirements.
 - c) The WDNR or a designated agent must approve any maps used in floodplain boundary determinations.
- 17) Private and municipal dumps, underground fuel or petroleum storage tanks, areas of known groundwater contamination, location of all existing wells, including advisory wells, and any WDNR designated Special Deep Casing Well Depth Requirement Areas.
- 18) The contours, on an established datum, at vertical intervals of not more than 2 feet.
- 19) The identification, location and dimensions, including acreage, of all parks, parkways, playgrounds, drainage ways, storm water ponds or other common areas whether proposed for dedication to the public or remaining privately owned.
 - a) In an accompanying document, the subdivider shall indicate how these areas are proposed to be owned, managed and maintained.
- 20) Dimensions, size and numbers of all lots. Where applicable, size shall be indicated with inclusion and exclusion of rights-of-way and areas below the ordinary high water mark of navigable waters.
- 21) A list or depiction showing the following information for each proposed lot:
 - a) Existing and intended land use.
 - b) Existing and intended zoning, including overlay districts, e.g., Lower St. Croix Riverway district.
 - c) Required minimum lot area and lot widths under intended zoning.
 - d) Contiguous buildable area identified in acres and differentially shaded.
 - e) Lowest Building Opening for lots affected by a High Water Elevation, drainage easement or floodplain.
 - f) Identification that the ½ acre contiguous buildable area extends to a portion of the lot abutting a road with such area being sufficient to carry a driveway access.
 - g) All required setbacks.

- 22) Identification of all proposed temporary outlots.
 - a) Indicate proposed purpose and proposed ownership and control of each outlot.
 - b) All outlots that have deed restrictions, covenants or conservation easements shall be referenced on the plat and copies of such draft documents shall be provided.
- 23) The location of any of the following items within 200 feet of the proposed subdivision:
 - a) The location and names of adjacent plats, certified survey maps, unplatted lands, publicly-owned lands, parks and cemeteries, all labeled and underscored with a dotted or dashed line.
 - b) Existing land use and zoning, including overlay districts, e.g., Lower St. Croix Riverway district.
 - c) Topography, water bodies, watershed features, floodplains, wetlands, historic and archeological features and any other limiting features or characteristics.
 - d) Private and municipal dump sites, underground fuel or petroleum storage tanks or areas of known groundwater contamination.
- 24) Two-foot contour mapping on adjacent properties within 100 feet of the proposed subdivision.
- 25) Additional two-foot contour mapping may be required to evaluate stormwater management and road connections.

3. ADDITIONAL SUBMITTALS

- a. The following additional submittals shall be submitted as part of the Preliminary Plat Application:
 - 1) Ownership, management and maintenance plans for parks, parkways, playgrounds, drainageways, stormwater ponds or other common areas whether proposed for dedication to the public or remaining privately owned.
 - 2) A report to address how sensitive areas as described in St. Croix County Land Division Ordinance § 13.2 B.2.a.13) through 20) shall be handled. The report shall include the following:
 - a) An aerial-photograph overlay map, prepared by a registered land surveyor, showing sensitive areas found in St. Croix County Land Division Ordinance § 13.2 B.2.a.13) through 20).
 - b) The data on sensitive areas found in St. Croix County Land Division Ordinance § 13.2 B.2.a.13) through 20).
 - c) Comments made at concept review.

- d) Relevant design standards.
 - e) These sensitive areas shall be placed within lots or common open space, consistent with the one-half acre or more contiguous buildable area standard of St. Croix County Land Division Ordinance § 13.7 G.2 and Common Open Space Requirements for Conservation Design Development, and subject to conservation easements, deed restrictions or covenants reviewed by Town.
- 3) Required or proposed deed restrictions, covenants or conservation easements for lot(s).
 - a) The Town shall review such proposed deed restrictions, covenants or conservation easements as they relate to the requirements of this Ordinance.
 - 4) Any proposed conservation easement for common open space protection.
 - 5) Grading, stormwater management and erosion and sediment control plans shall be submitted for all land disturbances and must include Best Management Practices in accordance with St. Croix County Land Division Ordinance § 13.7 E.
 - a) Areas proposed for filling and grading within shoreland jurisdiction and in close proximity to wetlands and floodplains shall be differentially shaded.
 - 6) A draft maintenance plan for all designed stormwater ponds shall be submitted. The plan shall list all scheduled maintenance activities and the responsible party or parties.
 - 7) Land areas with slopes of 12 to 19.9 percent, 20 percent to 24.9 percent, 25 to 29.9 percent and 30 percent or greater slope shall be shaded differently and labeled or otherwise clearly indicated on a separate map with the road layout, lot lines, and driveway access locations
 - 8) All sloped areas to be developed, graded or stripped as described in St. Croix County Land Division Ordinance §13.7 C. shall be differentially shaded on a separate exhibit of the preliminary plat's grading plan. The percentage of disturbance of these slopes shall be calculated and identified in a table on this exhibit.
 - 9) Some soils denominated in the St. Croix County Soil Survey and identified in the St. Croix County Land Division Ordinance §13.2 B.3, typically have bedrock or indicators of seasonal saturation within two to three feet of the surface. These may be areas of concern for the location of on-site wastewater treatment systems or stormwater retention/detention ponds. If found on the site, the locations of these soils shall be highlighted and/or shaded.
 - 10) A location on each lot that will accommodate an on-site wastewater treatment system and its replacement or alternate location as substantiated by soil borings.
 - a) When private on-site wastewater treatment systems serving single lots are intended, then, at a minimum, one boring for every three acres throughout the plat is required to demonstrate soil suitability.

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

11) When a common wastewater treatment system is proposed, a complete site and design evaluation for suitability of State approved common on-site wastewater treatment systems that serve more than one dwelling shall be provided. When a common water system is proposed, a complete site and design evaluation shall be provided. A sewer and/or water supply management plan shall be provided, which estimates service contract needs, insurance requirements, replacement and other associated costs and defines the means for funding and enforcing the same on an on-going basis.

B. ADDITIONAL APPLICATION AND REVIEW STANDARDS FOR CONSERVATION DESIGN DEVELOPMENT

1. ADDITIONAL SUBMITTAL REQUIREMENTS

- a. To aid the Town or designee and St. Croix County in determining whether the applicant has accomplished the design objectives for Conservation Design Development (CDD) as described in St. Croix County Land Division Ordinance § 13.7 L.2. and has met the design standards for cluster groups and common open space in Conservation Design Development as described in St. Croix County Land Division Ordinance § 13.7 L.7. The preliminary plat application shall include the following information.
 - 1) All the information required in St. Croix County Land Division Ordinance § 13.2 B.2. and Section 3.0 A2 and 3 of this Ordinance.
 - 2) Vegetation on the site by general land cover type, including woodland, brush, hedgerows, grasslands, row crop, non-row crop, stand-alone trees with a diameter at 4 ½ feet from the ground of 18 inches or more, native prairie remnants. The Plant community and the predominant species present, relative age and general condition shall be described.
 - 3) A written description of existing wildlife habitat and the likely species of birds, mammals, amphibians, fish, and reptiles present. The presence of rare or endangered species shall be noted.
 - 4) Visual resources, showing viewsheds onto the site from surrounding roads and public areas. Photographs can be used to demonstrate viewsheds.

2. CONSERVATION DESIGN DEVELOPMENT SITE ANALYSIS

- a. All conservation design development and site analysis shall conform to the requirements found in the St. Croix County Land Division Ordinance.

3. CONSERVATION DESIGN DEVELOPMENT YIELD PLAN

- 1) The number of allowable dwelling units and related lots under the conventional subdivision regulations determines the base number of allowable dwelling units and related lots of the Conservation Design Development subdivision.

4. RESTRICTIVE AGREEMENT ON COMMON FACILITIES AND COMMON OPEN SPACE

- a. The St. Croix County Land Division Ordinance § 13.2 C.4 for the necessary requirements for these agreements are incorporated by reference.

5. OWNERSHIP OF COMMON FACILITIES AND OPEN SPACE

- a. The St. Croix County Land Division Ordinance § 13.2 C.5 for the necessary requirements for common facilities and open space are incorporated by reference.

6. MAINTENANCE OF COMMON FACILITIES AND COMMON OPEN SPACE

- a. The St. Croix County Land Division Ordinance § 13.2 C.6 for the necessary requirements to maintain common facilities and common open space are incorporated by reference.

C. ADDITIONAL INFORMATION

1. PRELIMINARY, DESIGNATED OPEN SPACE AND CONSERVATION DESIGN DEVELOPMENT REVIEW

- a. The Town Board, Plan Commission, or designee, may require any additional data or detail relevant to review. Descriptive data shall be sufficiently precise to allow the approving authority to determine compliance.
- b. Existing features shall be shown as such by distinctive underscoring or other identifiers.

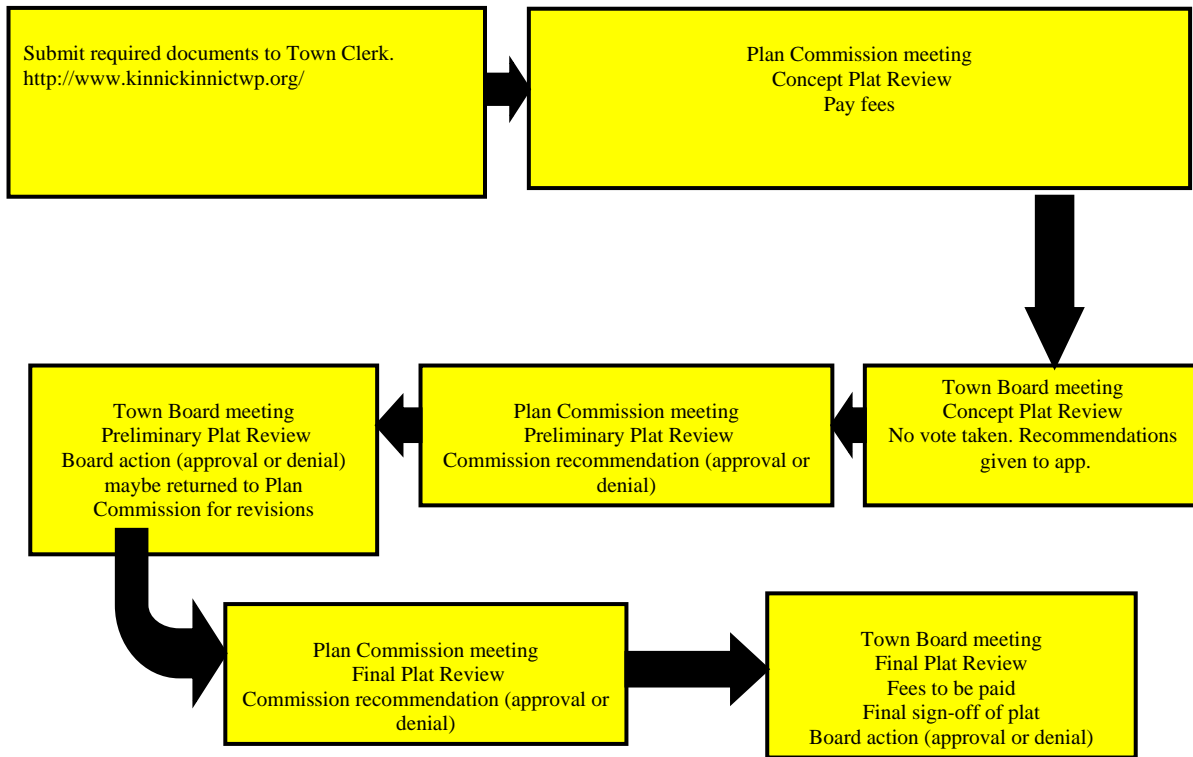
D. REVIEW OF PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS

1. SUBMITTALS

- a. The subdivider shall submit two legible copies of the preliminary plat for the Town Board or designee.
- b. To be considered a valid submittal, the application shall include a written response from the subdivider to all issues and concerns raised during concept review.

2. REVIEW PROCESS (REFER TO TOWN WEB SITE OR TOWN CLERK FOR MEETING DATES)

Town Major Subdivision Review Flow Chart



3. DECISION

- a. The preliminary plat shall conform to the standards in this Ordinance. Within 90 days from the date of submittal, the Town Board shall approve, approve conditionally, or reject the preliminary plat.
- b. Applicable state agency approvals may be required by the Town Board or designee prior to plat approval.
- c. The deadline for action by the Town Board may be extended by written agreement between the Town Board and the subdivider, or upon a determination by the Town Board and the subdivider that additional information is required.
- d. Postponements shall not constitute approval.
- e. Plats meeting the definition of “subdivision” in Wis. Stat. § 236.02(12) shall be subject to the provisions of Wis. Stat. § 236.11 with respect to time available for review and approval of the preliminary plat.

- f. The written determination of the Town Board shall be sent to the applicant and to St. Croix County in the form of meeting minutes.

4.0 APPLICATION AND REVIEW OF FINAL PLATS FOR MAJOR SUBDIVISIONS

A. FINAL PLAT APPLICATION

1. SUBMITTALS

- a. The subdivider shall submit two (2) legible copies of the final plat and accompanying materials to the Town Board and additional legible copies for each of the agencies referred to in the St. Croix County Land Division Ordinance.

2. STANDARDS

- a. The final plat shall conform to all conditions placed on the preliminary plat.
- b. Final plat layout features shall substantially conform to the approved preliminary plat.
- c. Final plat depictions of wetlands shall be based upon field identification and on-site staking conducted by a professional wetland delineator contracted by the subdivider. The field identification and on-site staking shall be reviewed by the Town Board or designee.
- d. Final plat descriptions of contiguous buildable areas shall be based upon on-site staking by a registered surveyor if requested by the Town Board or designee with respect to specific lots.
- e. All easements must be shown on final plat.
- f. Soil boring locations in reference to the locations of contiguous buildable areas shall be identified on a separate, scaled map with cross-reference to test results as reported on a current State soil evaluation form.
- g. The subdivider shall submit final versions of all proposed restrictive covenants, conservation easements or deed restrictions with the final plat.
- h. The subdivider shall submit a final maintenance plan for all designed stormwater ponds.
- i. The subdivider shall submit a final wastewater treatment system and/or water supply management plan for all common systems.
- j. The subdivider shall submit record drawings showing substantial conformance with all improvements on the preliminary plat, including stormwater management and erosion and sediment control measures as required in to St. Croix County Land Division Ordinance § 13.7. E.

3. LEGIBILITY STANDARDS

- a. The St. Croix County Land Division Ordinance for the standards that apply to the legibility of documents are incorporated by reference.

4. APPROVAL PROCESS

- a. If the final plat is not submitted within 36 months of the approval of the preliminary plat, the Town Board may refuse to approve the final plat based on major land use changes affecting the plat or significant Ordinance revisions.
- b. The Town Board shall approve, approve conditionally or reject the plat within 45 days of its submission. Failure of the Town Board take action on the plat within 45 days shall be deemed approval, unless the review time has been extended by written agreement with the subdivider.
- c. The Town Board shall, at the time they approve, approve conditionally, or reject the plat, give written notice to St. Croix County of the decision.
- d. If all the conditions are not satisfied within 90 days from the date of any approval, the final plat approval is void. Notice of these deadlines shall be provided. If the notice is omitted, however, the deadlines shall still control.
- e. After the final plat has been approved and required improvements have either been installed, or an agreement and sureties insuring their installation acceptable to the Town Board or designee have been filed and accepted by the Town, and all conditions have been satisfied, the Town Chair shall certify the approval upon the plat.
- f. The subdivider shall then record the plat and related documents, including conservation easements, deed restrictions and covenants, with the St. Croix County Register of Deeds. The subdivider shall simultaneously provide written notice to the Town Clerk that the plat and related documents, including conservation easements, deed restrictions and covenants, have been submitted for recording and recorded stamped copies thereafter furnished to the Town Clerk.
- g. The final plat (and related documents) must be recorded within 36 months or the approval is void. If the applicant fails to record the final plat and there are no changes to the final plat as approved, the Town Board may allow the applicant to resubmit the final plat upon payment of a resubmittal fee. If there are any changes to the final plat a new concept and preliminary plat application and associated fees must be submitted.

5.0 MINOR SUBDIVISIONS

A. APPLICATION AND PROCEDURES

1. STANDARDS

- a. Minor subdivisions shall be processed following the same application and review procedures of a major subdivision.
- b. The application for a minor subdivision shall show or identify the original parcel of which the proposed subdivision was a part five (5) years prior to the date of application.
- c. The fact that a proposed division creates four (4) or fewer parcels does not automatically create eligibility to employ the minor subdivision procedure if prior or concurrent division of the original parcel, within five (5) years of the date of application, precludes additional divisions through the minor subdivision procedure.
- d. Minor subdivision applications will not be accepted until one (1) day after the date of eligibility, which is five (5) years after the recording of an applicable minor subdivision. For example: A parcel has a minor subdivision recorded on February 1, 1999 and is eligible for subsequent minor subdivision application on February 2, 2004.
- e. Splitting One (1) existing lot into two (2) lots is considered to be a one-lot subdivision.

2. LEGIBILITY STANDARDS

- a. The to St. Croix County Land Division Ordinance for the standards that apply to the legibility of documents are incorporated by reference.

3. APPROVAL PROCESS

- a. The Town Board may authorize a waiver of the concept review conference in full or in part, if no public improvements or stormwater facilities are required.
- b. A preliminary certified survey map and accompanying application materials shall be submitted to the Town Board or designee or review.
- c. When public improvements or stormwater facilities are anticipated or required the subdivider shall submit the same informationa and data as required for such improvements or facilities under the major subdivision process. The Town Board or designee may authorize a waiver of a portion of the submittal requirements when public improvements or stormwater facilities are not required or the proposed lot contains an existing building site.
- d. The procedures and standards of § 13.3 and the standards of Wisconsin Statutes § 236.34 shall apply to a minor subdivision.
- e. A final certified survey map shall be submitted for each minor subdivision.

- f. The procedures and standards of St. Croix County Land Division Ordinance § 13.4 A. shall apply to a minor subdivision, except that the Town Board or designee shall approve, approve conditionally or reject the certified survey map within 90 days of its submission. Failure of the Town Board or designee to take action on the certified survey map within 90 days shall be deemed approval unless other agencies have not responded within the allowable time, there remain unsatisfied objections by other agencies, or unless the review time has been extended by written agreement with the subdivider.
- g. The certified survey map shall comply with Wisconsin Statutes § 236.34 and shall also contain any additional information required by the Town Board or designee at either the preliminary or final review stage.
- h. If approved, the Town Chairperson shall certify the approval on the final certified survey map.
- i. The certified survey map shall be recorded within six (6) months after the last approval and 24 months from the first approval or it shall be deemed void.

6.0 REPLATS

A. APPLICATION AND PROCEDURES

1. STANDARDS

- a. The St. Croix County Land Division Ordinance § 13.4 A for the standards that apply to replats are incorporated by reference.

7.0 DESIGN STANDARDS FOR MAJOR AND MINOR SUBDIVISIONS

A. PURPOSE AND REQUIREMENTS

1. PURPOSE

- a. The St. Croix County Land Division Ordinance § 13.7 A1 are incorporated by reference.

2. GENERAL DESIGN STANDARDS

- a. The St. Croix County Land Division Ordinance § 13.4 A2 for the design standards that apply to subdivisions are incorporated by reference .

B. ROADS

1. DESIGN OBJECTIVES AND JURISDICTION

- a. The road system shall be designed to meet the following objectives: to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population with a simple and logical pattern; to respect natural features and topography; to minimize local road maintenance and replacement costs; to minimize private roads and

private residential driveway accesses to public roads; and to present an attractive appearance.

- b. In the course of a subdivision review, the Town Board or its designee shall designate roads as arterial, collector, subcollector, or access roads. This decision shall be based upon County or Town comprehensive plans or official maps.
- c. The Town Board or its designee may require any road to be constructed to the boundary of the subdivision.
- d. The Town Board or its designee may require special setbacks, screening and other buffers along roads and may limit access along such roads.
- e. The road standards in this section for both Modified Conventional Development (see Subsec. L) and Conservation Design Development (see Subsec. M) may be applied to Conservation Design Development as provided for in St. Croix County Land Division Ordinance § 13.7 K. The road standards in this section for Conservation Design Development may only be applied to Conservation Design Development.
- f. All road rights-of-way included within the design of a subdivision serving three (3) or more lots shall be offered for dedication and accepted by the Town. The Town Board or designee shall approve such designation. After dedication and acceptance, the Town may control vegetation within the right-of-way.
- g. After dedication and acceptance the Town will be responsible for maintenance of the public road and road-related facilities.

2. DESIGN AND CONSTRUCTION STANDARDS

- a. The minimum standards in this section shall apply to all roads.
- b. Roads shall be designed and constructed in accordance with the minimum standards in the following tables or other standards established by the Town:

RURAL ROAD CONSTRUCTION STANDARDS				
ROAD TYPE	Arterial & Collector Roads	Sub collector & Access Roads	Conservation Design Access Road	One-Way Access Road for Conservation Design
Traffic Lanes	2	2	2	1 ¹
R.O.W.	80'	66'	50'	50'
Road Width Before Gravel or Base Course	34'	31'	29'	26'
Road Width after Gravel or Base Course	30'	27'	25'	23'
Road Surface, excluding shoulders	24'	22'	20'	18'
Shoulders, paved or gravel	3'	2'	2'	2'
Pavement Thickness	3½"	3½"	3½"	3½"
Culverts	18" ²	18" ²	18" ²	18" ²
Compacted Sand Sub Base ³	12"	12"	12"	12"
Compacted Base ³				
Crushed Limestone or	6"	6"	6"	6"
Wisconsin Grade #2 Gravel	7"	7"	7"	7"
Shoulder Slopes & Fill Slopes on fills to 3'	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum
Shoulder Slopes & Fill Slopes below top 3'	2:1 maximum	2:1 maximum	2:1 maximum	2:1 maximum
Back Slopes	4:1 desirable, 3:1 average, 2:1 maximum	4:1 desirable, 3:1 average, 2:1 maximum	4:1 desirable, 3:1 average, 2:1 maximum	4:1 desirable, 3:1 average, 2:1 maximum
Minimum Radius of Curvature in ft. from Centerline for Deflections of 7° or More ⁴	300	200	100	100
Maximum Grade ⁴	8%	10%	10%	10%
Maximum Grade within 50' of the Center of an Intersection	2%	2%	2%	2%
Corner Radii ⁴	30'	30'	30'	30'

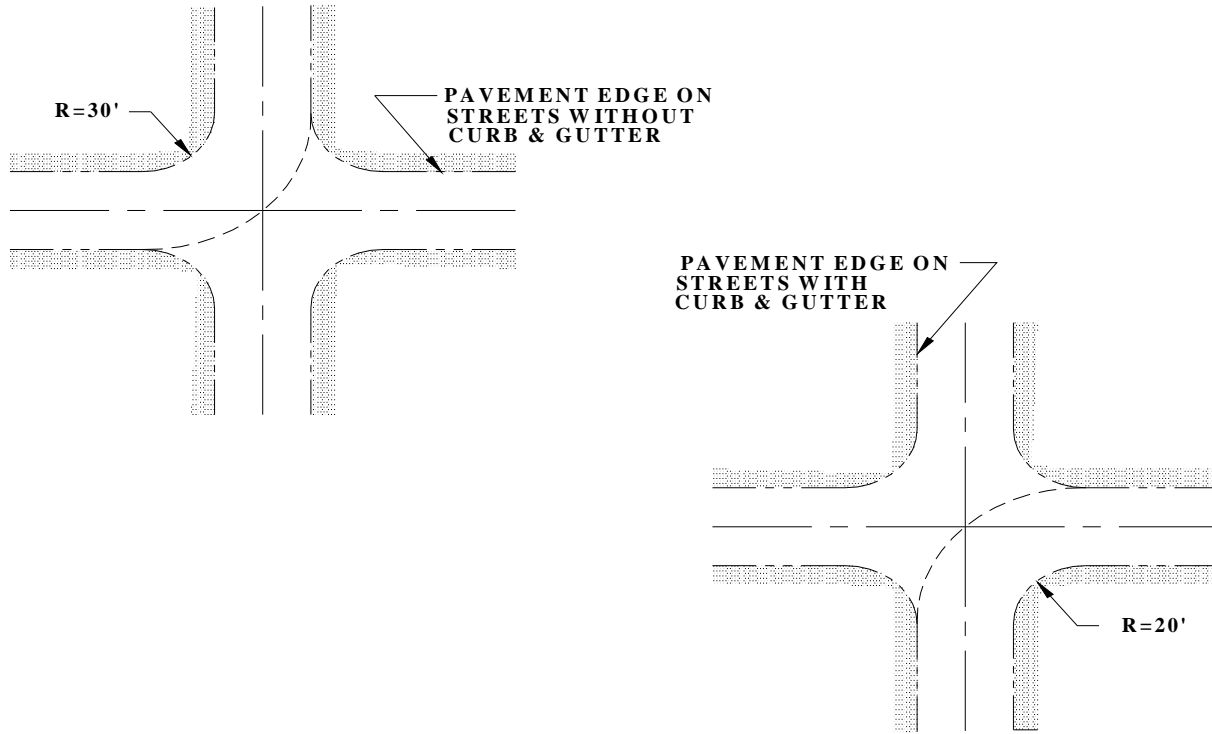
¹ Counter clockwise movement.

² Or as otherwise specified, with a minimum cover of one foot to the top of the sand lift. All culverts shall be galvanized, corrugated steel pipe, pipe arch, plate, or reinforced concrete pipe in conformity with American Association of State Highway Transportation Officials' (AASHTO) specifications.

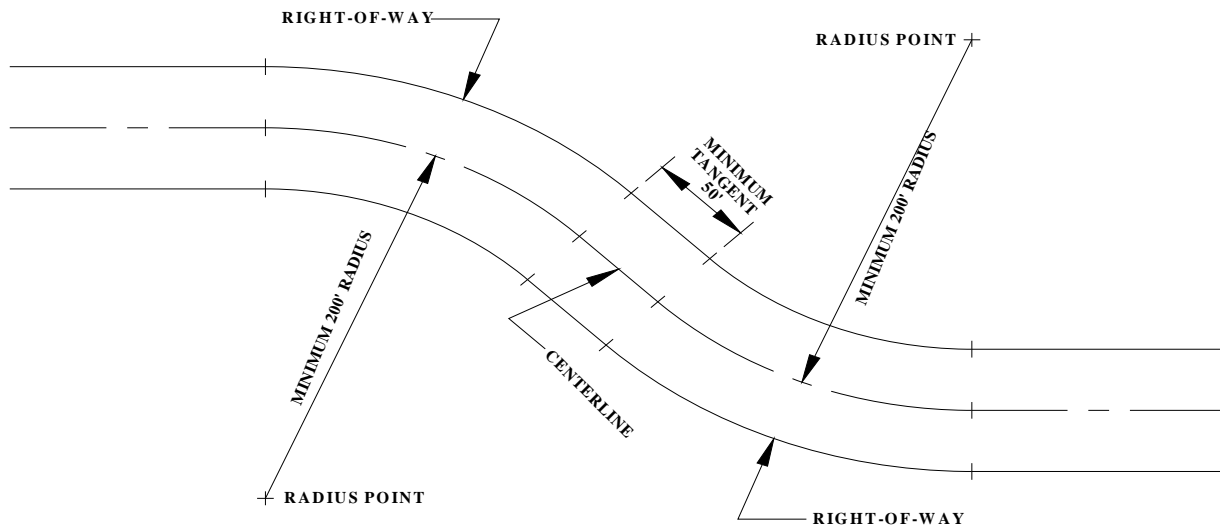
³ Decomposable materials shall not be used in construction.

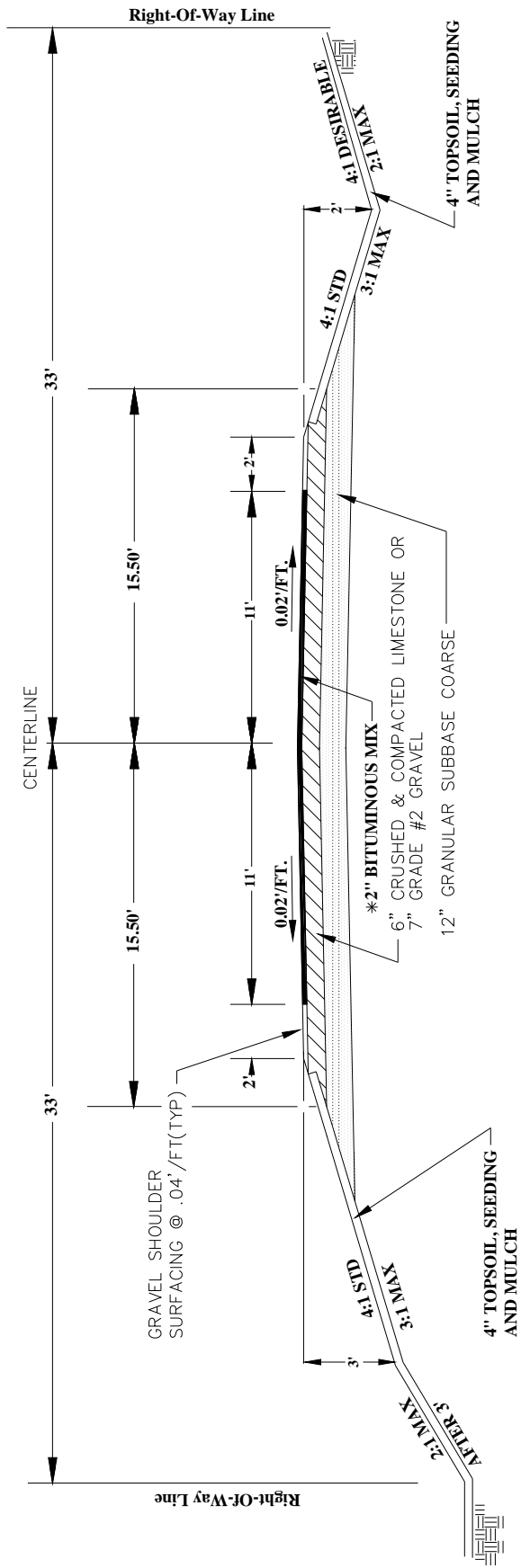
⁴ See diagrams below.

CORNER RADII



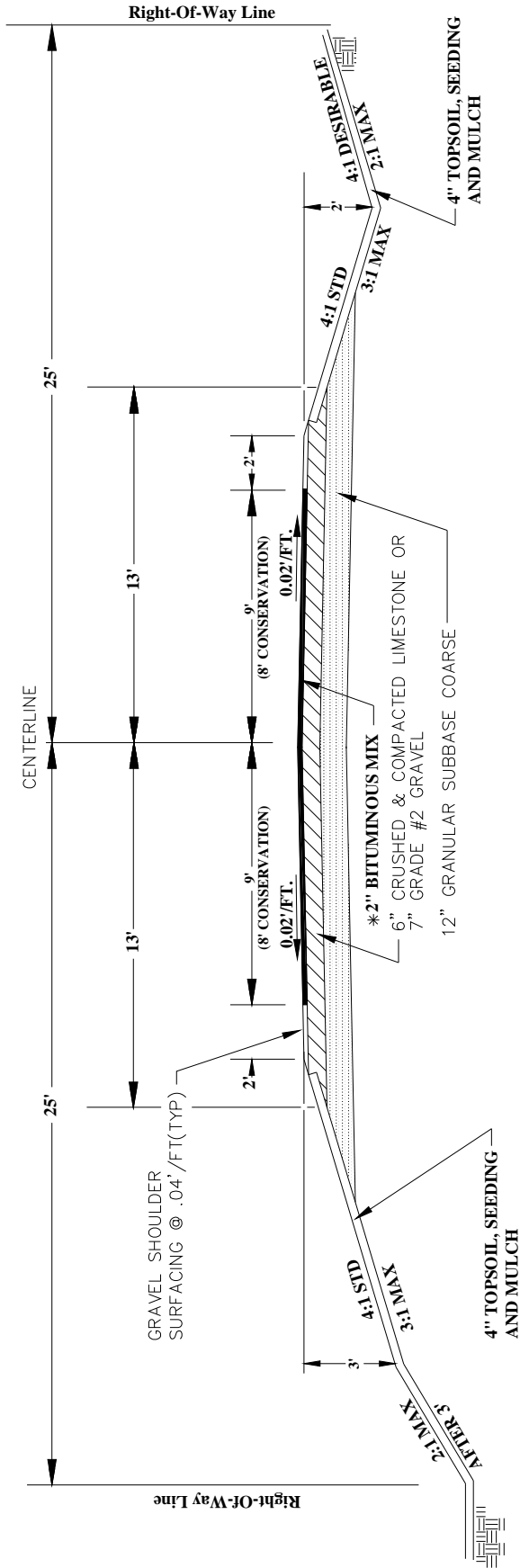
MINIMUM ROAD ALIGNMENT STANDARDS FOR CURVES AND TANGENTS





* EXACT PAVEMENT WIDTHS AND THICKNESSES MAY BE ADJUSTED BY SPECIFIC TOWNSHIP STANDARDS.

TYPICAL FINISHED SECTION STANDARD SUBCOLLECTOR AND ACCESS ROADWAY



* EXACT PAVEMENT WIDTHS AND THICKNESSES MAY BE ADJUSTED BY SPECIFIC TOWNSHIP STANDARDS.

TYPICAL FINISHED SECTION ONE WAY ACCESS ROAD & LOOP ROAD

T
*2" should read 3½" BITUMINOUS MIX

RURAL CUL-DE-SAC BULB AND LOOP END STANDARDS			
Standards	Conventional Development	Conservation Design Development	
ROAD TYPE	Cul-de-sac without Island	Cul-de-sac without Island	Loop Road
Traffic Lanes	2	1	1
One-Way Counter Clockwise Movement	NA	Yes	Yes
Vegetated Center Island ¹	No	No	Yes
R.O.W.	60' radius	50' radius	50' width or 80' radius
Outside Pavement Radius, edge of pavement or face of curb	49'	35'	63'
Center Island Radius, edge of pavement or face of curb	NA	NA	47'
Road Width –Radius- Before Gravel or Base Course	54'	40'	68'
Road Width –Radius- After Gravel or Base Course	51'	37'	20'
Road Surface, no curb excluding shoulders	98'	70'	16'
Shoulders paved or gravel (no shoulder necessary with curb ²)	2'	2'	2'
Culverts	18" ³	18" ³	18" ³
Pavement Thickness	3½"	3½"	3½"
Shoulder Slopes & Fill Slopes on fills to 3'	4:1 desirable 3:1 maximum	4:1 desirable 3:1 maximum	4:1 desirable 3:1 maximum
Shoulder Slopes & Fill Slopes below top 3'	2:1 maximum	2:1 maximum	2:1 maximum
Back Slopes	4:1 desirable 3:1 average 2:1 maximum	4:1 desirable 3:1 average 2:1 maximum	4:1 desirable 3:1 average 2:1 maximum
Minimum Radius of Curvature in feet from Centerline for Deflections of 7° or More ⁴	NA	NA	100
Maximum Grade ⁴	6%	6%	6%
Corner Radii ⁴	30'	30'	30'

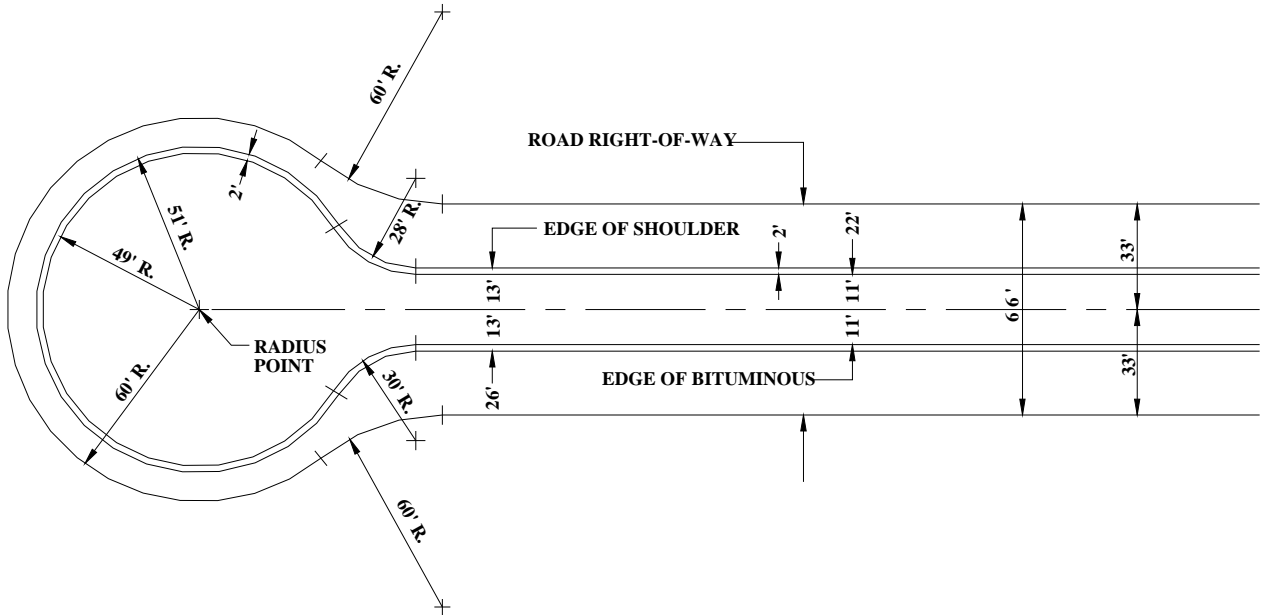
¹ See Landscape Screening.

² Mountable or surmountable concrete curb optional.

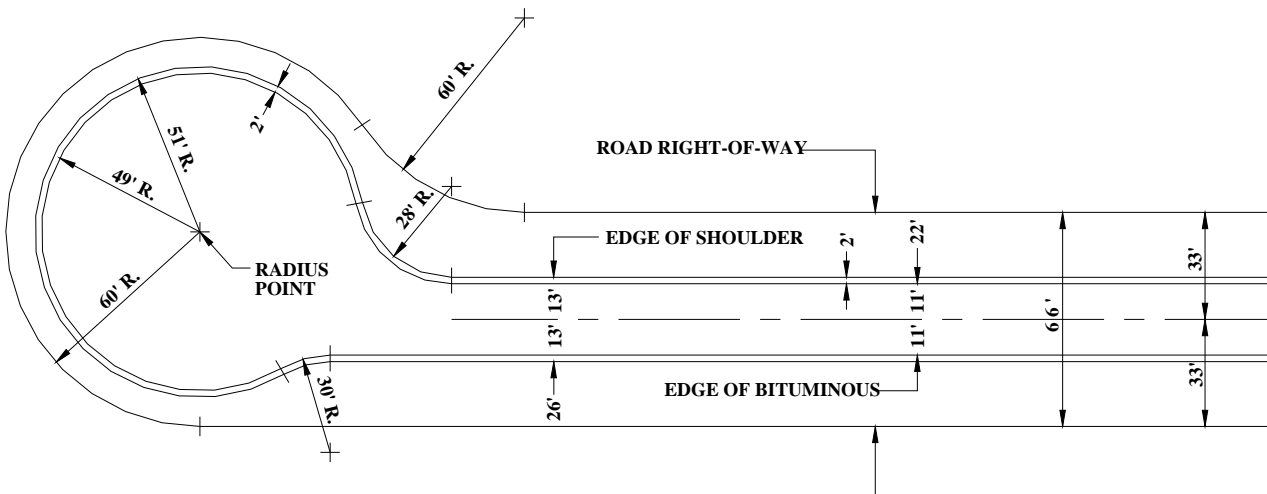
³ Or as otherwise specified, with a minimum cover of one foot to the top of the sand lift. All culverts shall be galvanized, corrugated steel pipe, pipe arch, plate, or reinforced concrete pipe in conformity with American Association of State Highway Transportation Officials' (AASHTO) specifications.

⁴ See diagrams above.

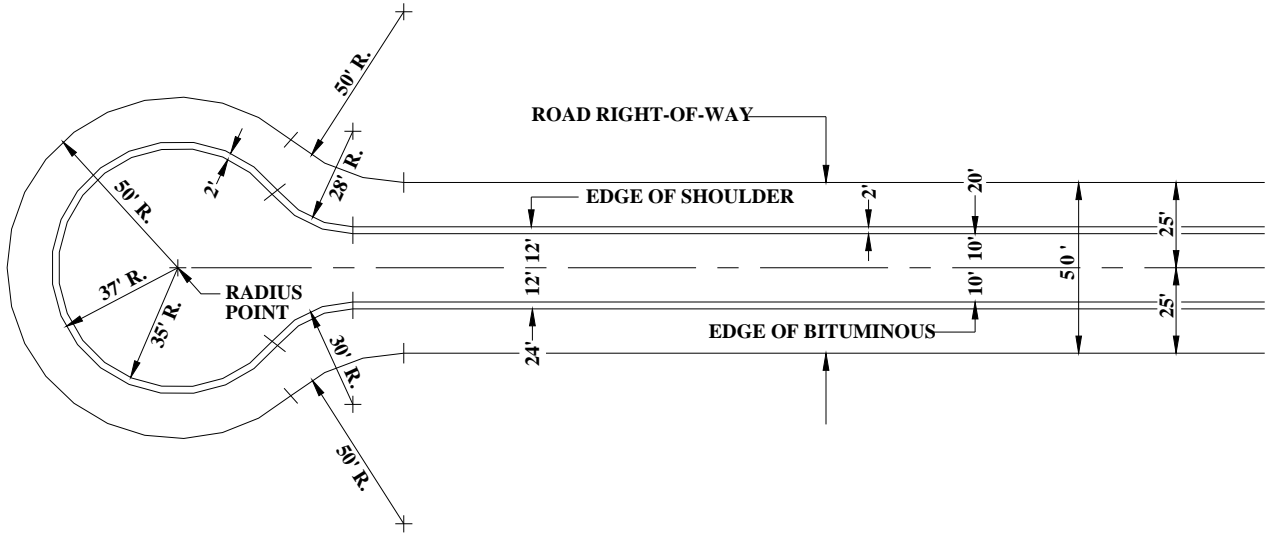
CONVENTIONAL DEVELOPMENT TYPICAL NON-ISLAND CUL-DE-SAC



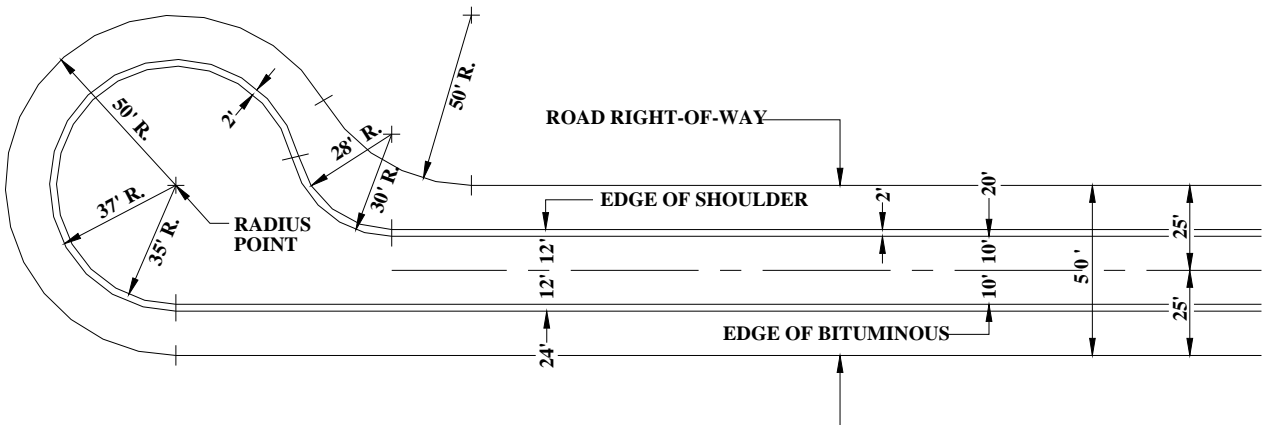
CONVENTIONAL DEVELOPMENT OFFSET NON-ISLAND CUL-DE-SAC



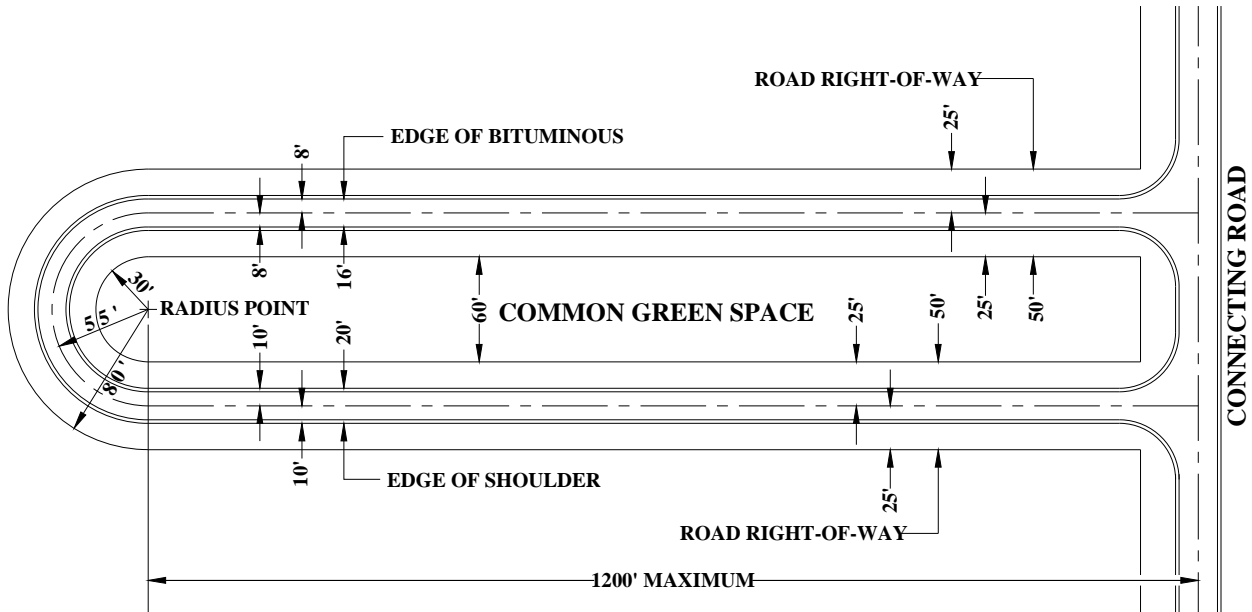
CONSERVATION DESIGN TYPICAL NON-ISLAND CUL-DE-SAC



CONSERVATION DESIGN TYPICAL NON-ISLAND OFFSET CUL-DE-SAC



CONSERVATION DESIGN LOOP ROAD



3. ROAD LAYOUT STANDARDS

- a. The Town shall examine the design of roads and driveway accesses to assure that lots are laid out in a way that will produce intersections, grades and other features satisfying the following standards:
 - 1) The number of intersections along arterial, collector and subcollector roads shall be held to a minimum. Whenever practicable, the distance between such intersections shall not be less than 1,000 feet along these roads.
 - 2) Road intersection jogs with centerline offsets of less than 150 feet on existing or proposed roads are not allowed.
 - 3) Not more than two (2) roads shall intersect at one (1) point.
 - 4) The intersection angle of a driveway access to a road, and a road to a road, shall not be less than 75 degrees measured from the centerline of the road or driveway access to the right-of-way of the intersecting road or driveway access.
 - 5) The Town may require intersection vision clearances.
- b. Subdivision roads shall provide connection to existing or planned road extensions and adjacent unplatted property.

- c. All road layout design shall be consistent with any applicable policies adopted in the Town comprehensive plan or official map.
- d. Proposed roads shall extend to the boundary lines of the lot, parcel, or site being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Town, such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of adjacent lands or Conservation Design Development.
- e. All arterial and collector roads shall be built to the boundary of the subdivision.
- f. All road extensions shall be constructed at the time of the development's initial road construction.
- g. Temporary termination of roads intended to be extended at a later date shall be accomplished with the construction of a temporary cul-de-sac contained within the road right-of-way as shown in St. Croix County Land Division Ordinance § 13.7 B.3.g.
- h. Additional road layout standards shall meet the requirements listed in St. Croix County Land Division Ordinance § 13.7 B.3.h – 13.7 B.3.q.

4. ROAD NAMES

- a. Road naming suffix nomenclature shall follow the standards listed in St. Croix County Land Division Ordinance § 13.7 B.4.

C. LAND DISTURBANCE RESTRICTIONS

1. STANDARDS

- a. Development shall incorporate Best Management Practices for erosion and sediment control and stormwater management.
- b. Land disturbance shall be minimized wherever practicable so as to avoid excessive grading, the extensive removal of ground cover and tree growth, and general leveling of the topography.
- c. On slopes of 25 percent to 29.9 percent, no disturbance shall be permitted for activities other than public improvements, except to correct a pre-existing erosion problem on slopes up to 35 percent.
- d. On slopes of 30 percent or greater, no disturbance shall be permitted, except to correct a pre-existing erosion problem on slopes up to 35 percent.
- e. The maximum disturbance allowed in areas having a slope between 20 percent to 29.9 percent shall be 10 percent of that portion of the entire proposed subdivision which has slopes between 20 to 29.9 percent.

- f. The maximum disturbance allowed in slope areas between 12 to 19.9 percent shall be 50 percent of the total slope area of the proposed subdivision between 12 to 19.9 percent.
- g. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent.
- h. For the purposes of application of these regulations slope shall be measured over a horizontal distance of 50 feet.
- i. All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the State of Wisconsin.
- j. The Town or its designee may authorize exceptions to these standards for corrective measures on actively eroding sites.

D. UTILITY EASEMENTS

1. STANDARDS

- a. The St. Croix County Land Division Ordinance § 13.7 D for the design standards that apply to utility easements are incorporated by reference .

E. STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PLANS

1. DESIGN STANDARDS

- a. The St. Croix County Land Division Ordinance § 13.7 E for the design standards that apply to storm water management and erosion and sediment control plans are incorporated by reference.

F. DRAINAGE EASEMENTS

1. STANDARDS

- a. The St. Croix County Land Division Ordinance § 13.7 F for the design standards that apply to drainage easements are incorporated by reference.

G. LOTS

1. GENERAL DESIGN STANDARDS

- a. The St. Croix County Land Division Ordinance § 13.7 G.1.a through 13.7 G.1.g for design standards that apply to lots are incorporated by reference.
- b. All lots in major subdivisions shall be served by new, interior public roads.
- c. In minor subdivisions which exceed 2 lots, all lots shall be served by new, interior public roads.

- d. Subdivisions with 30 lots or more shall have two (2) or more interconnected accesses onto a public road existing before the development of the subdivision unless otherwise provided for in the Town Comprehensive Plan or official map. When counting lots under this provision, all existing and proposed lots shall be counted.

2. LOT AREA STANDARDS

- a. Lot area standards shall comply with St. Croix County Land Division Ordinance 13.7 G.2, except as modified in this Ordinance.

3. LOT ACCESS STANDARDS

- a. The St. Croix County Land Division Ordinance § 13.7 G.3 for the design standards that apply to lot access standards are incorporated by reference.

H. LANDSCAPE SCREENING AND BUFFER AREA

- a. The St. Croix County Land Division Ordinance §13.7 H for the standards that apply to landscape screening and buffer area are incorporated by reference.

I. PARKS AND PARKWAYS

1. STANDARDS

- a. The Town may require the subdivision to have parks, parkways or trails and determine whether such areas are to be shown as lots, or dedicated areas upon a finding that duly adopted regional, County or local plans, or official maps, call for provision of such parks or parkways, or upon a determination that the parks or parkways are reasonably required to serve the needs generated by the subdivision or by subdividing within the area.
- b. The Town shall designate the site, configuration and shape of parks and parkways within the subdivision.

J. DESIGN STANDARDS FOR SUBDIVISIONS INTENDED FOR COMMERCIAL OR INDUSTRIAL USE

- a. The St. Croix County Land Division Ordinance § 13.7 J for the design standards that apply to subdivisions intended for commercial or industrial use are incorporated by reference.

K. MINOR SUBDIVISIONS

1. REQUIREMENTS FOR MINOR SUBDIVISIONS ACCESSING ONTO EXISTING PUBLIC ROADS

- a. Requirements for minor subdivisions with access to existing public roads shall be as described in the table below:

Requirements for Minor Subdivisions with Access to Existing Public Roads

Item	Requirement
Minimum Lot Size	2 Acres
Maximum Number of Lots Permitted Every 5 Years	2 Lots
Plant or Preserve Landscape Screening and Buffer Area Between Existing Roads and Development to Screen Views	Plant or Preserve Landscape Screening and Buffer Area Between All Existing Roads and Development, Meeting County Std. 13.7 H
Plant or Preserve Trees on Lots	Plant or Preserve a Minimum of 6 Trees per Lot, Meeting Requirements of County Std. 13.7 H.5
Concept Sketch of Future Development	Submit Conceptual Sketch of any Proposed Subdivision Covering the Entire Contiguous Area Owned or Controlled by Subdivider, Per County Std. 13.2.A.1.c.1

- b. The term “existing road” means any public road (State, County or Town) that was dedicated and open prior to creation of the new lots.
- c. Existing and proposed road rights-of-way do not count toward the 2 acre minimum lot size. Lots must be a minimum of 2 acres in size not including road rights-of-way.
- d. An exception to the maximum number of lots permitted every 5 years.
- e. A maximum of 4 lots every 5 years are permitted for lots on existing Access Roads where in the opinion of the Town Board there is no potential for extension as a future subcollector.
- f. On all other existing roads, a maximum of 2 lots every 5 years are permitted.
- g. The lots in a two lot minor subdivision may be permitted to share a driveway designated in an easement, provided the easement connects the lots to a public road, and a shared driveway agreement is approved by the Town Board.

2. REQUIREMENTS FOR MINOR SUBDIVISIONS ACCESSING ONTO NEW INTERIOR PUBLIC ROADS

- a. Requirements for minor subdivisions with access onto existing public roads shall be as described in the table below:

Requirements for Minor Subdivisions with Access onto New Interior Public Roads

Item	Requirement
Minimum Lot Size	2 acres
Maximum Number of Lots Permitted Every 5 Years	4 lots
Minimum Open Space Setback From Any Existing Road R/W to Any Lot Line	50'
Plant or Preserve Landscape Screening and Buffer Area Between Existing Roads and Development to Screen Views	Plant or Preserve Landscape Screening and Buffer Area Between All Existing Roads and Development, Meeting County Std. 13.7 H
Plant or Preserve Trees on Lots	Plant or Preserve a Minimum of 6 Trees per Lot, Meeting Requirements of County Std. 13.7 H.5
Concept Sketch of Future Development	Submit Conceptual Sketch of any Proposed Subdivision Covering the Entire Contiguous Area Owned or Controlled by Subdivider, Per County Std. 13.2.A.1.c.1

- b. The term “new interior road” means a road that was constructed in conjunction with the new lots to provide access to those lots.
- c. Existing and proposed road rights-of-way do not count toward the two (2) acre minimum lot size. Lots must be a minimum of two (2) acres in size not including road rights-of-way.
- d. The lots in a two lot minor subdivision may be permitted to share a driveway designated in an easement, provided the easement connects the lots to a public road, and a shared driveway agreement is approved by the Town Board.

L. MODIFIED CONVENTIONAL MAJOR SUBDIVISIONS

1. APPLICABILITY

- a. Modified Conventional Major Subdivision design development provides an alternative set of design objectives and standards for major subdivision for residential development.

2. PURPOSE

- a. The purpose of Modified Conventional Major Subdivision design development is to provide an alternative to, but incorporate elements of, both the conventional major subdivision and the St. Croix County Conservation Design Development major subdivision.

3. MINIMUM COMMON OPEN SPACE AREA

- a. On all sites developed under the Modified Conventional Major Subdivision regulations, a minimum amount of open space area, as set forth herein, shall be set aside as protected common open space.
 - 1) Common open space examples are listed in Section 7.L 6 below.
 - 2) Minimum open space percent is based on gross land area of the development site minus existing rights-of-way and utility easements.
 - 3) Open space must be contiguous to development, and cannot be split by an existing road.
 - 4) Open space shall be dedicated as preserved open space protected by a conservation easement or deed restriction.
 - 5) The subdivider shall specify how open space will be managed and owned.

4. DESIGN STANDARDS FOR MODIFIED CONVENTIONAL MAJOR SUBDIVISIONS

- a. The lot placements and road design will be a cooperative effort of the subdivider and the Town.
- b. Other design requirements of major subdivisions will apply except as otherwise described herein.
- c. Average lot size for a development shall be calculated by dividing the gross developed land area (including proposed road rights-of-way) by the total number of lots.

**Modified Conventional Major Subdivision
 Lot Size, Open Space and Lot Line Setback Requirements**

Requirement	With 0% of Density Bonus Earned	With 100% of Density Bonus Earned
Average Lot Size (acres)	2	2
Minimum Lot Size (acres)	1.5	1.5
Minimum Open Space Requirement	50%	25%
Number of Lots on Example 100 Acre Parcel	25	37
Minimum Open Space Setback From Existing R/W to Any Lot Line	150'	50'

5. DENSITY BONUS FOR MODIFIED CONVENTIONAL MAJOR SUBDIVISIONS

- a. On all sites developed under the Modified Conventional Design Development regulations, additional lots may be earned by implementing certain conservation features, as described herein.
- b. The Plan Commission has latitude to recommend assigning density bonus points for preservation or unique geological, manmade or historic features.
- c. The term “Farmette” means any lot at least nine (9) acres in size that contains one (1) home and no more than two (2) outbuildings.
 - 1) Farmettes must meet all applicable County zoning codes regarding setbacks.
 - 2) If Farmettes are chosen as a density bonus feature:
 - a) As Farmettes qualify as open space, the minimum open space setback does not apply to the Farmette lots, but does apply to the remaining lots.
 - b) The Farmettes will not be counted in the calculations for average lot size.
 - c) The Farmettes qualify as open space, and must be located in the open space setback area.
 - d) Farmettes may not be subdivided in the future, and must subject to a permanent conservation easement.
 - e) The landscape screening and buffer area must be located between the farms and the development, not between the farms and the existing roads.

**Modified Conventional Major Subdivision
Density Bonus Conservation Features**

Conservation Feature	Requirement to Earn Maximum Density Bonus	Maximum Percent of Total Density Bonus
Plant or Preserve Landscape Screening and Buffer Area Between Existing Roads and Development to Screen Views	Plant or Preserve Landscape Screening and Buffer Area Between All Existing Roads and Development, Meeting County Std. 13.7 H	Up to the First 50% (This Conservation Feature Requirement Must be Fully Satisfied Prior to Utilizing Other Features).
Plant or Preserve Trees on Lots	Plant or Preserve a Minimum of 6 Trees per Lot, Meeting Requirements of County Std. 13.7 H.5	Up to the Remaining 50%
Establish a Trail System Across the Development	Construct a Walking Trail (minimum 8' wide surface of wood chips, gravel or asphalt) from One Boundary of Development to the Opposite Boundary.	Up to the Remaining 50%
Maintain Minimum Setback From Kinnickinnic River to Closest Lot Line	Maintain Minimum Setback of 100' From High Water Line to Closest Lot Line	Up to the Remaining 50%
Locate Farrowettes Between Existing Roads and Development	Locate Minimum 9 Acre Farrowettes Between All Existing Roads and Development	Up to the Remaining 50%

6. COMMON OPEN SPACE USE EXAMPLES

- a. The following are examples of permitted uses of land designated as open space under this Subsection, provided they comply with St. Croix County Chap 17 Zoning requirements:
 - 1) Conservation (e.g. woodland, meadow, prairie).
 - 2) Agricultural (except feedlot).
 - 3) Equestrian (note that there are specific standards for Equestrian uses to be met in the St. Croix County Ordinance).
 - 4) Recreational uses and associated parking intended mainly to serve residents of the development
 - 5) Non-motorized trails (walking, skiing, cycling, horseback riding)

- 6) Picnic areas
 - 7) Community gardens
 - 8) Composting (for waste generated by residents of the development)
 - 9) Turf areas for informal play
 - 10) Common areas such as greens or squares
 - 11) Ball fields
 - 12) Courts (tennis, basketball, etc.)
 - 13) Swimming pools or beaches
 - 14) Common buildings
 - 15) Stormwater Management Facilities
 - 16) Sewage disposal systems
 - 17) Essential Services – (e.g. Utility Substations)
 - 18) Non-commercial golf course
 - 19) Other uses similar to the aforementioned
- b. The following uses are not allowed in the designated open space:
- 1) Motorized trails
 - 2) Roadway Right-of-way and Easements

7. RESTRICTIVE AGREEMENT ON, AND OWNERSHIP AND MAINTENANCE OF, COMMON FACILITIES AND OPEN SPACE

- a. The standards for common facilities and open space listed in St. Croix County Land Division Ordinance § 13.2 C.3 through 13.2 C.5 shall apply to Modified Conventional Major Subdivisions.

M. CONSERVATION DESIGN DEVELOPMENT FOR MAJOR SUBDIVISIONS

1. APPLICABILITY

- a. Conservation Design Development (CDD) provides an alternative set of design objectives and standards for major subdivision for residential development.

2. PURPOSE

- a. The purposes of Conservation Design Development are as follows:
 - 1) To provide for the unified and planned development of clustered, residential uses which are designed and located to reduce the perceived density of development, while still providing privacy for dwellings, and incorporate large areas of permanently protected common open space.
 - 2) To allow for the continuation of agricultural uses in those areas best suited for such activities.
 - 3) To maintain and protect Town's rural character by preserving one or more of these important landscape elements, including but not limited to those areas containing such unique and environmentally sensitive natural features as woodlands, river and stream corridors, drainageways, wetlands, closed depressions, floodplains, shorelands, prairies, ridgetops, steep slopes, and critical species habitat by setting them aside from development. Such areas contained in primary and secondary environmental corridors, and potentially productive agricultural land, as identified by the *St. Croix County Development Management Plan, and the Town Comprehensive Plan*, shall be given priority in conservation efforts and requirements.
 - 4) To connect common open space areas between adjacent properties and create environmental corridors throughout the Town, areas contained in primary and secondary environmental corridors, independent environmental resources and potentially productive agricultural land, as identified by the *St. Croix County Development Management Plan, and the Town Comprehensive Plan* are of particular significance for conservation.
 - 5) To preserve scenic views and to minimize views of new development from existing homes and roads.
 - 6) To provide greater design flexibility in siting dwellings and other development features than would be permitted by the application of standard use regulations in order to minimize the disturbance of rural landscape elements and sensitive areas, scenic quality, and overall aesthetic value of the landscape.
 - 7) To increase flexibility and efficiency in the siting of services and infrastructure by altering road length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.
 - 8) To create groups of dwellings with direct visual and physical access to common open space.
 - 9) To permit active and passive recreational use of common open space by residents of the developments and/or by the public.

- 10) To reduce erosion and sedimentation by retaining existing vegetation and minimize development on steep slopes.
- 11) To promote various means for common open space, preserving landscape elements and agricultural land, and to protect such areas from development in perpetuity.
- 12) To create a stewardship approach to common open space by requiring a land management plan for the common open space.

3. DENSITY STANDARDS

- a. The total number of dwelling units that are allowed in a Conservation Design Development is referred to as the Residential Gross Density. See St. Croix County Zoning Ordinance § 17.21 (6).

4. RESIDENTIAL BASE DENSITY

- a. The base density or the base number of allowable dwelling units shall be determined by the yield plan pursuant to St. Croix County Land Division Ordinance § 13.2 C.3. Existing dwellings that may or may not be part of a farmstead that will be retained shall be counted toward the base density.

5. PRESCRIBED LOT AREA

- a. The lot size allowed under Conservation Design Development is called the prescribed lot area.
- b. For an existing or new farmstead on a site used for Conservation Design Development, the prescribed lot area shall be large enough to accommodate all structures within a building envelope created by a 100-foot setback from all sides of the lot. For barnyards or buildings that contain or will contain livestock or poultry, the setback shall be increased to 300 feet.
- c. The prescribed lot area of new lots shall be that which results from meeting all of the standards and requirements of Conservation Design Development and Chapter 17, St. Croix County Zoning Ordinance. The prescribed lot area cannot be less than one-half (½) acre.

6. MINIMUM COMMON OPEN SPACE AREA

- a. For Conservation Design Development, the minimum amount of common open space shall be:
 - 1) In the Town Agricultural Residential District, 65 percent of the total site area excluding existing rights-of-way and utility easements.
- b. The required common open space designated in 7.a. above can be reduced to prevent any allowable lot from being reduced to an area less than one-half acre (½) in the attempt to meet common open space requirements.

7. DESIGN AND DIMENSIONAL STANDARDS FOR CLUSTER GROUPS

- a. All dwelling units shall be in cluster groups.
- b. The number of dwelling units in each cluster group shall be determined as follows:
 - 1) For Conservation Design Developments on a site 40 acres or smaller, each cluster group shall be no more than 40 percent of the total number of dwelling units in the development and no less than 15 percent of the total number of dwelling units in the development, except as provided in 3) below.
 - 2) For any Conservation Design Developments over 40 acres, each cluster group shall be between six (6) and 16 dwelling units.
 - 3) A Conservation Design Development with a total number of 16 dwelling units or less may contain a single cluster group if all other standards in St. Croix County Land Division Ordinance § 13.7 K. are met.
 - 4) The number of dwelling units in a cluster group may be decreased or increased and each cluster group may be assembled into smaller or larger groupings, provided the applicant can demonstrate such an alternative design is more appropriate for the site, and will meet the general intent and design objectives of this Ordinance and the goals and objectives of the *St. Croix County Development Management Plan, and Town Comprehensive Plan*.
- c. A plat may contain one (1) or more cluster groups.
- d. All lots in a cluster group shall have primary access from interior roads
- e. Each cluster group shall be defined by the outer perimeter of contiguous lots or abutting roads and may contain lots, roads, and cluster group interior open space. When the development does not include individual lots, such as a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer than 75 feet to any unit.
- f. The outer boundaries of the lot lines of each cluster group shall conform to the separation distances in the following table:

LIMITING FACTOR	SEPARATION DISTANCE
1. From other cluster group outer boundaries	100 feet
2. From existing and proposed rights-of-way of arterial or collector highways or from state designated scenic roads	100 feet
3. From all other existing or proposed external highway or road rights-of-way	50 feet
4. From all subdivision site boundaries	100 feet
5. From cropland or pastureland	100 feet
6. From existing buildings housing livestock or poultry or barnyards	300 feet
7. From wetlands, floodplains, watercourses or drainageways	75 feet

8. From active recreation areas, such as courts, playing fields or pools	100 feet
9. From the Kinnickinnic River	150 feet

- g. The dimensional standards specified in St. Croix County Land Division Ordinance § 13.7 K.8.f. may be reduced under the following circumstances:
- 1) The separation distances along existing or proposed arterial roads and site boundaries may be reduced to a minimum of 50 feet provided the applicant can demonstrate that existing vegetation, topography or a combination of these, form an effective visual screen. The Town Board or its designee may accept constructed berms and planted native vegetation for these reduced separation distances if such items will form an effective visual screen and maintenance is included in the CDD management plan.
 - 2) Separation distances in St. Croix County Land Division Ordinance § 13.7 K.8.f. 1-6 and 8 may be reduced up to 50 percent if the applicant can demonstrate that such reduced setbacks are more appropriate for the site concerned and will improve the project's conformance with the design objectives in St. Croix County Land Division Ordinance § 13.7 K.2., the intent of this Ordinance, and the goals, objectives and policies of the *St. Croix County Development Management Plan, and Town Comprehensive Plan*.
- h. All separation areas for cluster groups along existing roads shall be landscaped in accordance with St. Croix County Land Division Ordinance § 13.7 H. and 13.7 K.10.
- i. All cluster groups shall be surrounded by open space.
- j. All lots in a cluster group shall abut common open space to the front or rear. Cluster group internal open space and common open space across an adjoining road may qualify for this requirement.
- k. Cluster groups shall be separated by common open space in order to provide direct access to common open space and privacy to individual lots or yard areas. Roads may separate cluster groups if the road right-of-way is designed as a vegetated median.
- l. Cluster groups containing 11 or more dwelling units must provide internal open space at a minimum rate of 2,000 square feet per dwelling unit. Such open space shall meet the following standards:
- 1) Internal common open space located within cluster groups shall be counted toward meeting the overall minimum common open-space area requirement.
 - 2) The internal open space shall be configured as a cul-de-sac island, a loop lane, an island within a larger loop or an "eyebrow" (a semi-circular loop), an island in a center median road, a common green area, or other configurations that yield internal open space within cluster groups. Common green areas surrounded by lots on up to three sides shall be designed as a common space for use by all residents within the cluster group.

- 3) Internal open space may contain pervious surface parking areas, but these shall not be included in the required minimum 2,000 square feet of internal open space per dwelling unit or minimum common open space area requirement.
- m. Cluster groups smaller than 11 dwelling units may contain internal open space that is consistent with St. Croix County Land Division Ordinance § 13.7 K.8.1.2. Such internal open space may be included in the minimum common open-space area requirement if it contains at least 2,000 square feet. Such internal open space may contain parking areas, but these shall not be included in the minimum common open-space area requirement.
- n. Internal open space within cluster groups is not subject to the design standards for common open space areas in St. Croix County Land Division Ordinance § 13.7 K.9.
- o. In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. When the objective is to preserve productive agricultural land and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that some of the canopy on individual wooded lots is maintained. See St. Croix County Land Division Ordinance § 13.7 K9.b.8.

8. DESIGN STANDARDS FOR COMMON OPEN SPACE AREAS

- a. On all sites developed under the Conservation Design Development regulations, the minimum amount of common open space area, as set forth in St. Croix County Land Division Ordinance § 13.7 K.7., shall be set aside as protected common open space.
- b. Common open space shall comply with the following design standards:
 - 1) The location of common open space shall be consistent with the design objectives in St. Croix County Land Division Ordinance § 13.7 K.2., and the goals, objectives and policies of the *St. Croix County Development Management Plan, and the Town Comprehensive Plan*.
 - 2) All open space areas shall be part of a larger contiguous and integrated open space system. At least 75 percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this section, contiguous shall be defined as either physically touching or located within 100 feet across a public right-of-way, for example, on opposite sides of an internal road.
 - 3) Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in preserving rural character and conserving natural resources in compliance with the intent of this Ordinance and consistent with the goals, objectives and policies of the *St. Croix County Development Management Plan, and Town Comprehensive Plan*.
 - a) The protection of primary and secondary environmental corridors, independent natural resources and potentially productive agricultural land as identified in the *St. Croix County Development Management Plan, and the Town Comprehensive Plan* is particularly significant.

- b) It is recognized that there may be different open space preservation objectives that will result in different areas being set aside as open space. Developments designed to preserve rural character values may look much different from developments striving to preserve viable agricultural land.
 - c) Applicants must provide an explanation of the open space objectives achieved with their proposed development.
- 4) Natural features shall generally be maintained in their natural condition. If recommended by a professional with pertinent qualifications, satisfactory to the Town Board or its designee may authorize a modification to improve the natural features' appearance or restore their overall condition and natural processes, in compliance with an approved management plan, as described in St. Croix County Land Division Ordinance § 13.2 C.6.a. Permitted modifications may include, but are not limited to:
- a) Woodland or forest management.
 - b) Reforestation.
 - c) Meadow or prairie management.
 - d) Wetlands management.
 - e) Streambank protection.
 - f) Establishing native, non-invasive vegetation in buffer areas.
- 5) All wetlands, floodplains, unique wildlife habitat areas, slopes 25 percent or greater, closed depressions and at least 80 percent of a primary environmental corridor, as identified in the *St. Croix County Development Management Plan*, shall be contained in common open space. The requirement that at least 80 percent of a primary environmental corridor be contained in common open space can be reduced under the following conditions:
- a) The site is predominantly primary environmental corridor and development at the permitted density would not be possible without encroaching further on the primary environmental corridor.
 - b) It can be demonstrated that additional development within the primary environmental corridor meets the overall objectives of this Ordinance.
 - c) All wetlands, floodplains, unique wildlife habitat areas, slopes 20 percent or greater and closed depressions remain in common open space.
 - d) Any reduction of a primary environmental corridor included in common open space below 80 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.

- 6) Common boundaries with existing or future open space on adjacent sites shall be maximized.
- 7) In order to preserve scenic views, all ridgetops and hilltops shall be contained within common open space wherever possible.
- 8) At least 80 percent of the area of existing woodlands shall be contained within common open space; 20 percent of the area of existing woodlands may be used for lots and residential development. There may be deviation from this requirement if:
 - a) The site is primarily wooded, and development at the permitted density would not be possible without encroaching further on the woodlands.
 - b) It can be demonstrated that additional development within the woodlands meets the overall objectives of this Ordinance.
 - c) The stated objective is to preserve productive agricultural land.
 - d) Any encroachment on the woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.
- 9) Any development of woodlands 40 acres or larger with at least one-quarter ($\frac{1}{4}$) mile of width shall have cluster groups arranged around the periphery of the woodlands to preserve as much of the woodlands interior habitat as possible. The arrangement of the cluster groups around the periphery shall preserve natural undisturbed corridors to the interior.
- 10) No common open space area shall be less than 10,000 square feet in area and not less than 30 feet at its smallest dimension, with the exception of internal open space within cluster groups, as described in St. Croix County Land Division Ordinance § 13.7 K.8.1.
- 11) Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be balanced by appropriate distribution throughout the development to properly serve and enhance all dwelling units, cluster groups, and common facilities.
- 12) Common open space shall include lands located along existing public roads in order to preserve existing rural landscape character as seen from these roads, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
- 13) To ensure adequate protection of natural and cultural features, no more than 25 percent of common open space shall be used for recreational purposes.
- 14) When common open space is utilized for some or all of the permitted sewer and water facilities, then an easement shall be granted which describes the right of the individual property owner to have access to the common open space to construct, maintain, gain access and/or replace a private sewer or water facility. Additionally, the restrictive

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

- c. Safe and convenient pedestrian access for maintenance and emergency purposes shall be provided to non-agricultural purpose common open space areas, in accordance with the following:
 - 1) At least one (1) access point per cluster group shall be provided, having a width equal to or greater than 50 feet within the cluster group. This width may be reduced to no less than 16 feet if the applicant can demonstrate that, due to natural site conditions, meeting the above requirement would run counter to the objectives of this Ordinance.
 - 2) This access may be in the form of an easement.
 - 3) Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
- d. The following areas shall not be included in common open space areas:
 - 1) Private lot areas.
 - 2) Road and highway rights-of-way, public or private.
 - 3) Railroad and utility rights-of-way, except underground pipeline rights-of-way.
 - 4) Parking areas.
 - 5) Areas not meeting the requirements of St. Croix County Land Division Ordinance § 13.7 K.9.b.10).
 - 6) Farmsteads.

9. LANDSCAPING FOR CONSERVATION DESIGN DEVELOPMENT

- a. Preservation of existing native vegetation.
 - 1) For the purpose of conserving native vegetation and in recognition of the time value of existing native vegetation, the preservation of existing native, non-invasive vegetation shall generally be preferred to the installation of new plant material, and the excavation of sites shall be minimized.
 - 2) Within all required separation areas between cluster groups and external roads and site boundaries, existing woodlands and hedgerows shall be retained to the maximum extent possible.
 - 3) Suitable existing native vegetation shall be credited toward the landscaping requirements of this Ordinance when it would equal or exceed the desirable visual impact of the new required plant material after two (2) years of growth.

- 4) All new landscaping to be installed and existing native vegetation to be preserved shall be protected in accordance with the standards specified in this Ordinance.
- b. Trees Along Roads.
- 1) Trees of native species shall be planted along internal roads within cluster groups.
 - 2) Trees may be planted, but are not required, along internal roads passing through common open space.
 - 3) Informal, irregular or natural arrangements are encouraged for trees along roads to avoid the urban appearance that regular spacing may evoke.
 - 4) Trees shall be located so as not to interfere with the installation and maintenance of utilities, paths, trails, or sidewalks that may parallel the road.
 - 5) Tree plantings shall comply with all applicable regulations in this Ordinance.
- c. Buffers
- 1) Within all required separation areas between external roads and cluster groups, a vegetated buffer area at least 25 feet in width shall be maintained or established. Where no natural trees and shrubs exist, native plant materials shall be planted.
 - 2) Where native vegetated buffers do not exist within separation areas between cluster groups, planted buffers using native species are encouraged, to enhance privacy and a rural appearance between cluster groups.
 - 3) Required buffers around wetlands, all waterbodies and drainageways, and closed depressions must be naturally vegetated or planted with native plant species appropriate to the surrounding landscape.
 - 4) Buffers consisting of an informal, irregular or natural arrangement of native plant species combined with infrequent mowing are strongly encouraged, to create a low-maintenance, naturalized landscape.

8.0 CONSTRUCTION WITHIN SUBDIVISIONS AND FINANCIAL ASSURANCE

A. CONSTRUCTION INITIATION

1. STANDARD

- a. All land grading, site preparation and improvements required by the approved preliminary plat shall be completed prior to the final plat or certified survey map approval.

B. REQUIRED INSTALLATIONS

1. STANDARDS

- a. The subdivider shall have survey monuments installed in accordance with the requirements of Wisconsin Statutes § 236.15 and as may be required by the Town Board or its designee.
- b. The subdivider shall install all required stormwater drainage features as required in the stormwater management plan.
- c. The subdivider shall construct or install all erosion and sediment control measures specified in the erosion and sediment control and stormwater management plan. If the erosion and sediment control features are damaged or altered by any means, their restoration shall be the responsibility of the subdivider unless the subdivider has, by written agreement, or covenant, assigned responsibility for maintenance to the owner of the lot on which the damage or alteration occurred.
- d. Any road intersecting a public road, and any road serving more than two lots, shall be improved by the subdivider. These improvements shall include necessary bridges, culverts and ditches constructed to standards established by the Town.

2. TIMEFRAME

- a. The installation of the required improvements or removal of existing features and temporary management structures will be identified in the construction plans or a Developer's Agreement (see Section 9).
- b. All required improvements shall be installed and completed in substantial conformance with the approved plans and as specified in the construction plans or a Developer's Agreement as directed by the Town Board, but not later than one (1) year following the effective date of the initial financial assurance.
- c. A Developer's Agreement may contain provisions which address the failure to install required improvements within one (1) year, such as penalties and the use of financial assurances to pay those penalties.
- d. If the required improvements are not installed within one (1) year, then the Town Board or its designee may subject the subdivider to forfeitures and use the financial assurance to stabilize the site and complete required improvements.

C. FINANCIAL ASSURANCE

1. PURPOSE

- a. Financial assurance shall be provided to the Town to ensure the proper construction, installation and maintenance of required roads, utilities, stormwater management and erosion and sediment control measures, required landscaping and other improvements,

removal of existing features, and temporary erosion and sediment control and stormwater management structures.

- b. Financial assurance may be required to ensure the proper construction and installation of required survey monuments.

2. ASSURANCE

- a. The owner or the subdivider shall be responsible for providing the financial assurance.
- b. The nature and duration of the assurance shall be structured to achieve installation and maintenance without adding unnecessary costs to the responsible party.
- c. The Town Board or its designee may extend the time allowed for installation of an improvement for which the assurance has been provided.
- d. The assurance shall be required before the construction of required improvements and as a condition of the preliminary subdivision approval.
 - 1) The assurance shall be 125 percent of the estimated cost of any required pavement installation.
 - 2) The assurance shall be valid until substantial completion of all required improvements and release by the Town Board.
 - 3) The assurance shall be retained upon completion of the required improvements for maintenance purposes.
 - a) The retained assurance shall be for a period not to exceed two (2) years after final acceptance of an improvement to assure erosion control and slopes are stabilized.

3. MAINTENANCE OF COMMON FACILITIES AND OPEN SPACE

- a. In the event that the common facilities and open space of a Conservation Design Development are not maintained in reasonable order and condition in accordance with the Management Plan and all applicable laws, rules, and regulations, the Town Board or its designee may serve written notice upon the responsible person(s) or organization(s) and upon the residents and property owners in the development setting forth with specificity the manner in which there has been such failure to maintain the common facilities and open space in reasonable condition.
- b. Such notice shall set forth the nature of the corrections required and the timeframe for making corrections.
- c. In the event the responsible person(s) or organization(s) fail to make correction within the time specified:

- 1) The Town Board or its designee may take corrective action in the event a person or organization fails to maintain open space or common facilities according to the Management Plan as outlined in St. Croix County Land Division Ordinance § 13.2 C.6.
- 2) The Town Board, in accordance with, Wisconsin Statutes § 66.0703 may levy special charges upon property within the development.
- 3) Any additional corrective action taken by the Town Board shall be pursuant to St. Croix County Land Division Ordinance § 13.12, The Town Board may take corrective action, in consultation with St. Croix County and bill the Town for the work.

4. FORM

- a. The assurance shall be secured in a form and amount approved by the Town Board following advice and recommendation of the Town attorney and engineer.
- b. The Town Board may select from a variety of secure means including, but not limited to, the following:
 - 1) A surety bond from a bonding company authorized to do business in this state.
 - 2) An irrevocable letter of credit from a reputable bank or lending institution acceptable to the Town.
 - 3) Cash or an instrument readily convertible into cash.

D. RELEASE OF ASSURANCE

1. DECISION PROCESS

- a. Upon substantial completion of all required improvements, the responsible party shall notify the Town Board of the completion of the improvements in writing, by certified mail.
- b. The Town Board, in consultation with appropriate persons, shall inspect the improvements and shall approve, partially approve, or reject such improvements.
- c. The Town Board shall furnish a statement of reasons for any rejection and the corrective action required. This shall be provided in writing.
- d. The responsible party shall complete the corrective action within the time stated.
- e. If the corrective action is not completed within the specified time, the Town Board may utilize the financial assurance to complete the corrective action.
- f. If the Town Board takes no action to approve, partially approve, or reject the improvements within 60 days of receipt of the notice of substantial completion, the improvements shall be deemed to have been approved, and the responsible party and/or surety, if any, shall be released from the assurance for such improvements, less any amount retained under St. Croix County Land Division Ordinance § 13.8 C.2.d.

2. PARTIAL APPROVAL OR DENIAL

- a. Where partial approval of the improvement is granted, the responsible party shall be released from liability under the assurance to the extent of the approval.
- b. If approval of the improvement is denied, the Town Board may utilize the assurance to assure that improvements are properly completed.

9.0 DEVELOPER’S AGREEMENT

A. AUTHORITY AND PURPOSE

1. AUTHORITY

- a. The Town Board or its designee may require and enter into Developer’s Agreements with the owner and subdivider of such property, and with the other governmental units with jurisdiction, concerning the development and use of land within the Town.

2. PURPOSE

- a. Provide a method for the Town Board and owners and subdividers of land to create agreements specific to the land being developed.
- b. Describe in detail the terms, conditions, and other provisions relating to the development including the project timeline.
- c. Include terms, conditions, and other provisions mutually agreed upon but which may not otherwise be specified within this Ordinance.
- d. Provide a more certain set of terms and conditions for the development than those provided by this Ordinance.

B. STANDARDS

1. PROCESS

- a. The Developer’s Agreement shall be:
 - 1) Approved by the Town Board prior to the start of construction.
 - 2) Recorded, by the owner or subdivider in the office of the St. Croix County Register of Deeds within 30 days of its approval and before construction commences.
 - 3) Binding upon and enforceable by Town Board or its designee, the owner and subdivider and all subsequent owners of the property for the term of the agreement.

2. REQUIREMENTS

- a. The Developer's Agreement shall be mutually developed by the parties, be in writing, and include:
 - 1) A statement identifying the owner, the subdivider, and any other responsible parties.
 - 2) The names of the parties to the Developer's Agreement.
 - 3) A description of the property being developed.
 - 4) A statement detailing how the Developer's Agreement is consistent with the Town's comprehensive development plans.
 - 5) The effective date of the Developer's Agreement.
 - 6) The term of the Developer's Agreement.
 - 7) Identification of and a timeline for the installation of required temporary and permanent improvements.
 - 8) Identification of and a timeline for the removal of existing features and temporary erosion and sediment control and stormwater management structures.
 - 9) Identification of and a timeline for maintenance to be performed.
 - 10) The parties contracted with for the installation and maintenance of improvements.
 - 11) The details of the financial assurance required by this Ordinance.
 - 12) A reiteration in full of the provisions of Section 3. below.

3. TERMINATION

- a. A Developer's Agreement may be canceled or revised at any time by:
 - 1) The mutual written consent of the parties; or
 - 2) The Town Board or its designee if he/she finds that a hazard or other unexpected situation that threatens the public health, safety or welfare exists on or near the land that was unknown at the time the Agreement was adopted, and the owner or subdivider is unable or unwilling to immediately correct the situation.
- b. If the Developer's Agreement is cancelled, the Town Board or its designee shall notify the other parties in writing that a situation exists that would threaten the public health, safety or welfare if development were to commence or continue and that all development activities must cease.

10.0 WAIVER, SETBACK REDUCTION AND ADMINISTRATIVE APPEAL

1. PURPOSE

- a. If a subdivider can clearly demonstrate that one (1) or more unique conditions affecting the land to be divided make the literal application of one (1) or more of the design standards impracticable or unduly burdensome, the Town Board may waive such standards as may be reasonable, provided that the waiver is not contrary to the general intent and purposes of this Ordinance and the health, safety, general welfare and aesthetics of the neighborhood.

2. APPLICATION FOR WAIVER

- a. An application for a waiver of design standards shall be made by the subdivider on a form provided by the Town Clerk.
- b. It shall be filed with the Town Clerk at or before filing the preliminary plat or, if the unique condition is discovered later, at the time of discovery.
- c. The application shall fully state all facts relied upon to support the waiver and shall include drawings, studies, plans, or other information that will aid the Town Plan Commission and Board in reviewing the application.
- d. The Town Plan Commission will schedule a public hearing to review the waiver application.

3. CONDITIONS

- a. The Town Plan Commission and Town Board's actions shall comply with the following conditions.
 - 1) A waiver shall not violate the general intent and purposes of this Ordinance or be detrimental to the health, safety, general welfare or aesthetics of the neighborhood.
 - 2) The condition for which a waiver from a design standard is sought must be unique to the property.
 - 3) A waiver may not be based on mere inconvenience or financial hardship to the subdivider or a self-created hardship of the subdivider.
 - 4) A waiver is necessary for the preservation and enjoyment of substantial property rights possessed by the subdivider.
 - 5) A waiver shall provide only the minimum relief necessary to alleviate the hardship.

4. APPROVAL PROCESS

- a. The Plan Commission will review the application. It will make a recommendation to approve or deny the waiver application and forward its recommendation to the Town Board within 45 days of the filing of the application.
- b. The Town Board shall consider the Plan Commission recommendation and shall make a decision to approve the waiver, deny the waiver, or approve the waiver with conditions.

5. DECISION

- a. The Town Board shall approve, deny, or approve with conditions an application for a waiver within 45 days of the filing of the Plan Commission with the Town Clerk.
- b. If a decision is not made within the 45 days, the waiver shall be deemed approved, unless the time for making a decision has been extended.
- c. The decision shall be in writing and shall explain the reasons for the decision.
 - 1) The original decision shall be filed in the Town Clerk's office.
 - 2) The Town Board shall provide the subdivider a copy of the decision within five business days of the decision.
 - 3) A copy of the decision shall be mailed to St. Croix County Planning and Zoning.

B. ROAD SETBACK REDUCTION

- a. Refer to the St. Croix County Land Division Ordinance §13.10.B for road setback reduction standards.

11.0 FEES

A. STANDARDS

1. STANDARD FEES

- a. Any person applying for a land division shall pay fees to the Town for the cost of administration, review, inspection, advertising, legal review and processing.
- b. Any person requesting a waiver to the standards of this Ordinance shall pay a fee to the Town for the cost of the hearing, advertising and processing.
- c. All fees shall be established from time to time by resolution of the Town Board.

2. EXTRAORDINARY FEES

- a. The subdivider shall pay a fee equal to the cost to the Town of any extraordinary legal, administrative or fiscal work done in connection with the plat or certified survey map.

- b. The subdivider may be required to reimburse the Town for the expense of a legal opinion confirming title or the sufficiency of deed restrictions, covenants, conservation easements, condominium instruments, Developer's Agreements or other documents related to the subdivision.
- c. These fees may also include the cost of obtaining professional work or opinions including, but not limited to, engineers, attorneys, surveyors, foresters, hydro geologists, landscape architects or land planners.

3. IMPACT FEES

- a. If the Town enacts an Ordinance authorizing impact fees, such fees shall be paid according to State Statutes and any such Ordinance.

12.0 VIOLATIONS AND FORFEITURES

A. AUTHORITY

1. STANDARDS

- a. Any person, partnership, corporation or other entity that fails to comply with the provisions of this Ordinance Wisc Stat §§ 236.30, 236.31, 236.32, 236.335, and 236.35 which are incorporated herein by reference, as they now exist and as amended from time to time, shall be subject to the penalties and forfeitures set forth herein.
- b. Any failure to prosecute prior violations shall not operate or be deemed as a waiver of the right of the Town prosecute other or subsequent violations.

2. PROCEDURES

- a. The Town Board may institute any appropriate action or proceeding against violators of this Ordinance as provided by law or this Ordinance.
- b. In general, the Town Board shall proceed, in the order here listed, to address violations of this Ordinance:
 - 1) Issue a notice of violation and an order that specifies the corrective action to be taken.
 - 2) Refer the matter to legal counsel for evaluation and possible issuance of a citation or commencement of a lawsuit seeking injunctive or other relief when the violation merits such action.

3. FORFEITURES

- a. Any person, firm or corporation who is adjudicated guilty of violating this Ordinance shall pay a forfeiture of not less than \$1,000 per violation or more than \$10,000 per violation and/or be subject to an order for injunctive relief.

- b. Each day a violation exists is a separate violation.
- c. The person adjudicated guilty of violating this Ordinance shall pay court costs and attorney's fees. The remedies provided herein shall not be exclusive of other remedies.

13.0 DEFINITIONS

A. PURPOSE

1. INTERPRETATION

- a. For the purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:
 - 1) Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
 - 2) The word "shall" is mandatory, not permissive.
 - 3) All distances, unless otherwise specified shall be measured horizontally.
 - 4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
 - 5) All definitions that refer to St. Croix County, WI Ordinances shall incorporate any revisions or amendments to Ordinance language.
 - 6) All definitions other than those referenced below shall be as the normal definition found in a standard dictionary.

B. DEFINITIONS

- 1. **Best Management Practices (BMPs):** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in stormwater runoff to waters of the state. BMP's may be utilized for days, weeks, months or years and are removed from the site when no longer needed.
- 2. **Bulb of Cul-de-sac:** The arc of the terminating radius, not including the reverse curves onto the tangents of the uniform road width.
- 3. **Certified Survey Map (C.S.M.):** A map showing division of land prepared in accordance with Wisconsin Statutes § 236.34 and this Ordinance.
- 4. **Closed Depression:** A natural geological formation in the earth's surface characterized by having no direct overland surface water outlet. Closed depressions commonly found in St. Croix County have developed through two distinct geological processes, karst development and glaciation. Sinkholes and enlarged bedrock fractures are examples of closed depressions found in karst while kettles or kettleholes are typical of glacial formed closed depressions. Refer to Closed Depression Map of St. Croix County, WI. 1991.

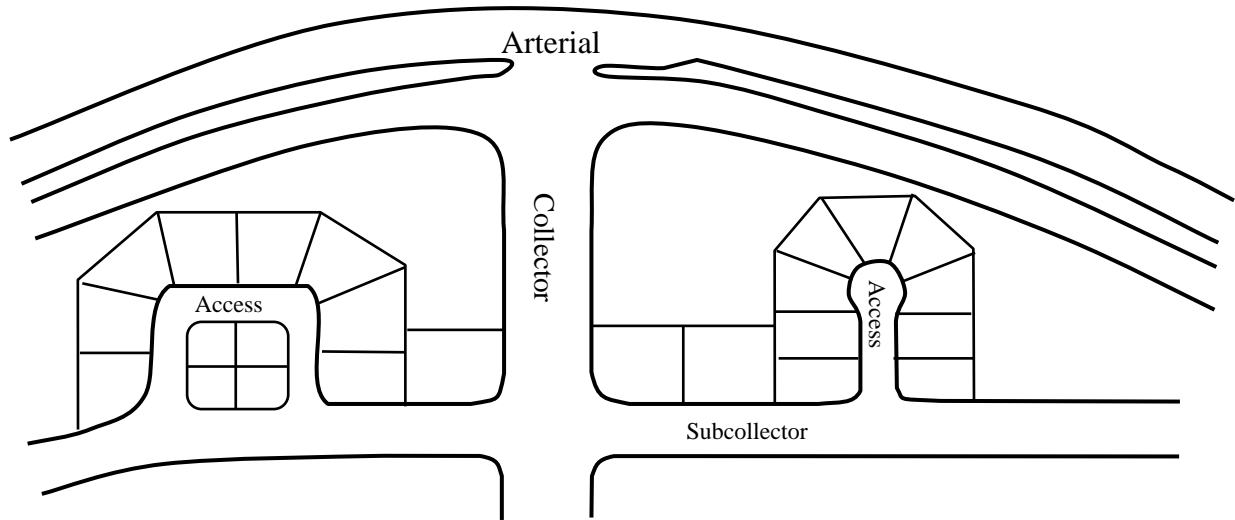
5. **Contiguous Buildable Area:** The area of a lot for structures exclusive of wetlands, floodplains, shoreland setbacks, ponds, lakes, drainageways, road rights-of way, easements, applicable structure setbacks, slopes of 25 percent and greater and other sensitive areas.
6. **Critical 100-Year Storm Event:** The 100-year back-to-back storm event or the 10-day snowmelt event, whichever is more restrictive.
7. **Density Bonus:** a land use planning tool that that permits developers to build more housing units than normally allowed, in exchange for provision of a defined public benefit.
8. **Developer's Agreement:** An agreement between Town, alone or with other governmental units with jurisdiction, and the owners or subdividers of property within the Town regarding the subdivision and subsequent development and use of said property.
9. **Environmental Corridor:** linear areas in the landscape containing concentrations of these significant natural resource and resource-related features, (e.g. lakes, streams, and associated shorelands and floodlands; wetlands; woodlands; wildlife habitat areas; areas of rugged terrain and high-relief topography; wet, poorly drained, and organic soils; and remnant prairies.)
10. **Extraterritorial Plat Approval Jurisdiction:** The unincorporated area within 3 miles of the corporate limits of a city of the first, second or third class if the city has a subdivision Ordinance or official map, or within 1-1/2 miles of the corporate limits of a city of the fourth class or a village if the city or village has a subdivision Ordinance or official map.
11. **Financial Assurance:** A means of demonstrating that sufficient funds will be available upon cessation of operations to implement the proposed measures.
12. **High Water Elevation:** The H.W.E. shall be calculated, assuming developed conditions, using the Critical 100-Year Storm Event for closed depressions and stormwater ponds.
13. **Homeowners Association:** An association of homeowners in a particular subdivision, planned unit development (PUD), condominium or other development organized to manage the common area of the development, provide community facilities and services for the common enjoyment of the residents, and/or to enforce the association rules, regulations and/or restrictive covenants, which rules, regulations and/or restrictive covenants shall be recorded. Each lot or homeowner in the development shall be a member of the association subject to a proportionate charge for the expenses of the association.
14. **Land Divisions:** A subdivision, minor subdivision, major subdivision, re-subdivision, replat, or parcel add-on.
15. **Lot:** A parcel of land numbered in sequence with other parcels shown on a plat or certified survey map.
16. **Lowest Building Opening:** The lowest window, door or other inlet elevation at which water may enter a building.
17. **Major Subdivision:** A subdivision resulting in the creation of five or more lots from a parcel that existed 5 years prior to the date of the application. Major Subdivisions in the Town shall meet the standards of either the Modified Conventional Design or the Conservation Design Development.
18. **Minor Subdivision:** A subdivision resulting in the creation of four or less lots from a parcel that existed 5 years prior to the date of application.

19. **Native Vegetation:** Those species of vegetation that occurred naturally in pre-settlement Wisconsin. Refer to the Original 1830's Vegetation Map of Wisconsin.
20. **Navigable Waters:** All natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are determined to be navigable under Wisconsin Statutes § 30.10.
21. **Open Space:** an area of protected or conserved land or water on which development is indefinitely set aside.
22. **Ordinary High Water Mark:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.
23. **Outlot:** A lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.
24. **Parcel:** Contiguous land under single ownership, not separated by public roads or railroad rights-of-way. Creation of private or public roads after April 19, 1991, does not create separate parcels eligible for treatment under the minor subdivision provisions of this Ordinance.
25. **Plat:** A map of a major subdivision prepared in accordance with Wisconsin Statutes § 236 and this Ordinance.
26. **Plan Commission:** The appointed Plan Commission of the Town of Kinnickinnic.
27. **Professional Wetland Delineator:** A Professional Wetland Scientist (PWS), Wetland Professional In Training (WPIT), or a Licensed Soil Scientist or Professional Engineer with demonstrated experience and training in the procedures and methodology outlined in the 1987 Army Corps of Engineers Manual for Wetland Delineation.
28. **Rare, Threatened or Endangered Species:** Species and natural communities that are listed as Endangered or Threatened /or have a State Rank of S1, S2 or S3 on the Wisconsin Natural Heritage Inventory.
 - a. **Endangered:** Any species whose continued existence as a viable component of this state's wild animal or wild plant population is determined by the Wisconsin Department of Natural Resources to be in jeopardy on the basis of scientific evidence.
 - b. **Threatened:** Any species that appears likely to become, within the foreseeable future, on the basis of scientific evidence endangered as determined by the Wisconsin Department of Natural Resources or the U.S. Department of Interior.
 - c. **Rare:** Those species about which some problem of abundance or distribution is suspected but not yet proved. The main purpose of this category is to focus attention on certain species before they become threatened or endangered.
29. **Road:** A public way for vehicular traffic, this term includes highways.

- 30. Road Classification System:** Roads are classified based on many factors, including speed and volume of traffic. Road classifications fall into a four-category hierarchy. The classifications, in descending order are arterial, collector, subcollector and access roads (see diagram below). The Wisconsin Department of Transportation (WisDOT) and the St. Croix County Highway Department determine arterial and major and minor collector road status on their respective systems and the current functional classification will be used. The St. Croix County Planning and Zoning Department, in conjunction with the appropriate municipal jurisdiction, determines subcollector and access roads. Classifications are shown on the St. Croix County Official Functional Classification Road Map. Residential roads may fall into any of these classifications except arterial. The functional descriptions of each of these classifications follow:
- a. **Arterials:** Provide for rapid speed and movement of high volumes of traffic between areas. An arterial road should have no private accesses on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways. There are two types of arterials, principal arterials and minor arterials. Principal arterials are those highway corridors that have trip length and travel density characteristics of an interstate or interregional nature. Principal arterials, in general, serve all urban areas greater than 5,000 population and may include: interstate highways, freeways, expressways, four-lane divided highways and two-lane highways. Minor arterials are those highways, which in combination with principal arterials, serve cities, communities and other major traffic generators providing intra-regional and inter-area travels. Minor arterials may include four-lane divided highways, two-lane highways and county trunk highways.
 - b. **Collectors:** Provide for moderate speed and movement of medium volumes of traffic and distribute traffic from arterial roads. There are two types of collector roads, major collectors and minor collectors. As the principal road within residential or commercial areas, these collectors carry relatively high traffic volumes and convey traffic from arterial roads to lower-order roads. A collector's function is to promote the free flow of traffic; as such, the roads should not have parking or private residential access. A collector's secondary function is to serve abutting land uses. Major collectors provide service to moderate sized communities and other intra-area traffic generators and link those generators to larger population centers and higher function highways. Minor collectors provide service to all remaining smaller communities and tie local traffic generators with the rural surrounding area. Minor collectors are spaced consistent with population density so as to collect traffic and bring all developed areas within a reasonable distance of a higher-order road.
 - c. **Subcollectors:** Connect with access roads and convey traffic to major and minor collectors. Like an access road, a subcollector provides frontage and access to residential lots but also carries some through traffic to access roads. A subcollector is a relatively low-speed, low-volume road. Subcollectors include all roads not identified as major or minor arterials, major or minor collectors or access roads. Generally, subcollectors are all Town roads in the original Town road grid system and Town roads identified as through roads or subcollectors on a Town comprehensive plan or official map. Some roads in a subdivision may be subcollectors instead of access roads if the two ends of the road extend beyond the boundary of the subdivision and one end of the road eventually connects to another subcollector or higher order road.

- d. **Access Roads:** Roads designed to conduct traffic between individual parcels or lots and higher order roads. Access roads provide for low-speeds and low volumes of traffic and convey traffic to subcollector, collector and arterial roads. As the lowest-order road in the hierarchy, the access road usually carries little through traffic and includes short roads, cul-de-sacs, and courts. Access roads include local roads within conventional subdivisions, local roads within Conservation Design Development subdivisions, cul-de-sacs, loop roads, lakeshore roads that existed prior to 1974,.
1. **Cul-de-sac:** Roads closed at one end with turn-arounds, not platted for extension.
 2. **Loop:** Short, one-way through roads that turn back to the originating road.
 3. **Temporary Dead-end:** Roads that terminate in a “T” turn-around and are platted for future extension.

Functional Classification System Diagram



31. **Setback:** The distance which a lot, building, or other structure is set back from a street or road, a river or stream, a shore or flood plain, or any other place which is deemed to need protection.
32. **Shoreland:** Lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
33. **State Subdivision:** The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area, or where the act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area by successive division within a period of 5 years.
34. **Subdivider:** Any person, partnership, corporation, or other entity creating a subdivision.
35. **Subdivision:** A division of a lot, parcel or tract of land by the owner or the owner's agent for the purpose of transfer of ownership or building development where the act of division creates or results in one or more parcels or building sites of less than 35 acres in area. A subdivision can be created by the following means:
 - a. Recording a plat or certified survey map.
 - b. Recording any other document or instrument that creates a parcel not previously created pursuant to this Ordinance or its predecessor.
 - c. Foreclosure of a mortgage or a land contract if the foreclosure creates and/or conveys a parcel not previously created pursuant to this Ordinance or its predecessor. This subsection is not to be construed as endorsing a policy encouraging rezoning or subdividing of a parcel as a prerequisite to obtaining a mortgage when inconsistent or incompatible with surrounding zoning or uses.

- 36. Town:** The Town of Kinnickinnic.
- 37. Town Board:** The elected Town Board of the Town of Kinnickinnic.
- 38. Unique Wildlife Habitat Areas:** Aquatic and/or terrestrial communities that:
- a. Are composed of physical attributes and/or vegetation that are not common in St. Croix County and that therefore support species or certain life functions of species that are not supported in other locations of the County;
 - b. Are specific locations known to support endangered, threatened or rare species or communities; or,
 - c. Serve as linkages to important habitat in adjoining areas.
- 39. Viewshed:** an area of land, water, or other environmental element that is visible to the human eye from a fixed vantage point.
- 40. Watershed:** The land area that drains to a common point.

End of document

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ADOPTION AND CERTIFICATION

This Ordinance shall be effective upon passage and posting as required by law. The Town Clerk shall properly publish this Ordinance as required under Sec. 60.80 (2) of Wis. Statutes as a Class I Notice in the River Falls Journal.

Adopted this 4 day of March 2014.
TOWN OF KINNICKINNIC

Gerald W Olson
By: Gerald Olson, Town Chair

Attest: Lola Higgins
By: Lola Higgins, Town Clerk

I, the undersigned Town Clerk, hereby certify the foregoing Ordinance was posted in the following three (3) public places in the Town of Kinnickinnic on March 6, 2014.

Front Door of Town Hall

End of Driveway

Old Town Hall site, Town Hall Rd/Hwy 65

Lola Higgins
Lola Higgins, Town Clerk

Appendix A

Hypothetical Density Bonus Conservation Features Implementation Examples

The following examples are completely hypothetical and are designed to educate and inform the reader as to how implementation of Density Bonus Conservation Features might occur in a Major Subdivision. A Developers Agreement shall serve as the negotiated contract between Developer and Town that states the metrics and implementation of the Density Bonus Conservation Features and subsequent Lot Yield.

Example 1:

100-Acre Major Subdivision with significant frontage along the Kinnickinnic River, limited mature tree population, and level topography. The issue in question was excessive cost to construct a trail system for the total length of the property along river frontage, so the choices became 50% for the required Buffer Area Screening, 25% for half of the river frontage lots maintaining 100' setback, and 25% for a Trail System within the 100' setback area yielding 37 lots.

Example 2:

100-Acre Major Subdivision with limited Kinnickinnic River frontage, mostly covered with mature trees, and rolling topography. Because of the limited river frontage the choices became 50% for the required Buffer Area Screening, 10% for 100' river frontage setback, and 40% for Tree Preservation on 20 designated lots with a total yield of 37 lots.

Example 3:

100-Acre Major Subdivision surrounded by three (3) existing roads with significant portions of the property unbuildable due to steep slopes and environmental sensitive areas. Because of the limited developable area the choices became 50% for the required Buffer Area Screening, 25% for only two (2) nine (9) acre farmettes with a total yield of 34 lots.