

**Town of Elk Mound
Dunn County, Wisconsin
Subdivision Ordinance**

ARTICLE 1 - Introduction

1.1 Authority

These regulations are adopted under the authority of §60.22(3), §61.34(1) and §236.45, Wis. Stats.

1.2 Title

This Ordinance shall be known, referred to or cited as the "Town of Elk Mound Subdivision Ordinance".

1.3 Purpose and Intent

The purpose and intent of this Ordinance is to regulate and control the subdivision of land within the limits of the Town of Elk Mound, Dunn County, Wisconsin in order to:

- A. Promote the public health, safety and general welfare of the community.
- B. Supplement County and State subdivision controls to implement the Land Use Plan.
- C. Strengthen local control of land use decisions and maintain the ability and right to control town destiny.
- D. Promote planned and orderly layout and appropriate use of land.
- E. Maintain the wise use, conservation and protection of the Town's soil, water, wetland, woodland, farmland and wildlife resources.
- F. Conserve the value and use of prime agricultural soils.
- G. Provide for the conservation of the Town's agriculturally important lands by minimizing conflicting land uses.
- H. Promote the rural and agricultural character, scenic vistas and natural beauty of the Town.

- I. Evaluate the further division of larger tracts into smaller parcels of land based on the agricultural economy and natural resources of the Town.
- J. Facilitate the adequate provision of transportation, water, sewerage, health, education, recreation and other public requirements.
- K. Promote a street system that will not have a negative long-term effect on neighborhood quality, traffic flow and safety.
- L. Provide adequate legal descriptions for and proper survey monumentation of subdivided land.
- M. Realize goals, objectives, policies and development standards set forth in plans, codes and ordinances adopted by the Town.
- N. Secure safety from fire, flooding and other dangers.
- O. Ensure that future development is consistent with the Town's Comprehensive Land Use Plan and other plans adopted by the Town.
- P. Avoid the inefficient and uneconomical extension and/or duplication of governmental services.

1.4 Policy

The uncontrolled development and subdivision of land in the Town of Elk Mound affects the public health, safety and general welfare. Uncontrolled division of land results in negative effects, including but not limited to pollution of ground and surface waters; destruction of natural beauty, scenic vistas and wildlife habitat; impairment of the local tax base; increases in the cost of and inefficiencies in the provision of governmental services; loss of agriculturally important lands; reduction in the vibrancy of the local farm economy; and creation of conflicting land uses. Therefore, it is in the best interest of the public to provide for wise and orderly division of land in the Town, to assure that land to be divided shall be of such character that it can be used safely without danger to public health, safety and general welfare and in a manner consistent with the Town Comprehensive Plan.

1.5 Abrogation and Greater Restrictions

This Ordinance shall not be construed as repealing, abrogating, annulling, impairing or interfering with pre-existing easements, covenants, or agreements pertaining to the subject matter hereof, nor shall it act to negate any permits previously granted or nullify any existing ordinances or laws. To the extent, however, that this Ordinance imposes greater restrictions than do other ordinances or laws, this Ordinance shall prevail.

1.6 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

1.7 Severability

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

1.8 Effective Date

This Ordinance shall take effect upon passage by the Town Board and posting as provided by law.

ARTICLE 2 - General Provisions

2.1 Jurisdiction/Applicability

- A. The jurisdiction of this Ordinance shall include all land and water within the Town of Elk Mound, Dunn County, Wisconsin.
- B. This Ordinance shall apply to all subdivisions which are created after its effective date. Consistent with §703.27(1), Wis. Stats., this Ordinance shall apply to the condominium type of land development to the same extent as to which subdivisions of land are subject to its provisions, but in its application this Ordinance shall not be interpreted as subjecting the condominium form of ownership to different standards that are imposed with respect to other forms of ownership.

2.2 Exemptions

In addition to such exemptions as are set forth at §236.45, Wis. Stats., the provisions of this Ordinance shall not apply to:

- A. Creation or realignment of a public right-of-way by a public agency.
- B. Divisions of land into lots, parcels or tracts each of which is forty (40) acres in size or greater.
- C. Creation or realignment of an easement.

- D. Adjustment of the boundary line or the transfer of land between owners of adjoining property, provided all of the following conditions are met:
1. Additional lots are not created.
 2. None of the resulting lots are less than one (1) acre in size.
 3. The original lots were not created originally pursuant to this section.
- E. Purchase, transfer or development of units in a condominium created under Ch. 703, Wis. Stats.
- F. Creation of a lien, mortgage, deed of trust or any other security instrument.
- G. Creation of a security or unit of interest in any investment trust regulated under the laws of Wisconsin or any other interest in an investment entity.
- H. Conveying an interest in oil, gas, minerals or building materials that is severed from the surface ownership of real property.

2.3 Compliance

- A. A subdivision of land subject to this Ordinance shall not be entitled to recording or issuance of building permits unless such subdivision is in full compliance with all of the requirements of this Ordinance and the provisions of Chapter 236, Wis. Stats.
- B. Approved Certified Survey Maps and final plats shall be filed for recording with the Register of Deeds of Dunn County prior to transferring ownership of any parcels created by that subdivision.
- C. Each land division shall comply with all ordinances and comprehensive and master plans of the Town together with applicable zoning ordinances and subdivision ordinances of Dunn County as well as extraterritorial zoning and subdivision control ordinances of municipalities with jurisdiction over all or parts of the Town.

2.4 Disclaimer

- A. **Multiple Jurisdictions.** Any landowner seeking to obtain permission under this Ordinance to subdivide land in the Town is advised that the Town is but one of several governmental bodies with possible jurisdiction over the same. The Town cannot make any representations on behalf of any other government body. No subdivision may be created unless all required approvals have been given.

- B. **Binding Acts.** No statement or actions by any official, employee, agent or committee of the Town should be construed or taken as binding the Town except a resolution, motion or Ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting, or, if within the power of the Town meeting under §60.10, Wis. Stats., by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this Ordinance.
- C. **Compliance Assurance.** The Town expressly states that it has no responsibility whatsoever for assuring that land and buildings sold in the Town are in compliance with any ordinances, regulations or rules. The Town also assumes no responsibility for the suitability for use of any property whose subdivision has been approved by the Town Board.

2.5 Land Suitability

- A. No land shall be divided if the Town Board determines that it will interfere with existing agricultural uses or will conflict with other goals, objectives and policies as set forth in the Comprehensive Land Use Plan.
- B. No land shall be subdivided which is held unsuitable for its proposed use by the Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply, or sewage disposal capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of governmental services, which conflicts with the goal of preserving important agricultural lands for their highest and best use, that being for farming, or for any other reason deemed by the Town upon review of a particular proposed subdivision to be harmful to the health, safety or welfare of present or future residents of the proposed subdivision or of the Town, generally. The Plan Commission may require the subdivider to furnish maps, data and other information as may be necessary to determine land suitability.
- C. The Plan Commission in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such determination of unsuitability. Thereafter, the Commission may affirm, modify or withdraw its determination of unsuitability. The Town Board may affirm, modify or override the Commission's recommendation. The Town Board shall recite findings for any decision to modify or override the Commission's recommendation.

2.6 Development Agreements

In conjunction with the approval of a given subdivision of land, the Town Board may require that the subdivider make and install public improvements deemed to be reasonably necessary or that the subdivider execute a surety bond or provide other security to ensure that he or she shall make those improvements within a reasonable period of time. To further ensure such compliance, the Town may require that the subdivider enter into a development agreement, the provisions of which may include, but are not limited to, duties as to construction of public improvements, the phasing of construction, the timing, location and financing of all infrastructure, provision for reimbursement for oversized infrastructure and general compliance with and financing of the construction of all public improvements reasonably anticipated to be needed for the public generally or for the future residents of the subdivision.

2.7 Cooperative Exercise

The Town reserves the right to contract with another municipality or the regional planning commission, pursuant to §66.0301 Wis. Stats., for the cooperative exercise of the authority to review CSMs and plats.

2.8 Design Standards and Improvements

All Subdivisions shall be designed in accord with and any required or proposed improvements shall comply with the provisions of applicable Town ordinances, Chapter 236 Wis. Stats., the Dunn County Subdivision Regulations, and all other applicable local, county, state or federal laws or regulations, as now exist or hereafter are amended or adopted. In addition, the proposed land use or uses for each subdivision shall conform with the land uses described in the Town's Comprehensive Plan and shall be restricted to those areas of the Town defined in said Plan for each such land use. The said land uses are more fully described in the Dunn County Zoning Code and are defined with reference to the following categories of land uses specified therein:

- A. Residential-Agriculture
- B. Agriculture Protection
- C. Low Density Residential
- D. Public Recreation
- E. Public
- F. Commercial
- G. Commercial/ Industrial Overlay

2.9 Variances

- A. **Variances Authorized.** When the Town Board finds that unnecessary hardship will result from strict compliance with this Ordinance, it may allow a variance from the terms hereof to the extent deemed necessary and proper to grant relief.
- B. **Criteria for Variance Application.** Before a variance shall be granted, the subdivider shall demonstrate:
1. Need because of special circumstances unique to the property, itself, including size, shape, drainage, topography, location and surrounding land uses.
 2. That the necessity for the variance is not to be self-created.
- C. **Criteria for Approval.** Variance grants or denials shall be subject to the following criteria:
1. A variance shall be denied if it is contrary to the public interest.
 2. The variance granted shall be the minimum required to mitigate the hardship.
 3. Granting of the variance shall not be detrimental to the public health, safety, welfare, use or interest, or injurious to property or improvements in the vicinity.
- D. A two-thirds (2/3) vote of the entire membership of the Plan Commission and a majority of the Town Board shall be required to grant a variance from this ordinance, and the reason shall be entered in the minutes of the meeting thereof. In granting variances, the Commission and the Board may improve conditions to secure the objectives of this ordinance.
- E. **Application.** Application for variances shall be made in writing by the subdivider at the time the preliminary plat or CSM is filed for consideration, stating specifically the circumstances upon which the subdivider is relying, the variance requested and how the request meets the criteria set forth above. The request shall be supplemented with maps, plans and other additional data to assist the Plan Commission and Town Board in the analysis of the request.
- F. **Review and Approval.** The Plan Commission shall make a recommendation and findings on a variance request to the Town Board, and the Town Board shall make a final decision as part of the subdivision application. The Town Board shall provide written findings to support its decision.

2.10 Other Permits

No Town permits shall be issued for a lot created by a subdivision which does not comply with the provisions of this Ordinance.

2.11 Amendments to Ordinance

The Town Board may upon recommendation of the Plan Commission amend, supplement or repeal any of these regulations after public notice and hearing and as may be required by Chapter 236 Wis. Stats.

2.12 Violations

It shall be unlawful to build upon, convey, record or monument any land subdivided in violation of this Ordinance or the Wisconsin Statutes; and no person shall be issued a permit, authorizing the building on, or improvement of, any subdivision, or lot therein subject to the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

2.13 Penalties

- A. Violations of this Ordinance are subject to The Town Citation Ordinance which lists costs, fees, assessments and surcharges. Any person that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit the amount listed in the Town Citation Ordinance. Each day upon which a violation occurs constitutes a separate offense. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.
- B. Improper recordation shall be subject to §236.30, Wis. Stats.
- C. Conveyance of lots in unrecorded plats shall be subject to §236.31, Wis. Stats.
- D. Monuments disturbed or not placed shall be subject to §236.32, Wis. Stats.
- E. At the expense of the subdivider the Town may order creation of an assessor's plat when a subdivision is created by successive divisions as provided in §Section 236.31(2) Wis. Stats.

2.14 Appeals

Any person aggrieved by approval of a plat or CSM or by an objection to a plat or CSM or failure to approve a plat or CSM may appeal therefrom as provided in §236.13(5) Wis. Stats.

ARTICLE 3 - Definitions

3.1 Word Usage

For the purposes of this Ordinance, words used in the present tense include the future; the singular number includes the plural number; and the plural number include the singular number. The word "shall" is mandatory and not directory.

3.2 Definitions

- A. For the purposes of this ordinance, the following definitions shall be approved. For words not listed hereinafter, reference shall be made first to §236.02, Wis. Stats., or if not found therein, to the Dunn County Subdivision Code and all other words shall be afforded their common and accepted dictionary definitions.
1. **Agricultural-Protection.** Town land and water areas designated within the Land Use Plan as preferred Agricultural Protection.
 2. **Agricultural Structure.** A structure whose sole purpose is dedicated to agricultural production, such as a barn, machine shed, grain bin, etc. A farm house, garage or other structures such as a garden storage shed are not considered agricultural structures.
 3. **Board.** The Town of Elk Mound Board of Supervisors.
 4. **CSM or Certified Survey Map.** A map of a minor subdivision, prepared in accordance with §236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance.
 5. **Commercial.** Town land and water areas designated within the Comprehensive Land Use Plan as Commercial/Industrial area.
 6. **Plan Commission or Commission.** The Town of Elk Mound Plan Commission.

7. **Concept Map.** Map showing a proposed subdivision/improvement that is prepared by the subdivider and submitted to the Plan Commission prior to the subdivider's pre-application consultation with the Commission.
8. **Low Density Residential.** A residential area more fully described in the Comprehensive Plan.
9. **Development Area.** The area of a subdivision within which new lots intended for future development and related accessory uses (e.g., structures, roads, driveways, lawns, wells, sewage disposal, swimming pools, etc.) shall be allowed.
10. **Final Plat.** The map or plat which is prepared for recordation by the County Register of Deeds.
11. **Floodplain.** Land that has been or may be covered by flood water during a "regional flood" as is defined in NR 116, Wisconsin Administrative Code. The floodplain includes the floodway and flood fringe and is commonly referred to as the 100-year floodplain.
 - a. **Flood fringe:** that portion outside the floodway covered by water during a regional flood. This term is generally associated with standing water during a regional flood. This term is generally associated with standing water, but may under local floodplain zoning ordinances, be developed for specific purposes if development is protected from flooding.
 - b. **Floodway:** the channel of a river or stream and those portions of the floodplain adjoining the channel required to discharge a regional flood. This term is generally associated with flowing water and is required by floodplain zoning ordinances to remain undeveloped and free of obstruction
12. **Forty Acres or Equivalent.** A standard, 40 acre quarter-quarter section or a government surveyed quarter-quarter section, or government lot containing not less than 35 acres.
13. **Land Protection Criteria.** Factors specifically identified by the Town as criteria to assist in protecting specific land and water resources. The land and water areas designated as protection areas to avoid development are generally mapped under the Land Use Plan. These areas include: wetlands, floodplains, 100-foot buffer around navigable streams, woodlands greater than 20 acres, lands within 1,000 feet of active and potential farmland beyond 500 feet of

public roadways, and Land Evaluation and Site Assessment (LESA).I. See also map and designation criteria for land protection criteria within the Land Use Plan.

14. **Comprehensive Land Use Plan.** The adopted Town of Elk Mound Year 2020. Land Use Plan, including any subsequent amendments.
15. **Limits of Disturbance (LOD Lines).** The area specifically designated on a lot created through a subdivision within which future development activity (e.g., logging, excavation, structures, roads, driveways, lawns, wells, sewage disposal, swimming pools, private gardens, etc.) shall be contained.
16. **Lot.** A designated parcel, tract or area of land established by subdivision to be used for a building development or sale.
17. **Lot Area.** The area contained within the exterior boundaries of a lot excluding streets, easements, areas dedicated to the public and land under navigable bodies of water.
18. **Major Subdivision.** The creation of five or more lots or building sites any one of which are less than forty (40) acres in size by successive divisions from the same mother tract within a period of five (5) years.
19. **Minor Subdivision.** The creation of less than five lots or building sites any one of which are less than forty (40) acres by successive divisions from the same mother tract within a period of five (5) years.
20. **Manufactured Dwelling ("Modular").** A dwelling structure or component thereof as defined in the Wisconsin Uniform Dwelling Code Section 20.07(52)(a), which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with Sub-chapter V of said Uniform Dwelling Code.
21. **Manufactured Home.** A single family dwelling structure or component thereof as is defined in the §101.91(2), Wis. Stats., fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. Sections 5401 to 5426.
22. **Mother Tract.** A parcel of land that is, or at any time since the effective date of this Ordinance was, in the ownership of one person. Contiguous parcels in the same ownership are considered to be one (1) parcel for purposes of this

definition, even though separate tax identification numbers may exist with respect to adjoining parcels which were acquired by one person at different times or from different persons.

23. **Navigable Waters.** Means any body of water which is navigable under the laws of this state.
24. **Open Space.** A portion of a development site that is permanently set aside for public or private uses and will not be developed. Open space may be used as community open space.
25. **Open Space Preservation Area.** The portion of a subdivision designated for permanent agricultural, conservation or open space uses.
26. **Ordinary High Water Mark.** The average annual high-water level of a pond, stream, river, lake, flowage or wetland referred to an established datum plane or where such elevation is not available, the elevation of the line up to which the presence and action of surface water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geological or vegetative characteristic.
27. **Parcel.** See "Lot" definition.
28. **Plat.** A map of a subdivision.
29. **Preliminary Plat.** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
30. **Public.** Parcel of land owned by local, county, state or federal government or by other tax-exempt organizations.
31. **Public Recreation.** Parcel of land owned by the county, state or federal government and open to the public for recreational use.
32. **Replat.** The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
33. **Residential Agricultural Area.** Town land and water areas designated within the Comprehensive Land Use Plan as Residential Agricultural Area.

34. **Shorelands.** A state mandated water resource protection district that Wisconsin counties must adopt. Shorelands include lands adjacent to navigable waters within 1,000 feet of the ordinary high-water mark of a lake, pond or flowage and within 300 feet of the ordinary high-water mark or floodplain of a river or stream.
35. **Sketch Map.** A map submitted with a minor subdivision application that sufficiently details the proposed subdivision so as to allow the Town Plan Commission to check for compliance with applicable state, county and town statutes, regulations and ordinances.
36. **Subdivider.** Any person, or his assigned agent, dividing or proposing to divide land resulting in a major subdivision, minor subdivision or replat.
37. **Subdivision of Land.** The act or process of dividing land into two or more lots or building sites. See also definition for Major Subdivision and Minor Subdivision.
38. **Wetlands.** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophilic vegetation and which have soils indicative of wet conditions, including lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high-water table.
39. **Woodland.** Generally, a land area of twenty (20) acres or more characterized by dense and extensive tree cover. More particularly, a plant community predominately of healthy trees and other wood vegetation, well stocked and growing more or less closely together.
40. **Person.** Any natural person, corporation, company, firm, association or partnership or other form of organization.
41. **Subdivision.** The division of an existing lot, parcel or tract or land for the purpose of sale or building development.
42. **Date of Submittal.** The date of commencement of the period allocated to the town during which it may approve or reject a proposed CSM or plat.
43. **Normal Development Yield.** The number of lots which may be created from the subdivision or a particular parcel or tract of land upon application of the minimum lot size requirements under Section 5.2 above, taking into consideration undeveloped land within the proposed subdivision together with areas subject to public or private dedications.

44. **Undeveloped Land or Land that Cannot be Developed.** Land in a proposed subdivision which because of its physical characteristics, including but not limited to floodplain, wetland, steep slopes, drainage ways or surface waters, or which, subject to applicable laws, ordinances or regulations, is not susceptible to sale or development as a lot.
45. **Steep Slopes.** Area within a subdivision with slopes of greater than 12%.
46. **Highway.** All public thoroughfares, including all state, county and town highways, streets and roads.
47. **Public Improvement.** Public facilities reasonably necessary to facilitate use and development of a subdivision, including but not limited to highways, storm water drainage systems and paths.

ARTICLE 4 - Subdivision Review and Action

4.1 Pre-application Consultation

Prior to filing an application for subdivision approval, the subdivider shall schedule and attend a pre-application consultation meeting with the Plan Commission. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk. The pre-application consultation is intended to inform the subdivider of the purpose and objectives of this Ordinance, the Comprehensive Land Use Plan and other duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning a subdivision. In so doing, both the subdivider and the Plan Commission may reach mutual agreements regarding the general program and objectives of the proposed subdivision and its possible effects on the neighborhood and community. The consultation will also provide the subdivider with a better understanding of subsequent procedures and help determine what additional information may be required from the subdivider pursuant to either section 4.2A3 or 4.3B5.

- A. **Concept Map.** In order to facilitate the pre-application consultation, the subdivider is asked to submit a concept map, drawn to a reasonable scale, showing the proposed subdivision. If the proposed subdivision effects only a portion of contiguously owned land, a map showing all contiguously owned land with the boundaries of the proposed subdivision clearly annotated shall accompany the concept map. The Concept map shall be submitted at least ten (10) days prior to the scheduled meeting to give the Commission time to prepare for the meeting. The concept map should fully and clearly represent the proposed subdivision and at a minimum contain the following:

1. Proposed general lot layout.
2. Exterior boundaries.
3. Existing and planned roadways.
4. Any current and proposed easements.
5. Approximate location of existing or proposed structures, including types of construction.
6. Approximate location of existing land use, watershed areas and ground cover.
7. Location of any proposed land improvements (excavation, ditching, fencing, common septic systems, etc.).

4.2 Minor Subdivision

A. Minor Subdivision Application and Submittal.

1. **Letter of Intent.** The subdivider shall submit a letter of intent to the Town Clerk on a form provided that shall specify:
 - a. The name and address of the owner of the property and the subdivider.
 - b. The name and address of the surveyor who will be doing the work.
 - c. The names and addresses of all adjacent land owners.
 - d. The location and size of the property.
 - e. The present use of the land.
 - f. The intended future use of the land.
 - g. If applicable, existing zoning on and adjacent to the proposed subdivision.
 - h. The estimated time table of development.
2. **Sketch Map.** Accompanying the letter of intent, the subdivider shall submit a sketch map at a scale of 1"=200'. The sketch map shall show the following information.

- a. North arrow, date, scale and reference to a section corner.
- b. Approximate dimensions and areas of the parcels and easements.
- c. Location and type of existing and proposed buildings structures.
- d. Location of drainage ditches, water wells, sewerage systems and other features pertinent to the division.
- e. Location of existing and proposed roads and driveways and distances to the nearest adjoining driveways on both sides of the proposed site.
- f. Location of any steep slopes (i.e., 12% or steeper).
- g. Setback or building lines required by any approving agency.
- h. The uses of the land adjacent to the property and existing roads, easements of record, public access to navigable waters, dedicated areas and utilities. Approximate location of proposed limit of disturbance (LOD) lines, development area, and/or open space preservation area.

3. **Additional Information.**

- a. The Plan Commission may require submittal of a proposed subdivision layout of all or part of contiguously-owned land even though subdivision thereof is not planned at the time.
- b. The Plan Commission may require contour maps prepared by a registered surveyor or engineer depicting vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10%) percent, and of not more than five (5') feet where the slope of the ground surface is ten (10%) or more to assist in review of the proposed subdivision and related improvements.
- c. Where land is being proposed for residential or business development that will not be served by an existing sanitary sewer certified as capable of serving , the entire proposed development, the applicant shall prepare and submit random soil and site evaluations at a rate of one for each three (3) acres.

B. Processing of Minor Subdivision Application.

1. The Town Clerk shall receive minor subdivision applications and collect applicable fees listed under Section 4.4. The Town Clerk shall notify the subdivider by first class mail of any items deemed missing by the Town Plan Commission and shall prepare an affidavit of the mailing.
2. The Town Clerk shall, within two (2) business days after filing, transmit the letter of intent and sketch map to the Plan Commission. The Plan Commission will review the subdivision application for completeness and notify the Town Clerk of any missing items for purposes of compliance with the ninety (90) day time limitations in §236.34, Wis. Stats., during which a CSM shall be approved or recorded. Submittal to the Town Clerk of an application, letter of intent, and sketch map is preliminary to the submittal of a CSM and shall not cause the ninety (90) day approval period to commence. Said time period shall commence upon the date identified with reference to E.3., below.
3. The Town Clerk shall send the subdivider, a notice and agenda of the scheduled date of both the Plan Commission Meeting and the Town Board Meeting to consider the application no later than ten (10) days prior to the date of the meetings by first class mail and shall prepare an affidavit of mailing.
4. The subdivider or agent shall attend both the Planning Commission Meeting and Town Board Meeting where the proposed subdivision is on the agenda and present the letter of intent and sketch map for consideration. Failure of the subdivider or agent to attend the meeting constitute reason to recommend denial of the minor subdivision application.
5. Subdividers may attempt to shorten the minor subdivision approval process by submitting a final Certified Survey Map in lieu of a sketch map when submitting a minor subdivision application. The Plan Commission may consider approving the final CSM provided all requirements of this Ordinance have been satisfied. If the final CSM does not comply *with* this ordinance or issues arise which require further investigation, the submitted CSM will be considered a sketch map and the complete minor subdivision process must be followed. Subdividers should carefully consider the possibility of increased costs due to notice of resurveying and implementing changes to the final CSM when attempting to shorten the minor subdivision process. In the event that a subdivider chooses to initially submit only a sketch map to the Plan Commission, the subdivider shall, within six (6) months after the sketch map has been approved, submit a Certified Survey Map to the Town for approval in accord with E., below. Failure of a

subdivider to comply with this time unit shall cause the application, letter of intent, and sketch map to be rejected and the approval process must be recommenced.

C. Preliminary Approval, Conditional Approval, Rejection

1. The Plan Commission shall review the letter of intent, sketch map, and other relevant information for conformance with this Ordinance, the Comprehensive Land Use Plan and all other applicable Town laws, ordinances, rules, regulations and plans. The Plan Commission may also review applicable County, State and federal laws, ordinances, rules, regulations and plans which may affect the minor subdivision.
2. The Plan Commission shall within its established processing timeline, recommend preliminary approval, conditional approval or rejection of the application and shall transmit its recommendation along with the letter of intent, sketch map and additional information to the Town Board.
3. Within a reasonable period of time after submittal, the Town Board shall grant preliminary approval, conditional approval, or rejection of the sketch map representing the proposed minor subdivision pending submission of the final Certified Survey Map. One (1) copy of the minor subdivision application shall thereupon be returned to the subdivider with the date and action endorsed thereon, and if approved conditionally or rejected, the conditions or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the subdivider. One (1) copy of the minor subdivision application shall be filed in the Town records.

D. Certified Survey Map. A CSM used to create a minor subdivision shall show, in addition to information required by §236.34, Wis. Stats., and Dunn County comprehensive ordinances, the following information.

1. Date of CSM and graphic scale.
2. Name and Address of the owner, subdivider and surveyor.
3. Location of existing buildings and driveways, watercourses, drainage ditches and other features pertinent to proper division.
4. Names, locations and widths of adjoining streets, highways, parks, cemeteries, subdivisions, surface water and wetlands.