

1 **WASHINGTON COUNTY, WISCONSIN**

2 Date of enactment: _____

3 Date of publication: _____

4 **2023 ORDINANCE 7**

5 AN ORDINANCE to amend Chapter 257 of the Code relating to: Land Divisions.

6 *The people of the County of Washington, represented in the Board of Supervisors, do ordain as follows:*

7 **SECTION 1.** The Land Use and Planning Committee approved the amendments to
8 Chapter 257 of the Washington County Code, attached hereto and incorporated herein by
9 reference.

10 **SECTION 2.** Approving the attached, amended chapter also authorizes the necessary,
11 nonsubstantive changes to the text throughout the entire County Code without further County
12 Board action thereby eliminating the need to specifically display each change herein.

13 **SECTION 3. CONTINUATION OF EXISTING PROVISIONS.** The provisions of
14 the Code, insofar as they are substantively the same as those of the ordinances in force immediately
15 prior to the enactment of the Code by this ordinance, are intended as a continuation of such
16 ordinances and not as new enactments, and the effectiveness of such provisions shall date from the
17 date of adoption of the prior ordinances.

18 **SECTION 4. EFFECTIVE DATE.** This ordinance shall become effective upon passage
19 by the Board of Supervisors, the County Executive and publication as provided by law.

20 **SECTION 5. SUMMARY.** Amendments to Chapter 257 of the Washington County Code
21 of Ordinances.

22 _____

23 VOTE REQUIREMENT FOR PASSAGE: Majority

24 Approved as to form:
25 _____
26 Bradley S. Stern, County Attorney

27 Introduced by members of the LAND USE and
28 PLANNING COMMITTEE as filed with the
29 County Clerk.

30 Dated _____

31 _____
32 Carroll Merry, Chairperson

1 Approved:

2 _____

3 _____

4 Josh Schoemann, County Executive

5 Dated _____

6 Veto

7 Partial Veto

8

9

10

11 (No fiscal impact.)

Considered _____

Adopted _____

Ayes _____ Noes _____ Absent _____

Voice Vote _____

Countersigned:

Jeffrey D. Schleif, County Board Chairperson

Chapter 257

Land Divisions

[HISTORY: Adopted by the Board of Supervisors of Washington County by 6-12-1972 (Ch. 24 of the 1998 Code). Amendments noted where applicable.]

§ 257-1 Introduction.

- A. Authority. This chapter is adopted pursuant to the authority granted by §§ 59.692(3), 59.693(7), 281.31 and Ch. 236, Wis. Stats.
- B. Purpose. The purpose of this chapter is to supplement the provisions of Ch. 236, Wis. Stats, and to promote the public health, safety and general welfare of Washington County, hereinafter be refer to as "County"; to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to preserve and protect the natural resource base to maintain ecological balance, natural beauty and overall quality of life; to identify lands suitable for development and appropriate for preservation; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and to facilitate the orderly division of larger tracts into smaller parcels of land. The provisions of this chapter are made with reasonable consideration, among other things, of the character of the County, with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and encouraging the most appropriate use of land throughout the County.
[Amended by Ord. No. 2009-13]
- C. Abrogation and greater restrictions. It is not the intent of this chapter to repeal, abrogate, annul, impair or interfere with existing rules and regulations governing the subdivision of land; provided, however, that where this chapter is more restrictive, the provisions of this chapter shall govern.
- D. Interpretation. The provisions of this chapter shall be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- E. Nonliability. Washington County does not guarantee, warrant or represent that only those areas designated as floodplains will be subject to periodic inundation and hereby asserts that there is no liability on the part of the County Board of Supervisors, its agencies or employees for any flood damages, sanitation problems, property damage or structural damage that may occur as a result of or reliance upon or conformance with this chapter.
- F. Title. The name of this chapter shall be known and cited as the "Land Division Ordinance for Washington County."

§ 257-2 General provisions.

- A. Jurisdiction. The jurisdiction of this chapter shall apply to all lands and water within the unincorporated areas of Washington County. Where a town has adopted a subdivision control ordinance, the provisions

of this chapter shall apply where more restrictive than the town ordinance, except in no instance shall the provisions of this chapter apply to:

- (1) Transfer of interest in land by will or pursuant to court order.
- (2) Leases for a term not to exceed 10 years, mortgages or easements.
- (3) The sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.

B. Compliance. No person, firm or corporation shall divide any lands located within the jurisdictional limits of these regulations which results in a subdivision, minor land division or replat as defined herein; no such subdivision, minor land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and:

[Amended by Ord. No. 2009-13]

- (1) All rules and statutes that are enforced by the Plat Review Program, Department of Administration, hereinafter be referred to as DOA, including Ch. 236, Wis. Stats.
- (2) Rules of the State Department of Administration, Division of Plat Review, regulating the lot size and lot elevation of the land to be subdivided if not served by a public sewer and provisions for such service have not been made.
- (3) Rules of the State Department of Transportation 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 a state trunk highway or connecting street.
- (4) State Department of Natural Resources rules setting water and air quality standards, preventing and abating pollution.
- (5) Duly approved Comprehensive Plan or Comprehensive Plan components, including zoning ordinances, sanitary codes and all other applicable County and town ordinances, including any County or town construction site erosion control and stormwater management ordinance adopted pursuant to §§ 59.693, 60.627(2), and 66.1001, Wis. Stats.

C. Definitions. For the purposes of this chapter, the following terms are defined as follows: **[Amended by Ord. No. 2001-8; Ord. No. 2009-13]**

APPROVING AUTHORITY

The governing body who has the jurisdiction to approve subdivision plats per Ch. 236, Wis. Stats.; for the purposes of this chapter approving authority includes the County, the Town in which the property is located, and a City or Village within the extraterritorial jurisdiction for subdivision plats that are in the unincorporated areas of Washington County.

BOARD OF ADJUSTMENT

The Washington County Board of Adjustment.

CERTIFIED SURVEY MAP

A map of a land split prepared in accordance with § 236.34, Wis. Stats.

COUNTY

Washington County Land Use and Planning Committee or Washington County Planning and Parks Department.

CUL-DE-SAC

A minor street closed at one end with a turnaround provided for vehicles.

FINAL PLAT

The map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236 of the Wisconsin Statutes, and the terms of this ordinance.

ISOLATED NATURAL RESOURCE AREA

An area between five acres and 100 acres containing significant remnant natural resources, such as woodlands, wetlands, prairies, and important plant and wildlife habitat, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

LAND RESOURCES DIVISION

The Land Resources Division of the Washington County Planning and Parks Department.

OBJECTING AUTHORITIES

The State Department of Administration, and the State Department of Transportation.

PARKWAY

A continuous or semicontinuous park or drive, usually along a watercourse or park, where the land is owned or reserved for public or semipublic purposes and having access to it.

PRELIMINARY PLAT

A map delineating the features of a proposed subdivision submitted to an approving authority for the purposes of official consideration prior to the final plat.

PRIMARY ENVIRONMENTAL CORRIDOR

A concentration of significant natural resources, such as woodlands, wetlands, prairies, and important plant and wildlife habitat, at least 400 acres in area, at least two miles in length, and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

REPLAT

The changing of any interior or exterior boundaries of a recorded subdivision plat.

SUBDIVISION

The division of a lot, parcel or tract of land by the owner, any successor in interest or any agent of either, where:

- (1) The act of division creates five or more parcels or building sites of one and one half acres each or less in area; or
- (2) Five or more parcels or building sites of one and one half acres each or less in area are

created by successive division within five years.

- (3) Where the act of division is the creation of three or more parcels or building sites of five acres or less within the County's shoreland zone.

SUBMITTAL

Plats shall be deemed submitted to the approving agencies when filed by the subdivider or agent with a letter of transmittal, so labeled, indicating the clear intention to so file. The reception date of said plat shall be the physical receipt by the approving authority at its normal place of business, evidenced by notation or stamp to that effect.

- D. Dedication and reservation. In order that adequate open spaces and sites for public uses may be properly located and preserved as the County develops, and in order that the cost of providing the public school, park and recreation sites and facilities necessary to serve the additional number of people brought into the community by subdivision development may be most equitably apportioned on the basis of the additional need created by such developments, the following provisions are established:
 - (1) Where the proposed division abuts an existing or proposed state, County or town road, the subdivider shall be required to dedicate any additional lands abutting the road in accordance with the width as required by the County Established Street and Highway Width Map or any other officially approved plan or ordinance in effect within the area.
 - (2) The dedication of land for public purposes, such as rights-of-way, parks, school sites or easements, becomes effective at the time of approval and recording of the final plat..
- E. Improvements. Prior to approval of the final plat or final certified survey map, the subdivider shall install street and utility improvements and all construction site erosion control and stormwater management measures as required by the town or County ordinance.
- F. Land suitability. **[Amended by Ord. No. 2009-13]**
 - (1) No land shall be subdivided for residential use which is deemed by the County or the town unsuitable for such use for reason of flooding, inadequate drainage, adverse soil or rock formations, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision of the community. In applying the provisions of this section, the County or the town shall, in writing, recite the particular facts upon which it bases its conclusions that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he or she so desires. Thereafter, the County or the town may affirm, modify or withdraw its determination of unsuitability.
 - (2) In addition to the above, the following criteria are to be adhered to:
 - (a) All lands to be subdivided that lie within the floodplain and shoreland zoning areas shall comply with, and identify building sites, that are able to meet the standards established in Chapter 275, Shoreland, Wetland and Floodplain Zoning, of the Code of Washington County.
 - (b) No building sites shall be created which do not meet the standards as established in Ch. SPS 383,

Wis. Adm. Code, and Chapter **190**, Private On-Site Wastewater Treatment Systems, of the Code of Washington County.

- G. Issuance of building permits. No sanitary or other County permits shall be issued on any lot not of record until all the requirements of this chapter or any other ordinance have been met. When a subdivider proposes improvements as part of the subdivision within the County Shoreland Zone, a Shoreland Zoning Permit shall be issued prior to any construction.
- H. Highway access approval. No subdivision plat, certified survey map or plat of survey shall be approved by the Land Use and Planning Committee until written approval is presented from the public highway authority having jurisdiction (Town Board, County Highway Department or State Department of Transportation), indicating that the proposed land divisions each have a minimum of 66 feet of approved access frontage or other minimum requirement to a public roadway under that authority's jurisdiction and that each proposed parcel has public roadway access. **[Amended by Ord. No. 2009-13]**

§ 257-3 **Procedure.**

- A. Pre-Application. It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider consult with the County, town and the municipality, if within an extraterritorial plat review jurisdiction, in order to obtain guidance and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Plan or components thereof, and duly adopted plan implementation procedures of the County, and to otherwise assist the subdivider in planning the development. It is also suggested that the subdivider consult with the authority administering Chapter **238**, Erosion Control and Stormwater Management, of the Code of Washington County to obtain assistance in planning to avoid any conflicts with the provisions of Chapter **238**. Subdividers are directed to the provision regarding the preliminary approval letter contained in § **238-9B** of this Code. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV)]**
- B. Preliminary plat. **[Amended by Ord. No. 2009-13; Ord. No. 2010-17]**
 - (1) Prior to the submittal of a final plat, the subdivider shall file a preliminary plat with the Washington County Planning and Parks Department with a completed application, supporting documents, and review fee; and submit application with the local township in accordance with their application requirements, the DOA, and municipalities if within extraterritorial jurisdiction.
 - (2) Within 20 days of the date of receiving the copies of the plat, any agency having objecting authority shall notify the subdivider and all approving and other objecting authorities of any objections which they may have, based upon failure of the plat to comply with the statutes or rules which their examination is authorized to cover. If there are no objections, it shall so certify on a copy of the plat and return that copy to the approving authority from which it was received. If any objections are made by an objecting authority, a resubmittal of the preliminary plat shall be required with the required corrections noted. Such resubmittal shall be filed as required by § **257-3B** of this chapter and § 236.12, Wis. Stats. If the objecting agency fails to act within the established twenty-day period, it shall be deemed to have no objection to the plat.
 - (3) After all objections have been formally removed and the plat is so certified by the objecting

authorities, the approving agencies may approve the plat upon compliance with all other rules, regulations or plans which are in effect in the area of the plat. This decision shall be made within 90 days of the date of receiving, unless objections are received from any objecting authority, or unless the time is extended by agreement with the subdivider based on its determination of conformance with the provisions of this and other relevant local ordinances. Failure of the city, village, town or the County to act within the prescribed 90 days shall constitute an approval of the plat.

- (4) Prior to approval of the Washington County Land Use and Planning Committee, approval letters from all objecting and approving agencies shall be submitted to the Washington County Planning and Parks Department.
- (5) Approval of a preliminary plat shall not constitute automatic approval of the final plat. If the final plat is submitted within 36 months of the last required preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat may be entitled to approval with respect to such layout unless conditions in the area of the plat have changed substantially to require an alteration to the plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted and as a guide to the preparation of the final plat, which will be subject to further consideration by the town and the County at the time of its submission. The final plat must be recorded within 12 months after the last approval and 36 months from the first approval.

C. Final plat. [**Amended by Ord. No. 2010-17**]

- (1) The subdivider shall prepare a final plat and submit application to the Washington County Planning and Parks Department with supporting documents, and review fee; and submit application with the local township in accordance with their application requirements, the DOA, and municipalities if within extraterritorial jurisdiction.
- (2) Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider and all approving or objecting authorities of any objection they have. If objections are received, it shall be the responsibility of the subdivider to resubmit the plat in accordance with the foregoing procedures. If there are no objections, such fact shall be certified on the face of a copy of the plat and returned to the approving authority from which it was received. The plat shall not be approved or be deemed approved until all objections have been satisfied. If any objecting agency fails to act within the twenty-day limit, it shall be deemed to have no objection to the plat.
- (3) Developments that fall within the extraterritorial territory shall receive approval by that municipality's planning agency and the County shall be supplied written consent of that approval, unless waived by resolution in accordance with § 236.10(5).
- (4) The County and the town shall, within 60 days of the date of submittal of the final plat to the approving authorities, approve or reject such plat unless the time is extended by agreement with the subdivider or unless objections have been filed or required improvements are not in place or financially guaranteed by the subdivider, or unless required improvements (including streets,

ditches, culverts, soil erosion and sedimentation measures) have not been completed to the satisfaction of the town or a financial guarantee for such incomplete improvements which is acceptable to the town has not been executed and posted. The town and County shall examine the final plat as to its conformance with the approved preliminary plat, this chapter and all ordinances, rules, regulations or other plans which may affect the plat. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. The final plat may be rejected if it is not submitted within 36 months of the date of the last required approval of the preliminary plat. No approval by any approving agency can be granted until all formal objections have been satisfied. Failure of any approving agency to act within 60 days, the time not having been extended and no objections having been filed, shall constitute an approval. The necessary certificates shall also be placed upon the original drawing of the final plat and must be signed by all appropriate review agencies prior to recording.

(5) The final plat shall be recorded in the Register of Deeds office of Washington County in accordance with § 236.25, Wis. Stats.

- D. Replat. When it is proposed to replat a recorded subdivision, or part thereof, the Wisconsin Statutes and the provisions of this chapter shall apply.
- E. The failure of any approving or objecting agency to act within the time limits established by this chapter shall not constitute a waiver of the provisions of any County or town construction site erosion control and stormwater management ordinance adopted pursuant to §§ 59.693 or 60.627(2), Wis. Stats.

§ 257-4 **Preliminary plat.**

Consistent with the provisions of Ch. 236, Wis. Stats., preliminary plats shall include the following data and format.

- A. Plat data. A preliminary plat shall be required for all subdivisions (as defined herein) and shall be based upon a survey by a professional land surveyor and the plat prepared on any material that is capable of being legibly reproduced. at a scale of not less than 200 feet to the inch and shall show correctly on its face the following information: [**Amended by Ord. No. 1999-2; Ord. No. 2009-13; Ord. No. 2013-33; at time of adoption of Code (see Ch. 1, General Provisions, Art. IV)**]
 - (1) Title, scale, north arrow, date, and development name.
 - (2) Location of proposed subdivision by government lot, quarter-section, township, range, county and state.
 - (3) Names and address of the owner, subdivider and land surveyor preparing the plat.
 - (4) The exact distance and bearing of the exterior boundaries of the proposed subdivision and the total acreage encompassed.
 - (5) Contours as vertical intervals of not more than two feet. Where ground slopes exceed 10%, five-foot vertical intervals will be sufficient. Where possible, elevations should be based on mean sea level datum.

- (6) Water elevation of all ponds, streams, lakes, flowages and wetlands at the date of the survey and approximate ordinary high and low water elevations of such lakes or streams.
- (7) Floodplain and shoreland boundaries and associated setbacks shall be delineated and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, five feet above the maximum flood on record or a known high-water elevation along with a meander line established not less than twenty feet (20') back from the ordinary high watermark.
- (8) Location and names of any adjacent developments and/or property along with the location, including land contiguous to the proposed plat owned or controlled by the subdivider.
- (9) Location, widths, gradients, and names of all existing platted or dedicated streets, alleys, easements, all section and quarter-section lines, railroads, utility rights-of-way, parks, cemeteries, water courses, drainage ditches, bridges, buildings, primary environmental corridors, isolated natural resource areas, wooded areas, rock outcrops, wetlands and the type, width and elevation of existing street pavements within or adjacent to the proposed development, together with any legally established center-line elevations referred to mean sea level datum.
- (10) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch basins, hydrants, electric power and telephone poles or underground installations, location and size of any existing water and gas mains within the area of the plat or adjacent thereto. If no sewers, water mains or other utility facilities are located on or immediately adjacent to the tract, the nearest such facilities which might be extended to serve the tract shall be indicated by their direction and distance from the tract, their size and their invert elevation.
- (11) Location and dimensions of any site to be reserved or dedicated for parks, playgrounds, drainageways, or other use or to be reserved by deed or covenants for use of all property owners in the plat with the conditions, if any, of such dedication or reservation.
- (12) Existing zoning on and adjacent to the proposed subdivision, along with corporate limit lines, including any airport or transportation-related overlay districts.
- (13) Proposed lake and stream access in the subdivision, along with any improvement or relocation of the lake or stream.
- (14) Soil types, slopes and boundaries as shown on the soil survey maps prepared by the Natural Resources Conservation Service, United States Department of Agriculture.
- (15) Any additional information required by the County or the town.
- (16) Plans for soil conservation and erosion control measures such as gutters, ditches, catch basins, storm sewers, culverts, open channels, sediment traps or basins, terraces, water diversions and similar practices, shown with unique symbols and defined in the legend on the preliminary plat, any measures or practices required by these County or town construction site erosion control and

stormwater management ordinances adopted pursuant to §§ 59.693 or 60.627(2), Wis. Stats.

- (17) Surface drainage pattern mapping and indication of direction and established peak volume of soil drainage pattern.
- (18) Following preliminary plat approval, detailed construction plans shall be submitted that conform with acceptable Natural Resources Conservation Service Standards based on the NRCS Technical Guide, Engineering Field Manual, Wisconsin Department of Natural Resources or other standards in accordance with § **257-4B** of this chapter.

- B. Construction site erosion control and stormwater management plans and profiles. The subdivider shall prepare and submit soil conservation and erosion control plans and profiles as required in Chapter **238**, Erosion Control and Stormwater Management, of the Code of Washington County or by a town ordinance where a town has adopted a similar ordinance or entered into an intergovernmental agreement with Washington County under § 66.0301, Wis. Stats., for ordinance administration services. These plans and profiles shall be approved prior to letting bids and/or any subdivision construction. Compliance with the applicable construction site erosion and stormwater management ordinance is subject to the terms and conditions of the applicable ordinance and does not constitute an objection or approval under this chapter. [**Amended by Ord. No. 2001-8**]
- C. Soil tests. The County may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to groundwater or bedrock. These provisions may be in addition to the requirements of Ch. SPS 385, Wis. Adm. Code and shall be submitted for review with the preliminary plat.
- D. Protective covenants. Protective covenants may be required whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
- E. Certification. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land division and features and that he or she has fully complied with the provisions of this chapter.

§ 257-5 **Final plat.**

- A. General. A final plat prepared by a professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Ch. 236, Wis. Stats. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV)**]
- B. Additional information. The final plat shall show correctly on its face, in addition to the information required by Ch. 236, Wis. Stats., and § **257-4** of this chapter, the following: [**Amended by Ord. No. 2009-13**]
 - (1) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat shall be adequately identified.
 - (2) Special restrictions as required by the Town Board or the County Land Use and Planning Committee.

- (3) Location of the soil absorption field if it is found that portions of the proposed lots would be unsuitable for a private on-site waste treatment system.
 - (4) Floodplain and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, a vertical distance of five feet above the elevation of the maximum flood of record.
 - (5) Any additional information required by the town or the County.
- C. Certification and monumentation. Survey accuracy and monuments shall comply with § 236.15, Wis. Stats. Certification shall be included as required by § 236.21, Wis. Stats., and, in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this chapter.
 - D. Certificates. All final plats shall provide all the certificates required by § 236.25(2)(c) and (d), Wis. Stats., and, in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this chapter.

§ 257-6 General requirements and design standards.

- A. General. The proposed subdivision shall conform to the provisions of Ch. 236, Wis. Stats.; all applicable ordinances of the town; and design and construction standards as established by this chapter and/or the town's standards.
- B. Street names. Street names shall be required for all proposed public streets and shall not duplicate or be confused with the name of an existing street within the municipality. Streets that are extensions, or that are proposed to be aligned with existing named streets, must bear the names of these streets. Street signs shall be required at all intersections. Their location and design shall be determined and approved by the town.
- C. Intersection design. Intersection design shall be in conformance with the applicable design standards and County, state and federal codes.
 - (1) Intersections must be approached on all sides by grades not to exceed 4% for a distance of at least 50 feet in length unless exceptional topography would prohibit these grades.
 - (2) The minimum turning radius at an intersection shall not be less than 40 feet.
 - (3) Vision triangles providing unobstructed views in both directions perpendicular to the line of sight shall be maintained at all intersections.
 - (4) If a proposed street is to enter a town, County or state arterial and it is deemed a hazardous entrance by the governing body having jurisdiction over the road, it will be the responsibility of the subdivider to correct the potential hazard through an agreement with the governing body or else relocate the proposed entrance to a more suitable location.
 - (5) The following distances between intersections must be observed:
 - (a) Minor and collector streets may not empty into state and federal highways at intervals less than 1,300 feet and into designated through highways less than 1,000 feet. They shall be in alignment with existing and planned streets entering the above highways from the opposite side.

- (b) If the intersections on minor and collector streets are not in alignment, the distance between streets opening up on opposite sides of any existing or proposed streets must be at least 150 feet measured along the intersecting center line. Where the streets enter on the same side, the intersection distance measured from the center line shall be at least 300 feet.

D. Easements. **[Amended by Ord. No. 2009-13]**

- (1) Pedestrian easements or dedications at least 20 feet in width shall be required where deemed necessary to provide access to playgrounds, parks, schools, shopping centers or other community facilities.
- (2) Utility easements shall be provided as may be deemed necessary by those utility companies having installations on the plat. The utility companies shall review all plats to determine whether easements will be necessary and where they should be required.
- (3) Where a subdivision is traversed by a drainageway or stream, an adequate easement shall be provided as deemed necessary by the town or County Engineer in those cases where the County Engineer is under contract with the town for engineering services. The location, width, alignment and improvement of such drainageway or easement shall be subject to approval by the Town Engineer or the County; and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped, open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the Town Engineer. Where deemed necessary, the town or the County may require these channels to be enclosed with pipe.

- E. Construction site erosion control and stormwater management. The subdivider shall comply with any County or town construction site erosion control and stormwater management ordinance adopted pursuant to §§ 59.693 or 60.627(2), Wis. Stats. Chapter **238**, Erosion Control and Stormwater Management, of the Code of Washington County constitutes the County's construction site erosion and control and stormwater management ordinance.

§ 257-7 **Required improvements.**

- A. Survey monuments. The professional land surveyor shall install survey monuments in accordance with the requirements of § 236.15, Wis. Stats. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV)]**
- B. Required installation. Prior to final approval by the town, the subdivider will provide and dedicate the following facilities and improvements, all of which must be installed or provided for within the time required by the Town Board.
 - (1) Construction or installation of improvements shall not commence until the preliminary plat and the construction plans have been approved by all agencies having authority to review the plat. All work or improvements to the subdivision shall also be subject to inspection by the town to determine conformance with any applicable requirements.
 - (2) Streets graded and surfaced according to the standards of the town along with the street right-of-

way as established by this chapter. Where no standards have been adopted, the minimum standards required by the State Department of Transportation shall apply.

- (3) Drainage ditches, culverts and such other facilities required by any County or town construction site erosion control and stormwater management ordinance shall be complete as required in this section and Chapter **238**, Erosion Control and Stormwater Management, of the Code of Washington County or the applicable town ordinance.

§ 257-8 **Variance and modification.**

- A. General. Where the Board of Adjustment finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of these regulations and any development plans of any local agency. [**Amended by Ord. No. 2009-13**]
- B. Other conditions. In granting variances and modifications from these regulations, the Board of Adjustment may require such other conditions which will, in its judgment, secure the objectives of this chapter.
- C. Planned development. The standards and requirements of these regulations may be modified by the Land Use and Planning Committee in the case of a plan and program for a group housing project, a complete community or a neighborhood unit which, in the judgment of the Land Use and Planning Committee, provides adequate public spaces and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also assures conformity with the zoning regulations of the municipality in which the development occurs.
- D. Variances and modifications: erosion and sedimentation requirements. Where the Board of Adjustment finds that an extraordinary hardship results from strict compliance with the erosion and sedimentation requirements of this chapter, the Board of Adjustment may vary the regulations, providing that the public interest is secured, substantial justice is done and the spirit and intent of said erosion and sedimentation control provision is preserved.

§ 257-9 **Violations and penalties.**

- A. Violations. It shall be unlawful to install improvements, build upon, divide, convey, record or monument any land in violation of this chapter or Wisconsin Statutes, and no person, firm or corporation shall be issued a zoning or building permit authorizing the building upon, or improvement of, any subdivision, minor land division or replat within the jurisdiction of this chapter which is not of record as of the effective date of the original ordinance (ordinance originally adopted June 12, 1972) until the provisions and requirements of this chapter are fully met.
- B. Penalties. Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, forfeit not less than \$25 nor more than \$200, and the cost of prosecution, for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by injunction order at the suit of the County or the owner or owners or real estate within the district affected by the regulations

of this chapter, as provided by law.

§ 257-10 Fees.

- A. Fees to be paid. The subdivider shall pay the County all fees as hereinafter required and at the times specified.
- B. Preliminary plat review fee. To assist in defraying the costs of review, the subdivider shall (at the time of first request for approval of any preliminary plats) pay a fee established pursuant to § **179-10D(2)** of Washington County Code. A reapplication fee shall be paid at the time of reapplication for approval of any preliminary plat which has previously been reviewed. [**Amended by Ord. No. 1998-25; Ord. No. 2009-13; at time of adoption of Code (see Ch. 1, General Provisions, Art. IV)**]
- C. Final plat review fee. To assist in defraying the costs of review the subdivider shall (at the time of first request for approval of said final plat) pay a fee established pursuant to § **179-10D(2)** of Washington County Code. A reapplication fee shall be paid at the time of a reapplication for approval of any final plat which has previously been reviewed. [**Amended by Ord. No. 1998-25; Ord. No. 2009-13; at time of adoption of Code (see Ch. 1, General Provisions, Art. IV)**]

§ 257-11 Severability.

The provisions of this chapter are severable, and if, for any reason, a clause, sentence, paragraph, section or other part of this chapter should be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

§ 257-12 Amendments.

[**Amended by Ord. No. 2001-8**]

The Washington County Board of Supervisors may, upon recommendation of the Land Use and Planning Committee, amend, supplement or repeal any of these regulations after notice and public hearing.