



Town Role in Rural Land Divisions

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Center for Land Use Education
College of Natural Resources
University of Wisconsin - Stevens Point



Extension
UNIVERSITY OF WISCONSIN-MADISON



Learning Objectives

- Basics of platting and land divisions
- State, county, and local role
- Community examples
- Key resources

How would you characterize your town?



Poll 1



What resources are a priority?



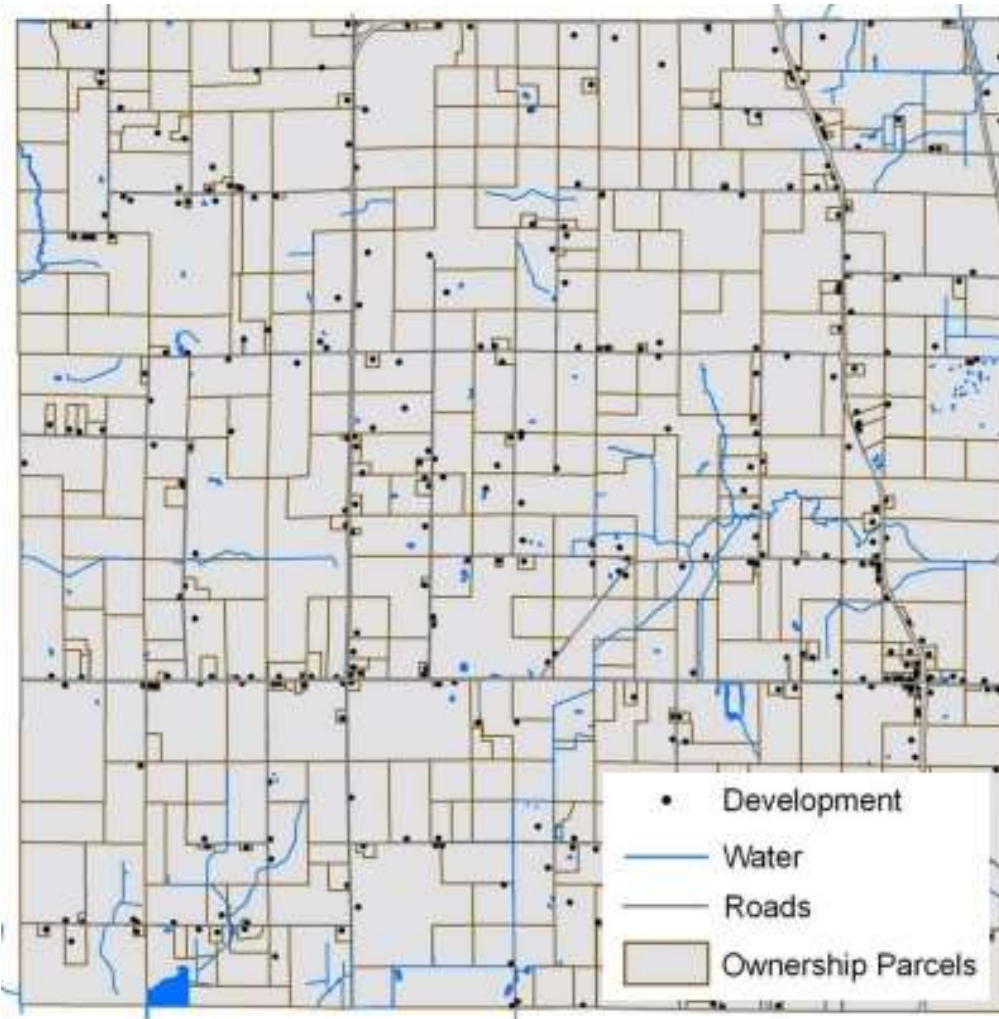
What are your greatest concerns?



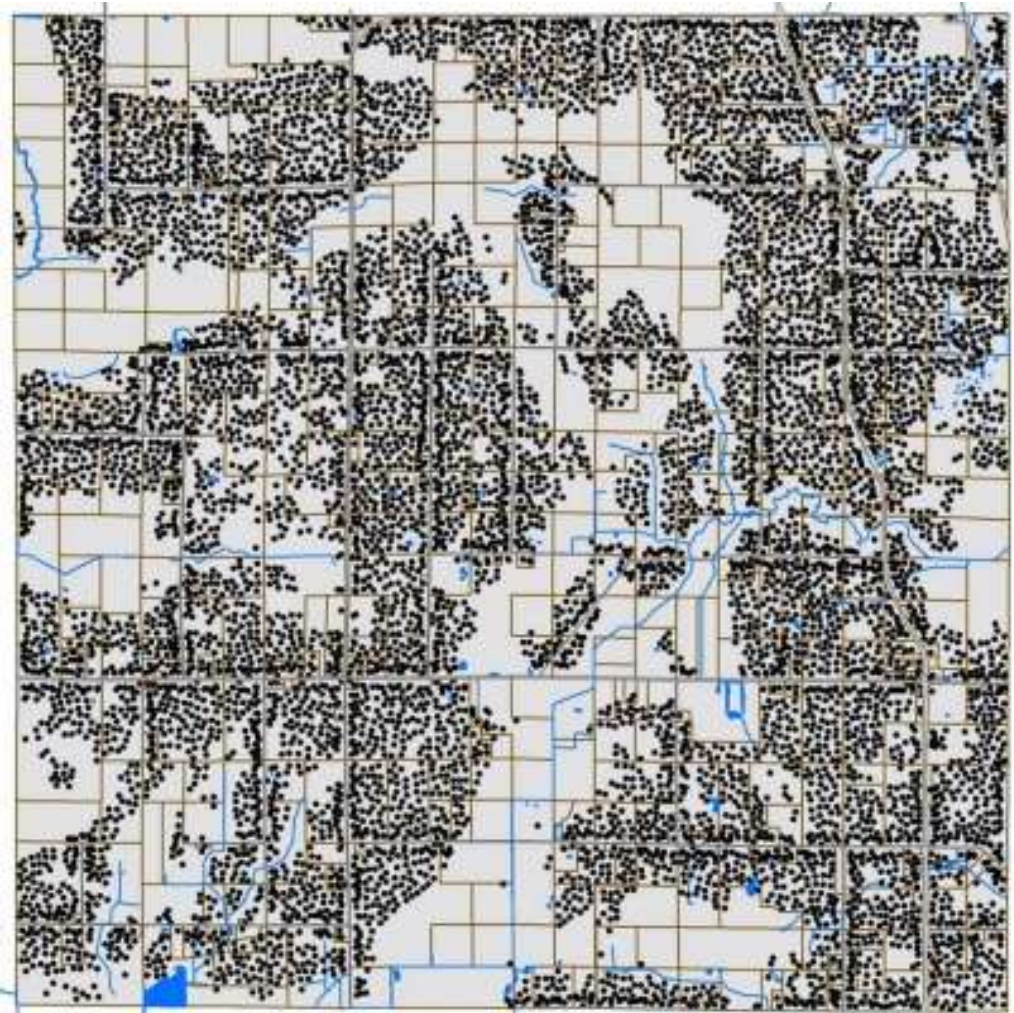
Build-Out Analysis

Ex. Town of Bear Creek, Waupaca County

Existing Development, 2010



Build-Out, Minimum Lot Size Zoning

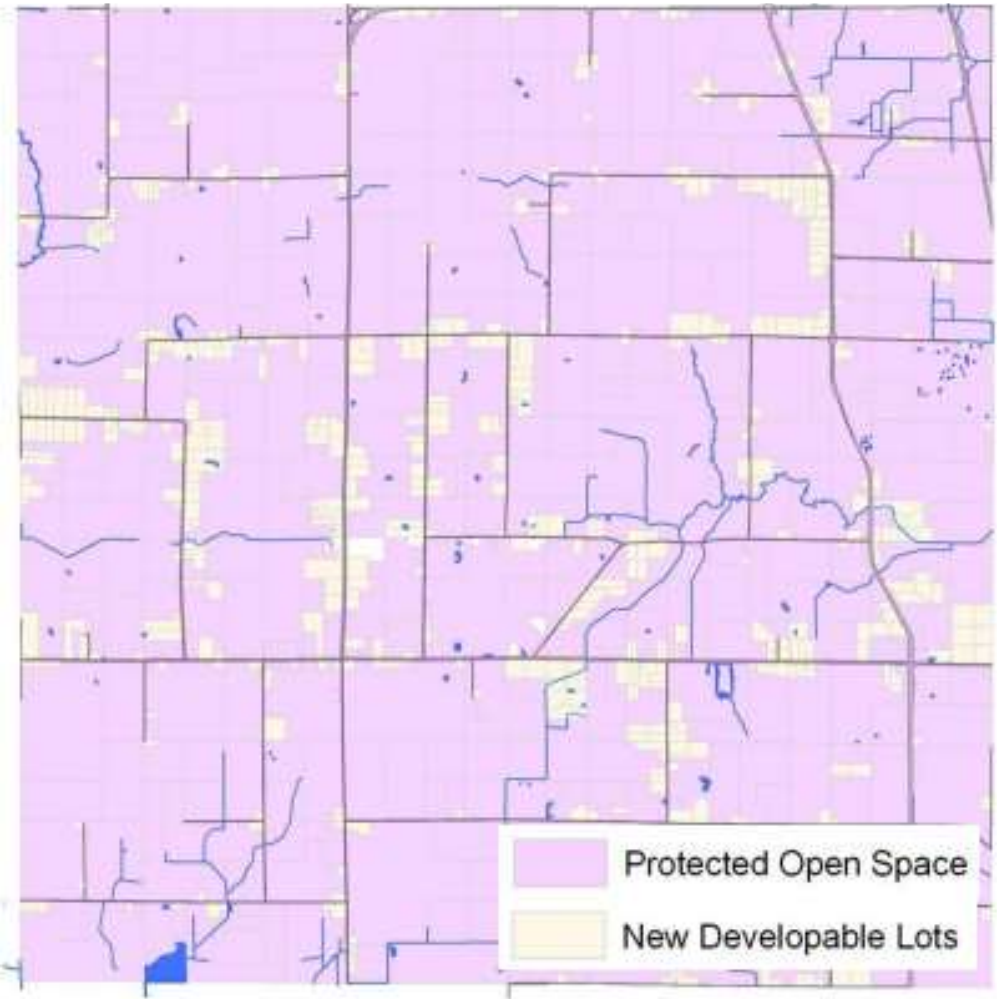


Potential for 9,151 building units!

Build-Out Analysis

Ex. Town of Bear Creek, Waupaca County

Build-Out, Density-Based Zoning



Potential for 530 additional building units



Subdivision Regulations



- Legal process for dividing land and recording property
- Review for physical layout of new development, connections with existing development, public safety, utilities, other improvements

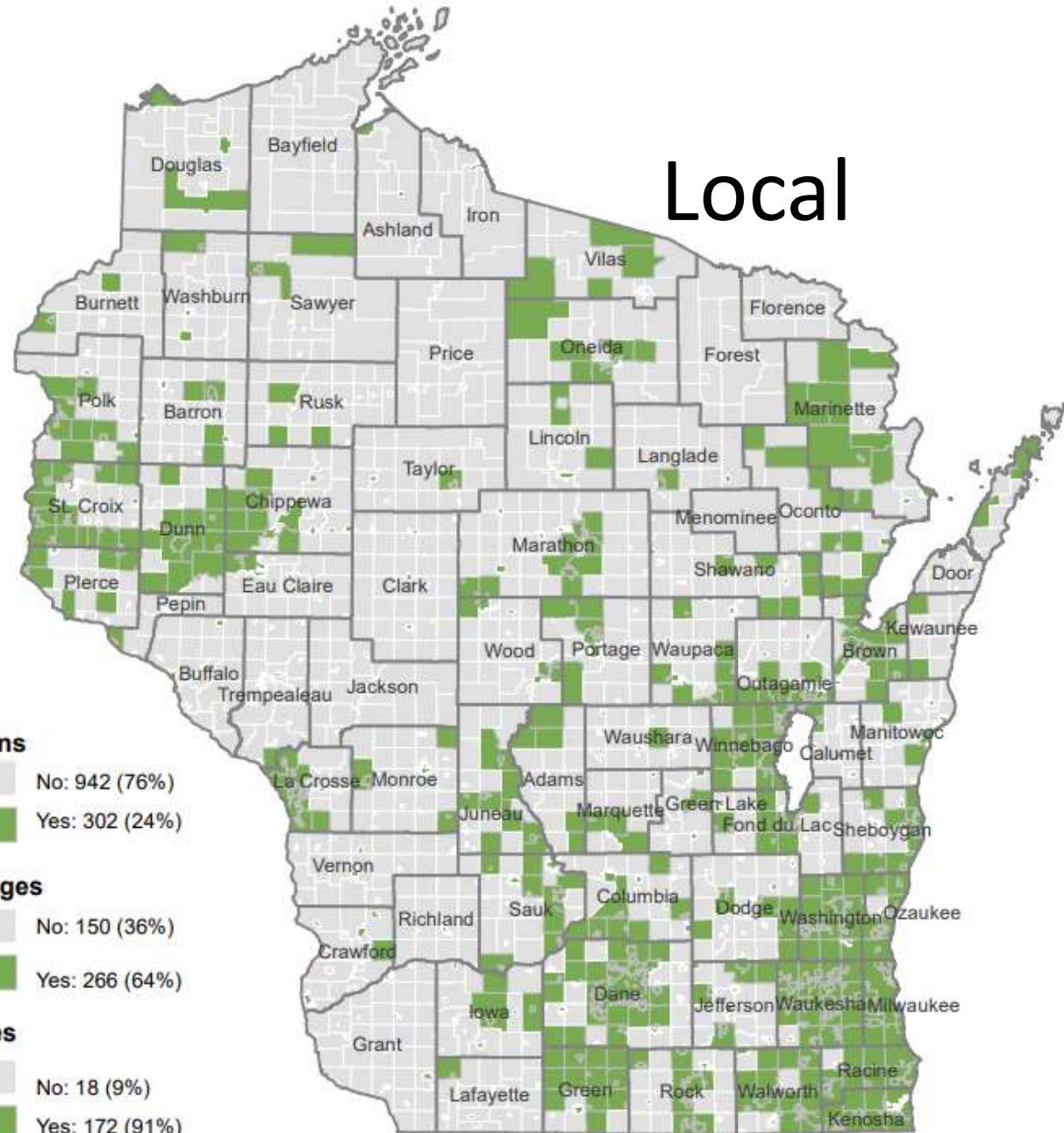


Three Levels of Review

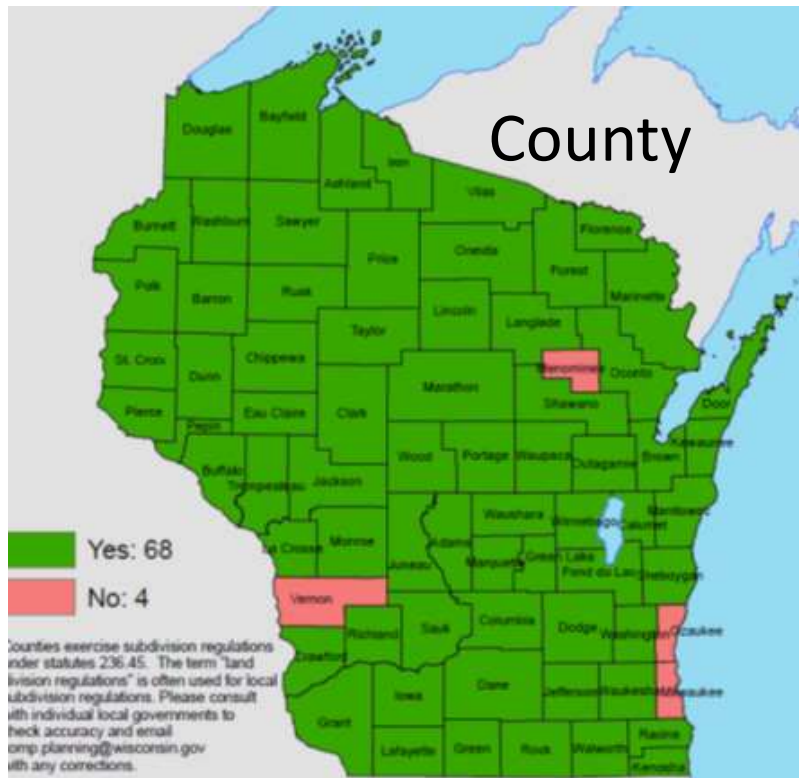
State



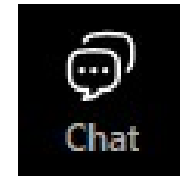
Local



County



Which of these is considered a “subdivision” under state law?



Type in chat box

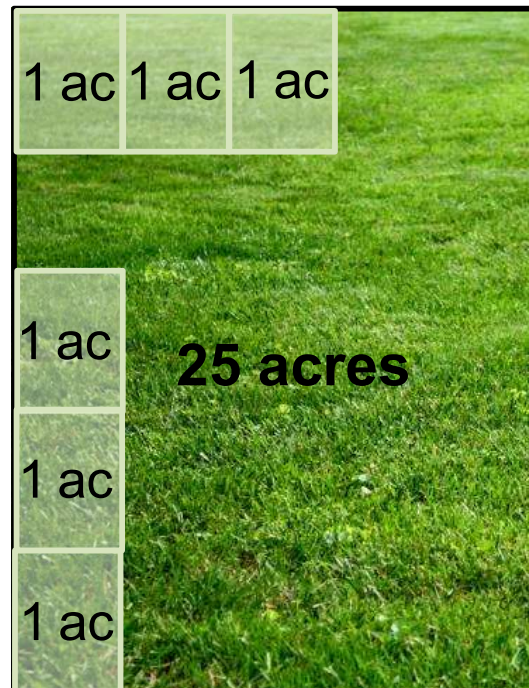
#1

Three 1-acre parcels created in one year



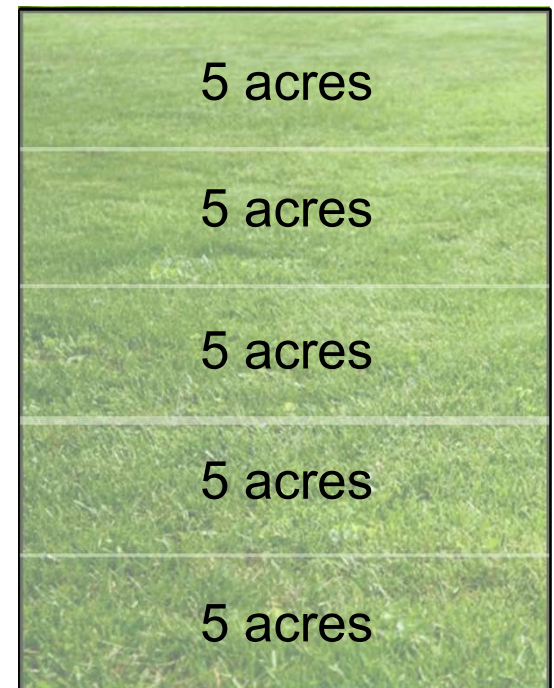
#2

Six 1-acre parcels created within 5 years



#3

Five 5-acre parcels created in one year



Subdivision = creation of 5 or more parcels of 1.5 acres or less within a period of 5 years

No

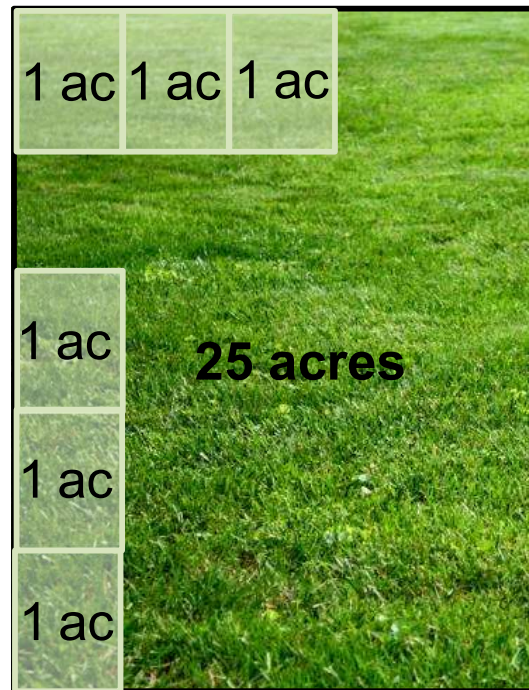
Too few parcels

Three 1-acre parcels
created in one year



Yes!

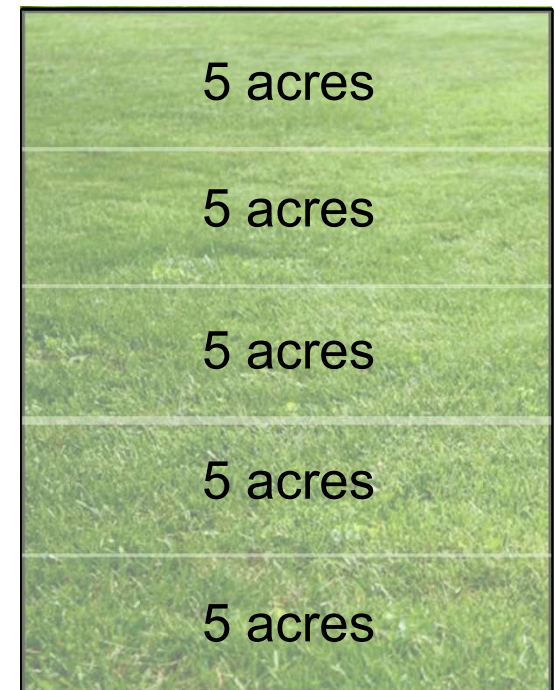
Six 1-acre parcels
created within 5 years



No

Parcels too large

Five 5-acre parcels
created in one year



State Subdivision Law



State provides minimum standards for subdivisions (Wis. Stat. ch. 236)

- Subdivision = creation of 5 or more parcels of 1½ acre or less within a 5-year period
- State reviews for surveying, layout, mapping, and plat submittal requirements

Objecting Authorities

- The following agencies have authority to certify or “object” to state-defined subdivision plats:
 - [Department of Administration](#) – all state-defined subdivisions are reviewed for compliance with surveying, layout, mapping and plat submittal requirements. (Wis. Stat. 236)
 - [Department of Transportation](#) – subdivisions that abut a state trunk or connecting highway are reviewed for public safety issues and preservation of public interests/investments. (Trans 233)
 - [County Planning Agency](#) – 18 counties review plats located in cities/villages for conflicts with parks, highways, airports, schools, and other planned public developments. (Wis. Stat. 236.12(2)(b))

Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Juneau, Manitowoc, Milwaukee, Oconto, Racine, Rock, St. Croix, Sheboygan, Washington, Waukesha, and Winnebago

Approving Authorities

- The following units of government have authority to “approve” of state-defined subdivision plats:
 - County Planning Agency – if the subdivision is located in an unincorporated area of the county
 - Town Board – if the subdivision is located in the town or an area whose annexation is being contested by the town
 - City Council/Village Board – if the subdivision is located in a city/village or its extraterritorial plat review jurisdiction

Local Subdivision Regulations



Counties, towns, cities, villages may adopt local ordinances

- May define subdivision differently (typically in terms of number or size of parcels created)
- May impose additional requirements (design standards, improvements)
- May not alter time limits, deadlines, notice requirements or other protections for subdivider

When review authority overlaps, most restrictive provision applies

Local Ordinance Requirements

- Land suitability
- Lot size, dimensions
- Water, sewer, septic
- Drainage systems
- Roads, sidewalks
- Trees, parks, open space
- Utilities, lighting, signage
- Fire protection
- And more...



When review authority overlaps, most restrictive provision applies

Local Ordinance Requirements

Communities may define subdivision differently

	No. parcels	Parcel size	Time
State	5 or more	1.5 acres or less	5 years
Calumet Co.	5 or more	1.5 acres or less	5 years
Winnebago Co.	5 or more	5 acres or less	5 years
Brown Co.	5 or more	10 acres or less	5 years
Outagamie Co.	5 or more	Any size	5 years

Local Ordinance Requirements

Communities may define subdivision differently

	No. parcels	Parcel size	Time	
State	5 or more	1.5 acres or less	5 years	
Oneida Co.	1+	10 acres or more	Utility/Road Review	
Minor subdivision	1-8	10 acres or less	5 years	CSM
Major subdivision	8 or more	10 acres or less	5 years	Plat

Comparing Rural Land Divisions

How were these created?

160 acres



154 lots, 1 acre
3.75 miles road
5-acre park, 3-acre pond

State Plat

160 acres



27 lots, 2-10 acres
1.95 miles road

Local Plat

160 acres



24 lots, 1.5+ - 40 acres
1 mile road
(7 parcels without road access)

CSM

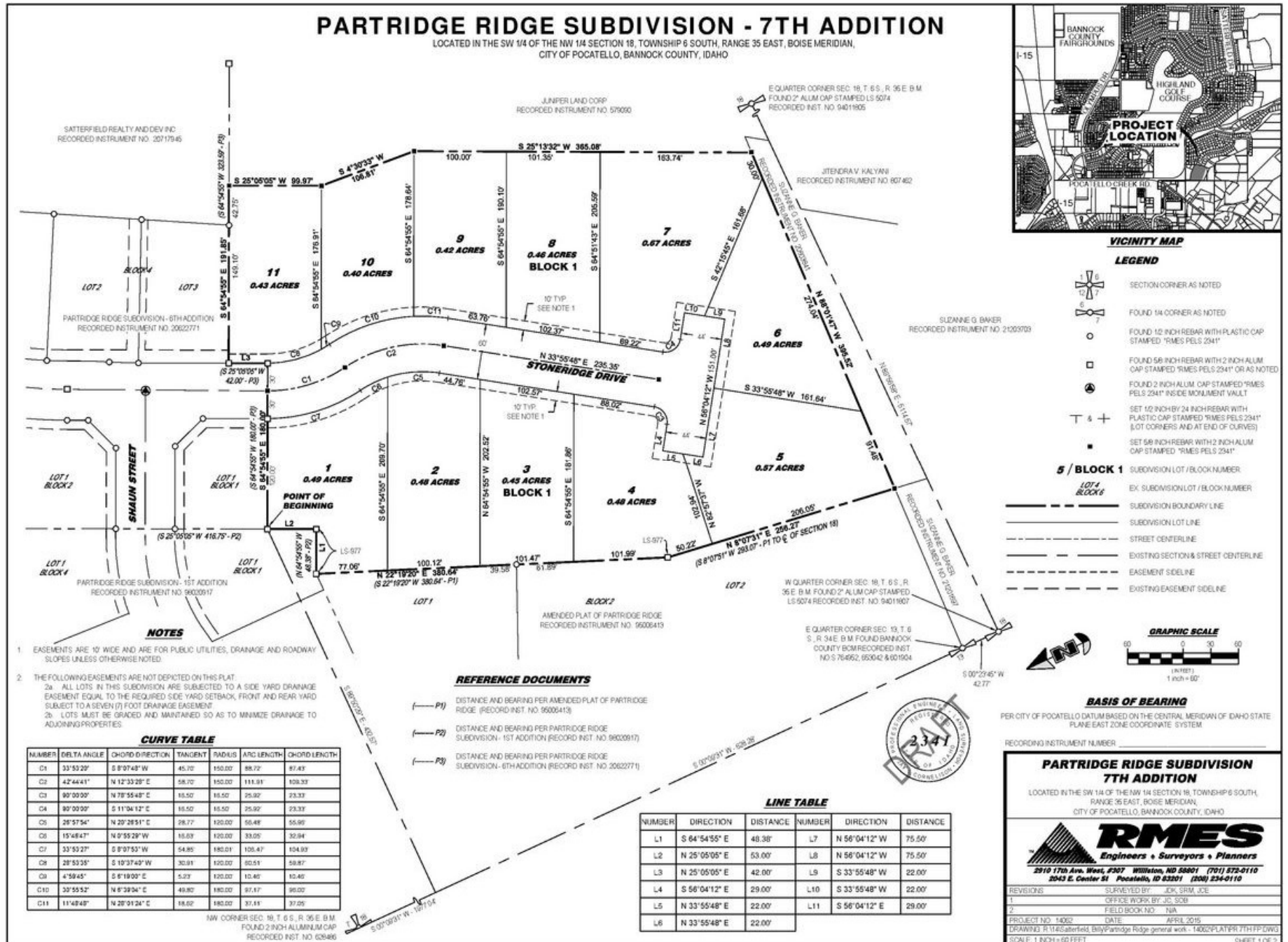
CSM = Certified Survey Map

Expedited process for land divisions that do not meet state or local definition of subdivision (based on number or size)

- Survey, monument, and map by professional land surveyor
- CSM dedicating streets or other land must be submitted to governing body – 90 days to act
- Filed with county register of deeds



Plat = a map of a subdivision





Typical Plat Review Process

1

Pre-Application Conference

Informal review intended to spot problems upfront

If requested or required by local ordinance

2

Preliminary Plat Approval

If required by local ordinance OR submitted by applicant

Act within **90** days

3

Final Plat Approval

Submission of detailed engineering and design drawings that comply with Wis. Stat. Ch. 236

Act within **60** days

Final plat is entitled to approval if it complies with local plans/ordinance, meets objections of state agencies, and substantially conforms with an approved preliminary plat.



Department of Community Development

3805 S. Casper Drive
P.O. Box 510921
New Berlin, Wisconsin 53151-0921

Ph: (262) 797 2445
Fax: (262) 780 4612

www.newberlin.org/dcd

PRE-APPLICATION CHECK LIST

- Dumpster Enclosures
- Cross sections of all RTU, wall mounted meters or air handling units.
- Lighting Plan – Parking Lot and Street Lighting if required

§226 & §275-55 Stormwater & Drainage Plan

- ___ Stormwater Management Plan meeting the requirements of Chapter 226
- ___ Master Grading Plan drawn to a scale no greater than 1"=100' on no smaller than 24" x 36" sheets
- ___ Erosion Control Plan drawn to a scale no greater than 1"=100' on no smaller than 24" x 36" sheets

§275-24C(3) Utility Plans

- ___ The Utility Plan may be incorporated into the site plan as long as it remains readable.
- ___ Utility Plans draw to a scale no greater than 1" = 100' on no smaller than 24" x 36" sheets (four copies required).
- Sewage Disposal with location of pipe, septic field, holding tank or sampling manhole
- Water Supply source with location of pipe or well
- Location of electric, gas and telecommunication equipment
- Location of existing and proposed utility easements
- RTU, wall mounted meters or air handling units.

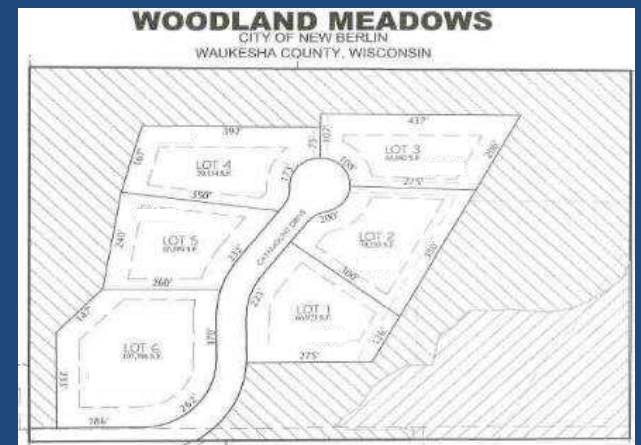
§275-56 Landscaping Plan

- ___ Landscaping Plan to a scale no greater than 1" = 100' on no smaller than 24" x 36" sheets (four copies required)
- ___ Landscaping Plan drawn and colored suited for public presentation to fit on a single 11" x 17" sheet (eighteen color copies required)
- Signature of Landscape Architect that prepared plan
- Fiscal security – installation and maintenance bond or letter of credit
- Limits of Disturbance boundary, §275-54A
- Size, location, type and height of new and existing landscaping
- Screening materials
- Location of electric, gas and telecommunication equipment screening
- RTU, wall mounted meters or air handling units screening.
- Buffer yard landscaping
- Existing wooded areas
- Watercourses
- Scenic or significant vistas
- Pedestrian Access / Sidepaths / Trails

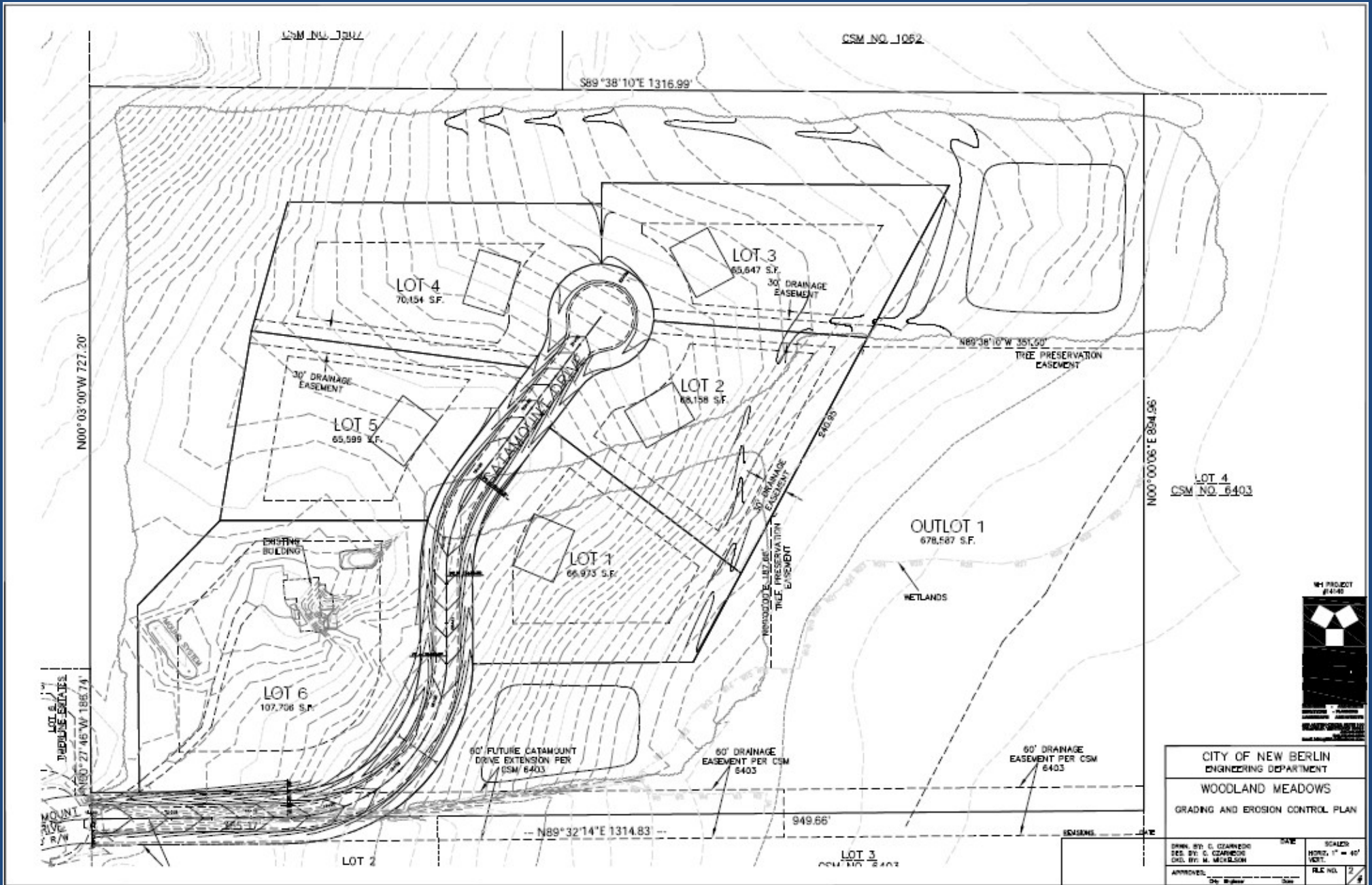
§275-54 Natural Resource Preservation

- ___ Limits of Disturbance (LOD) boundary shown on Site Plan and Landscaping Plan
- No development, grading or vegetation removal or alteration (other than approved landscaping) shall occur outside the LOD
- Residential uses: No more than 60% of the total gross area to be within the LOD
- Non-Residential uses: No more than 75% of the total gross area to be within the LOD
- Woodland, tree and vegetation protection shown on Landscaping Plan
- Location and size of all significant trees (deciduous trees with a DBH of 5 inches or larger or conifers trees 10 foot and taller)
- Significant trees to be removed shall be identified
- Location and size of all replacement trees, see §275-54B(6)
- Wildlife conservation plan (only if required by staff) in accordance with §275-54C

§275-37B(4)(b) Wetland Field Verification



Preliminary Plat drawn to scale including location of streets, utility lines, parks, storm drainage, sewer and water lines, etc....

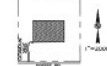


FILE PREPARATION REQUIREMENTS

WOODLAND MEADOWS

ALL OF LOT 1 CSM NO. 6403 BEING A PART OF THE NORTHEAST 1/4, SOUTHWEST 1/4, SOUTHWEST 1/4, AND THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 8 NORTH, RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

LOCATION MAP



Final Plat: subdivision name, legal description, street names, boundaries, measurements and other engineering data.

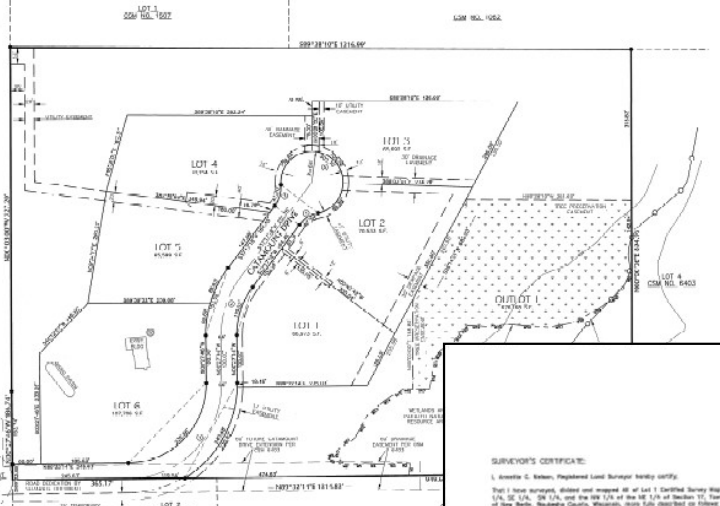
Must follow accepted printing, layout and binding standards.

- (1) Filing and grading activity may be allowed with prior approval from both the Board and the City Director.
(2) Construction of any easement or temporary easement shall be on this equipment and shall remain in place with prior approval from both the Board and the City Director.
(3) The removal or destruction of any tree shall be done with a plan of replacement and a list of the trees to be replaced.



There are no objections to this plat with respect to Sec. 238.15, 238.16, 238.20 and 238.21(1) Wis. Stats. as provided by s. 238.15, Wis. Stats.

- 1 - 3" x 10" (16" MIN. PPF SET, 16" MIN. HT. x 3.03 1/2" X 6" X 1") 1:100 (16" MIN. PPF SET, 16" MIN. HT. x 3.03 1/2" X 6" X 1") 1:100 (16" MIN. PPF SET, 16" MIN. HT. x 3.03 1/2" X 6" X 1")
CONCRETE MONUMENT BY BRASS CAP FOUND



WETLAND COMPLEX TABLE with columns for LINE, LENGTH, BEARING, and AREA.

- 3. Quality is characterized, unless, i.e., normal, etc., is indicated.
4. The installation of plant material not in excess of the existing natural cover shall be maintained.
5. Funds may be provided subject to the approval of the municipality, in which they are located, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.

WOODLAND MEADOWS

ALL OF LOT 1 CSM NO. 6403 BEING A PART OF THE NORTHEAST 1/4, SOUTHWEST 1/4, SOUTHWEST 1/4, AND THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 8 NORTH, RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

There are no objections to this plat with respect to Sec. 238.15, 238.16, 238.20 and 238.21(1) Wis. Stats. as provided by s. 238.15, Wis. Stats.

SURVEYOR'S CERTIFICATE

I, Annette C. Nelson, Registered Land Surveyor hereby certify that I have surveyed, plotted and reduced all of Lot 1 Certified Survey Map No. 6403 being a part of the NE 1/4, SE 1/4, SW 1/4, and the NW 1/4 of the NE 1/4 of Section 17, Township 8 North Range 20 East, City of New Berlin, Waushara County, Wisconsin, shown fully described as follows:
Commencing at the East 1/4 corner of said Section 17, thence North 89°57'18" West, a distance of 182.0 feet to the West 1/4 corner of said Section 17, thence North 89°57'18" West, a distance of 182.0 feet to the Southeast corner of said Lot 1 and the East 1/4 corner of said Section 17, thence South 89°57'18" West, along the east line of said Lot 1, a distance of 102.00 feet, to the South 1/4 corner of said Section 17, thence South 89°57'18" West, along the south line of said Lot 1, a distance of 102.00 feet, to the South 1/4 corner of said Section 17, thence South 89°57'18" West, along the south line of said Lot 1, a distance of 102.00 feet to the point of beginning. Said land being 3.2438 acres.

CONSENT OF MORTGAGEE

I, _____, Mortgagee of the above described land, do hereby consent to the recording, filing, issuing and publication of the said instrument on the part, and its filing on the part of the above certificate of David P. Engberg and Thomas K. Engberg, Esq.

WITNESSE THE HAND AND SEAL OF

Notary Public, _____ of _____, Wisconsin, do hereby certify that the foregoing instrument was duly executed and acknowledged before me on this _____ day of _____, 2010.

STATE OF WISCONSIN

County of _____ (Name) ss: _____ Notary Public, _____ of _____, Wisconsin.

UTILITY EASEMENT PROVISIONS

An easement for electric and communications service is hereby granted by _____ and Thomas K. Engberg, Esq., Grantor, to _____, Grantee, as follows:

WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as W. Engberg, Grantor.

WISCONSIN BELL, INC., a Wisconsin Corporation, Grantor, and _____, Grantee.

THEIR RESPECTIVE SUCCESSORS AND assigns, to construct, install, operate, repair, maintain and replace these lines to serve, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, gas, telephone and cable TV facilities for such purposes as the same in time or may hereafter be used, all in, over, under, across, along and upon the property shown, within those areas on the plat designated as 'Utility Easement Areas' and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of such lots for such improvements, service, or an adjacent line, over the right to lay or put down lines, conduits and cables on any easement required hereunder, to the right herein given, to the condition existing prior to such entry by the Grantor or their agents. This restoration, however, does not apply to the below installation of said underground cable for above ground electric facilities or communication facilities or to any lines, conduits or cables, which may be replaced at any time provided the rights herein granted. Buildings shall not be placed over Grantor's facilities or in, upon or over the property within the lines marked 'Utility Easement Areas' without the prior written consent of Grantee. After installation of any such facilities, the grade of the subdivided premises shall not be altered by more than four inches without written consent of Grantee.

The grant of easement shall be binding upon and here to the benefit of the heirs, successors and assigns of all parties hereto.

THIS INSTRUMENT DRAFTED BY ANNETTE C. NELSON

Accompanied by: Surveyor's certificate of compliance, Owner's certificate of dedication, Consent of mortgagee, Certificate of taxes paid, Description of easements, and Local government approvals.

OWNER'S CERTIFICATE OF DEDICATION

As owner, I hereby certify that I owned the land described on this plat to be surveyed, divided, inclosed and dedicated as represented on the plat. I hereby certify that this plat is required by s. 238.15 or s. 238.12 to be submitted to the following for approval or objection:

- 1) Department of Administration
2) Waushara County
3) City of New Berlin

WHERE the hand and seal of said owner this _____ day of _____, 2010, is in witness as:

David P. Engberg

STATE OF WISCONSIN)
WAUKESHA COUNTY) ss: _____ Notary Public, _____ of _____, Wisconsin.

Notary Public, _____ of _____, Wisconsin.

My Commission Expires _____



Who does what?

- Subdivision plats must be referred to the plan commission for review and recommendation.
- The governing body may delegate preliminary or final plat approval authority to the plan commission.
- Final plats dedicating streets, highways or other lands must be approved by the governing body.

(Wis. Stat. 62.23(5) and 236.10(3))

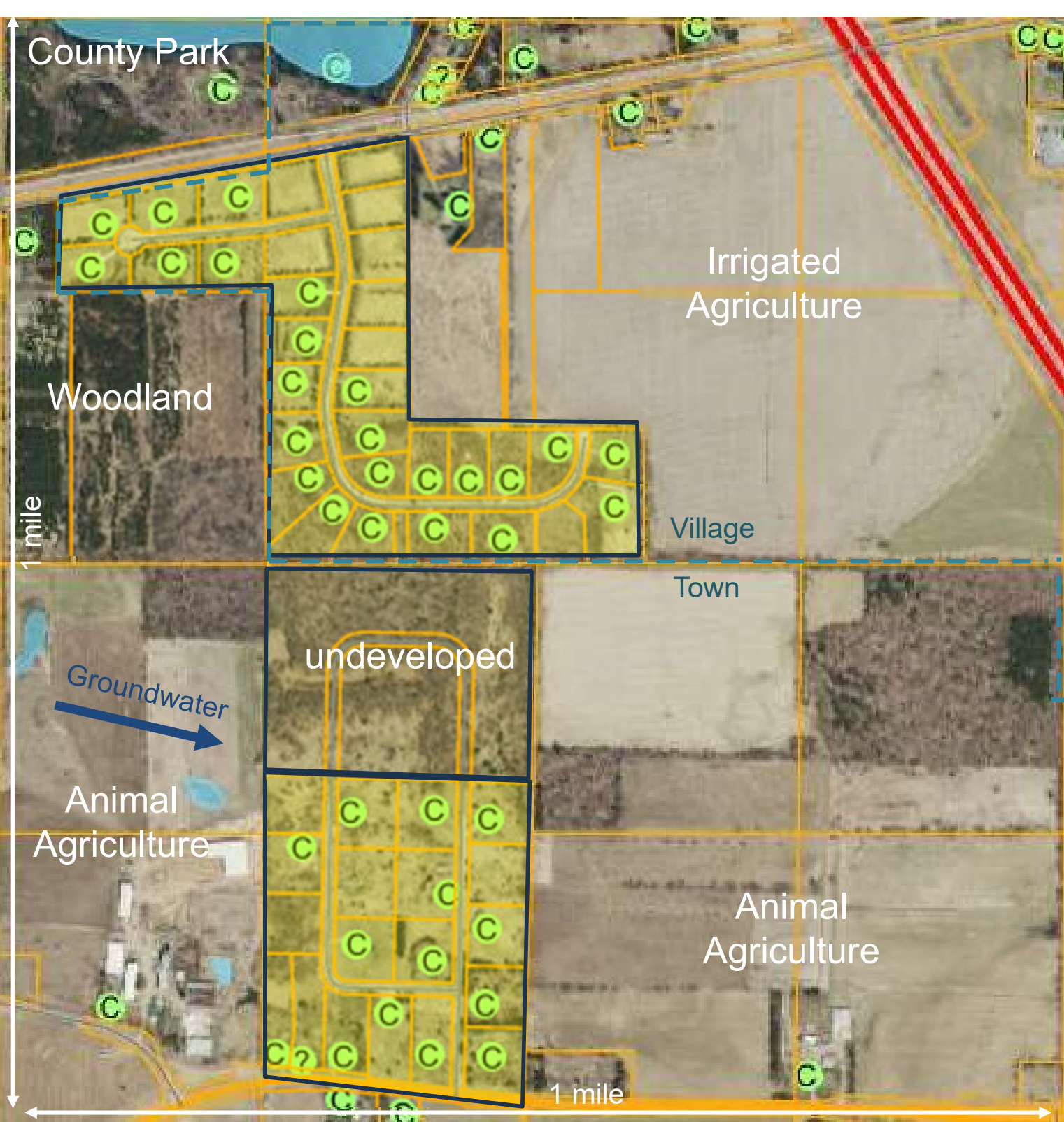


What can you review for?

Plat approval may only be conditioned on:

- Compliance with local ordinances in place at time of submittal
- Consistency with comprehensive plan or official map
- Provision of public improvements or financial guarantees (contained in a town/village/city subdivision ordinance)
- Satisfaction of objections raised by state agencies
- Other requirements of Wis. Stat. Ch. 236

Short answer... items contained in an adopted comprehensive plan, ordinance, or official map



Park Subdivision

60 acres, 32 lots
2 acres each
Platted mid-2000s
8 lots undeveloped
Served by well/septic
4 miles from school

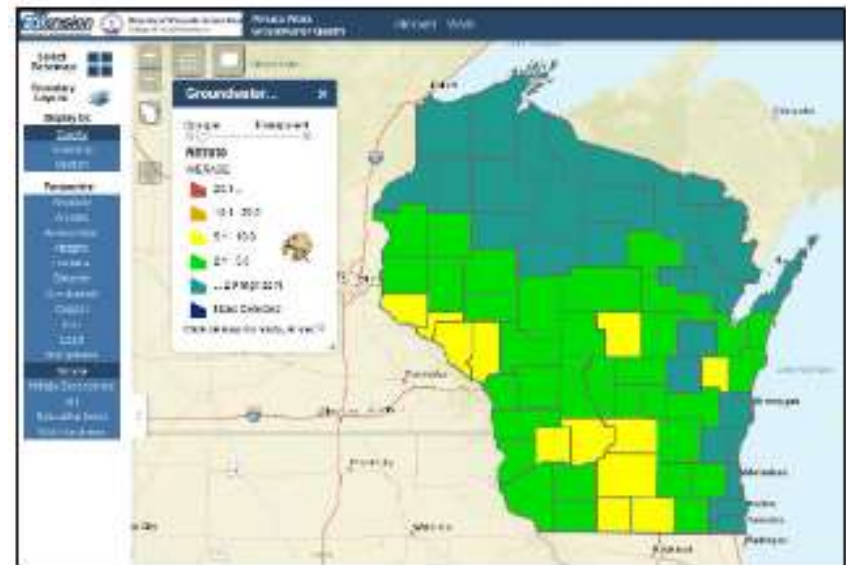
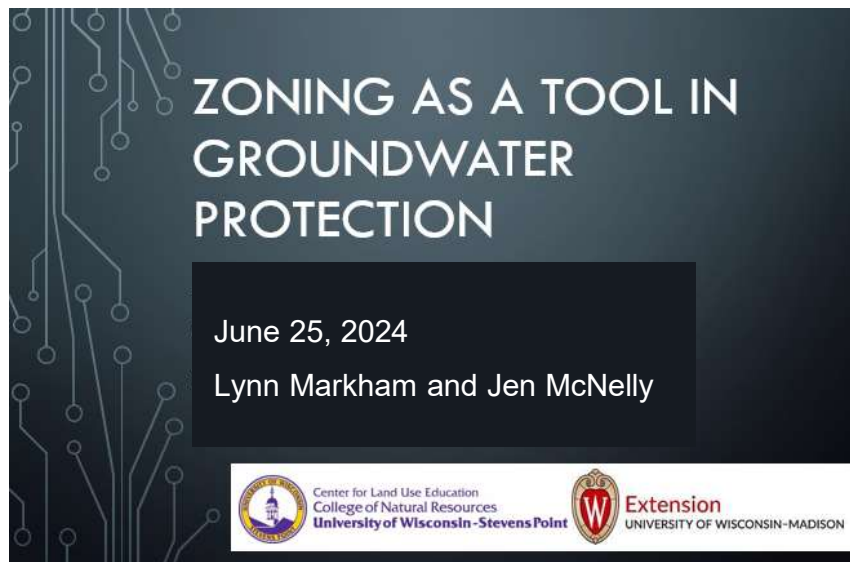
Ag Subdivision

76 acres, 19 lots
2 acres each
Platted early 2000s
2 lots undeveloped
3 miles from school
Served by well/septic
30 acres and loop road
never completed

Takeaway #1

- Minimum lot size for unsewered development
 - 1/3 wells with nitrate >10mg/l drinking water standard
 - 2-acre min recommended for sandy soils to handle septic
 - Model based on surrounding land use, soils, geology
 - Buffer or redirect

Interactive Well Water Quality Viewer



<https://www3.uwsp.edu/cnr-ap/watershed/Pages/WellWaterViewer.aspx>

Takeaway #2

- Direct Development to Suitable Locations

Density Comparison

Land needed for 70 dwelling units



40 acre
sewered subdivision
(0.2-0.5 acre lots)

x 6

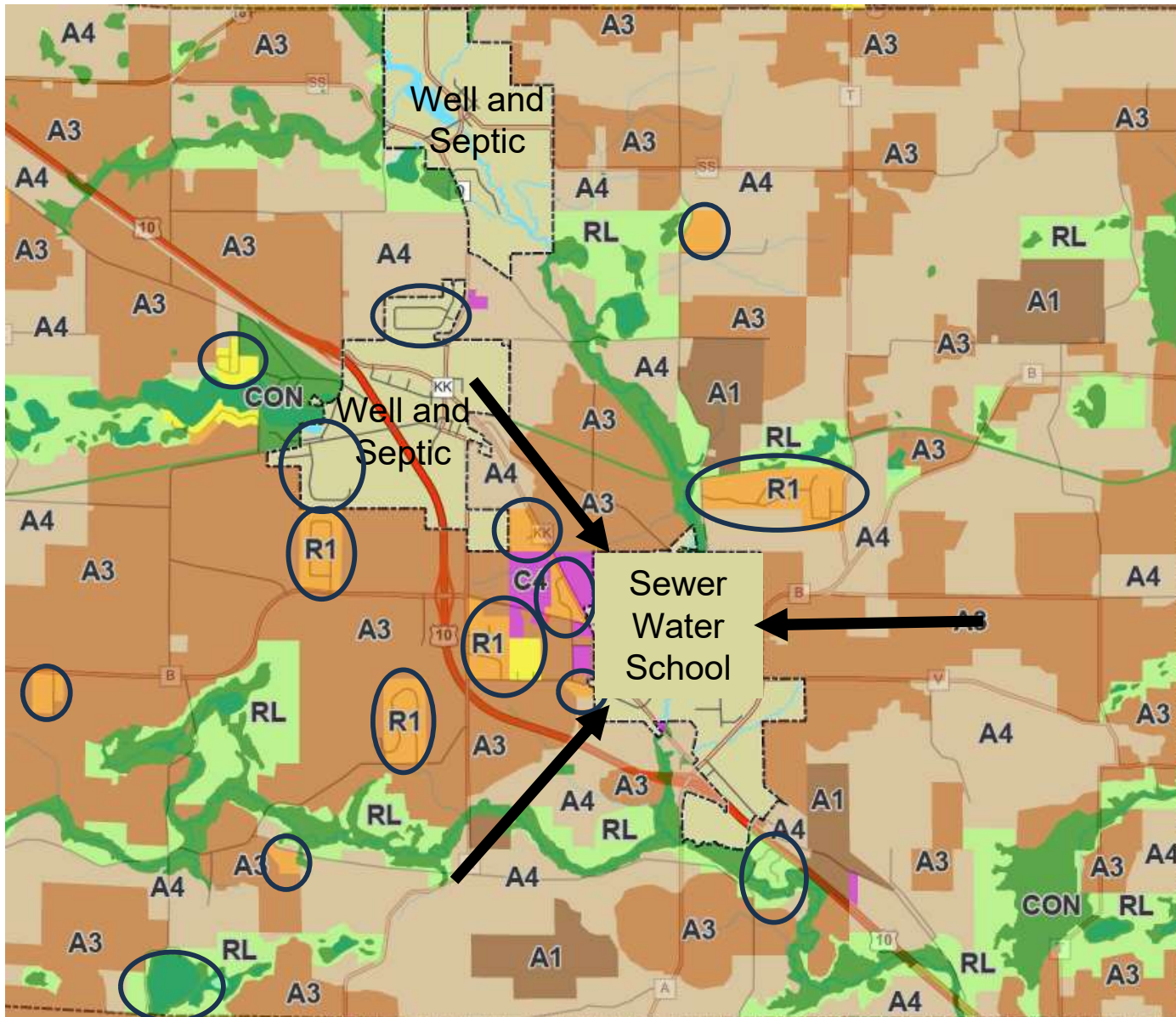


240-acre
unsewered subdivision
(2-5 acre lots)

x 12



480-acres
scattered large lots
(5-10+ acre lots)



Takeaway #3

- Development Agreement – legally binding contract between local government and the property owner or developer
 - Public improvements and specifications
 - Easements, deed restrictions
 - Timing and phasing
 - Financial guarantees

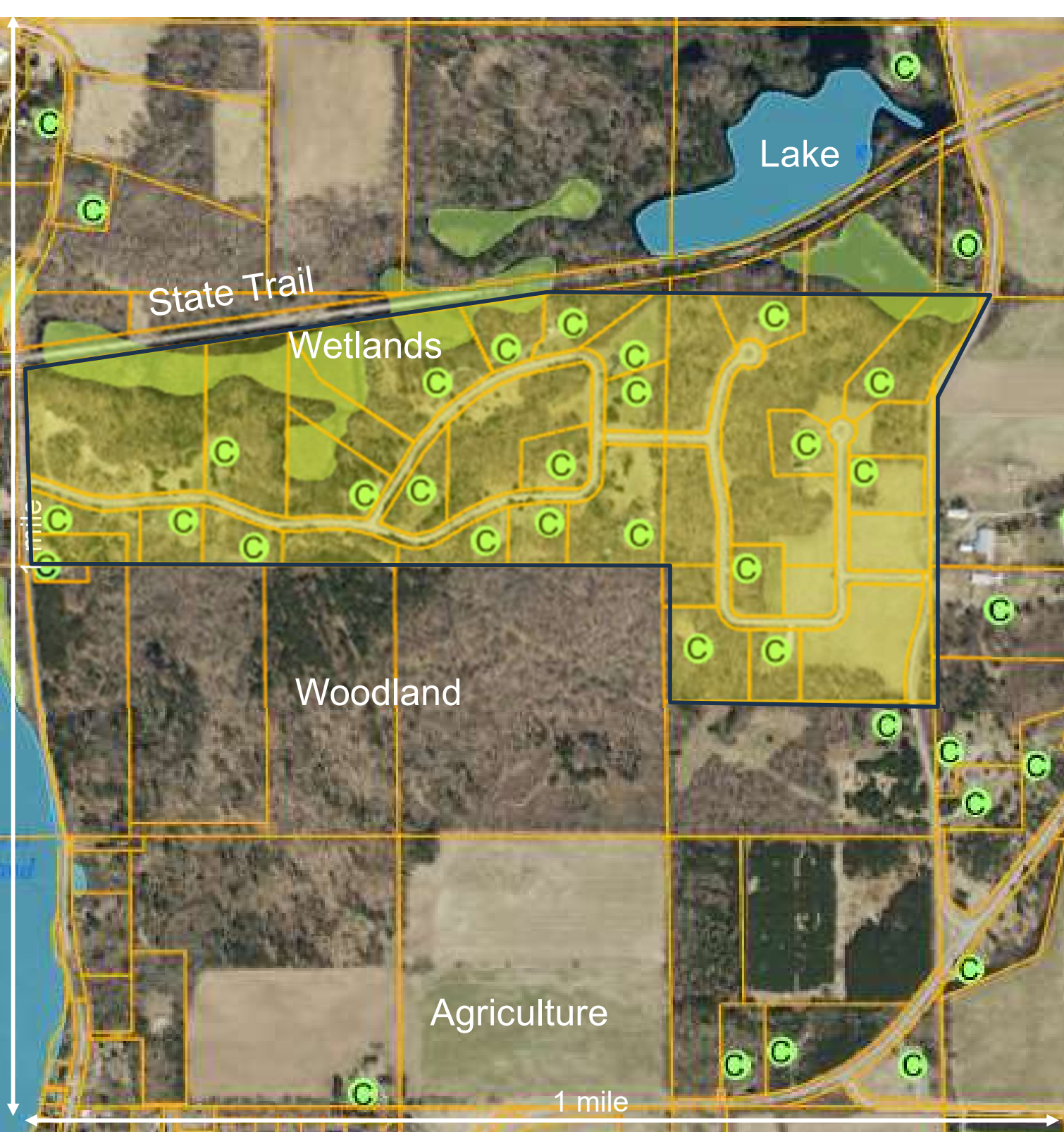
AGREEMENT FOR SUBDIVISION IMPROVEMENTS
IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF
TOWN OF SOMERSET
SOMERSET, WISCONSIN
(hereafter Agreement)

(hereafter SUBDIVISION)

THIS Agreement is made and entered into this ____ day of _____, ____, by and between _____, Managing Member, and _____, Member, and _____, Member, of _____, a Wisconsin Limited Liability Company, and _____, _____, and _____ in their individual capacities (hereafter the "Subdivider," whether one or more), and the Town of Somerset (hereafter the "Municipality"), a municipal corporation located at St. Croix County, Wisconsin.

RECITALS

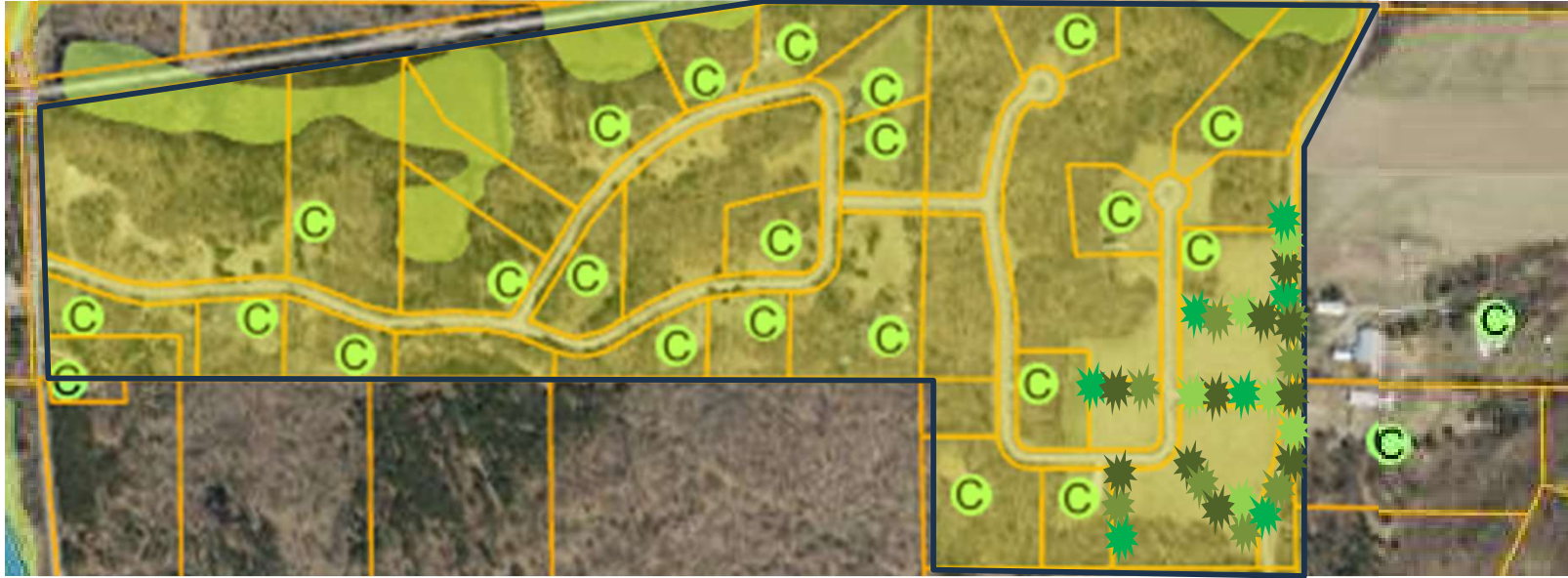
1. The Subdivider is the fee simple owner of the real estate located within the Municipality and more particularly described in Exhibit A (Property).
2. Subdivider desires to develop the Property for the following purposes:
 - A residential subdivision containing (*number and type of lots*) lots.
3. The Municipality seeks to protect the health, safety and general welfare of the community by requiring the completion of various improvements in



Wooded Subdivision

- 140 acres, 36 lots
- 2-13 acres each
- Platted late 90s
- 8 lots undeveloped
- Served by well/septic
- 2 miles from school
- Bussing supplied

Common Approach

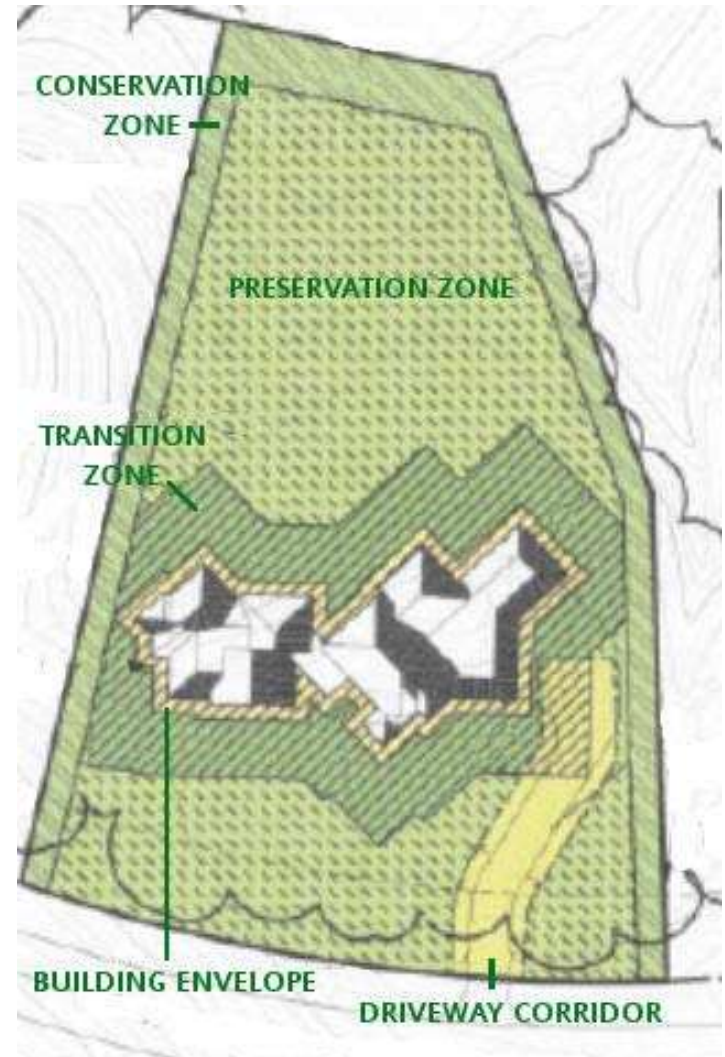


- Zoning for large lots and setbacks
- Land suitability – steep slopes, wetlands, etc.
- Tree planting or preservation requirements

Additional Tools

Limits of disturbance

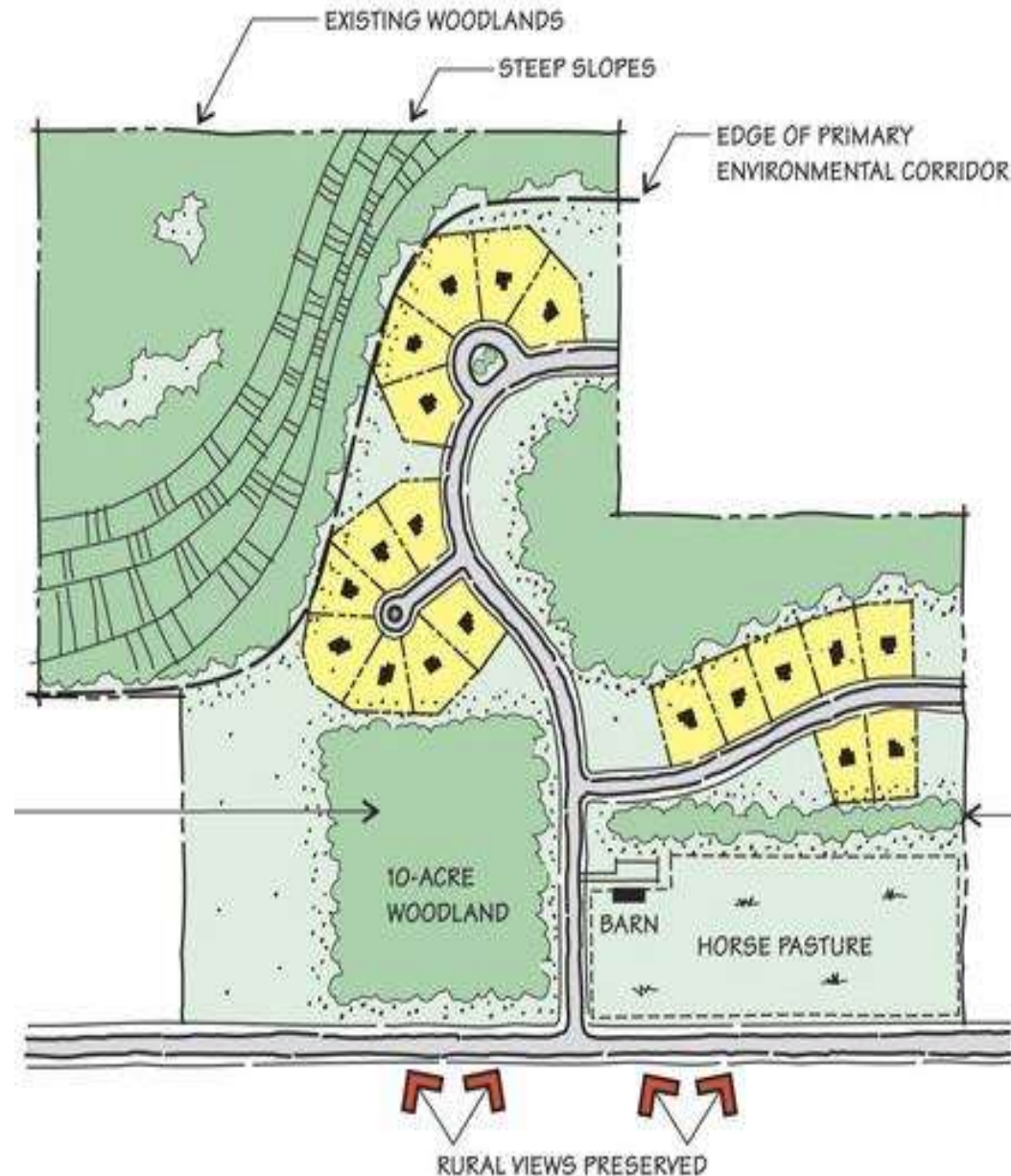
- Driveway corridor
- Building envelope – space for foundation and buffer around home
- Transition zone – limited tree removal
- Preservation zone – steep slopes, wetlands, other features preserved
- Map, define and record on deed for each property

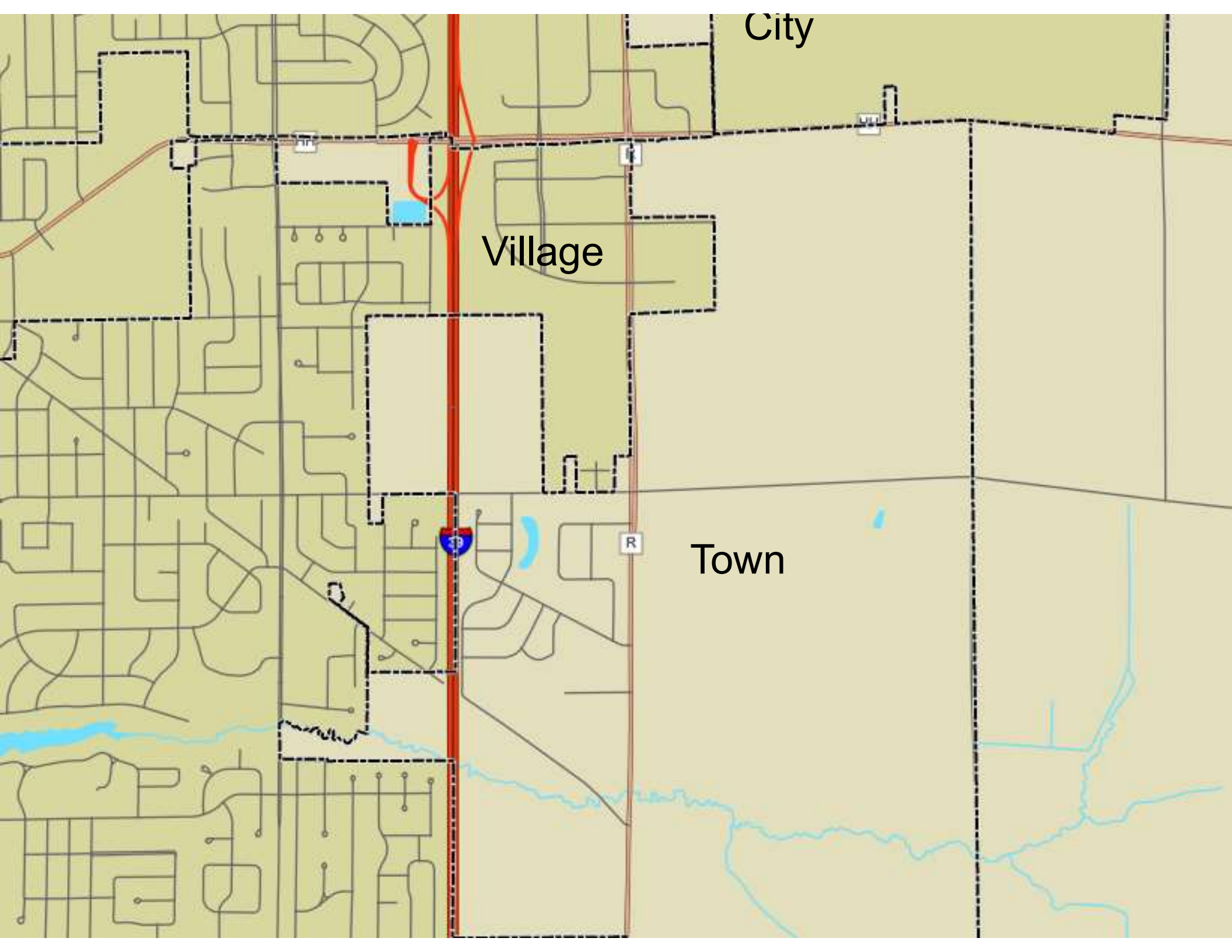


Additional Tools

Cluster or Conservation Development

- Buildings grouped on small lots to preserve open space
- Open space typically protected with conservation easement
- May be accompanied by density bonus





City

Village

Town



R

Regional Business and Commerce

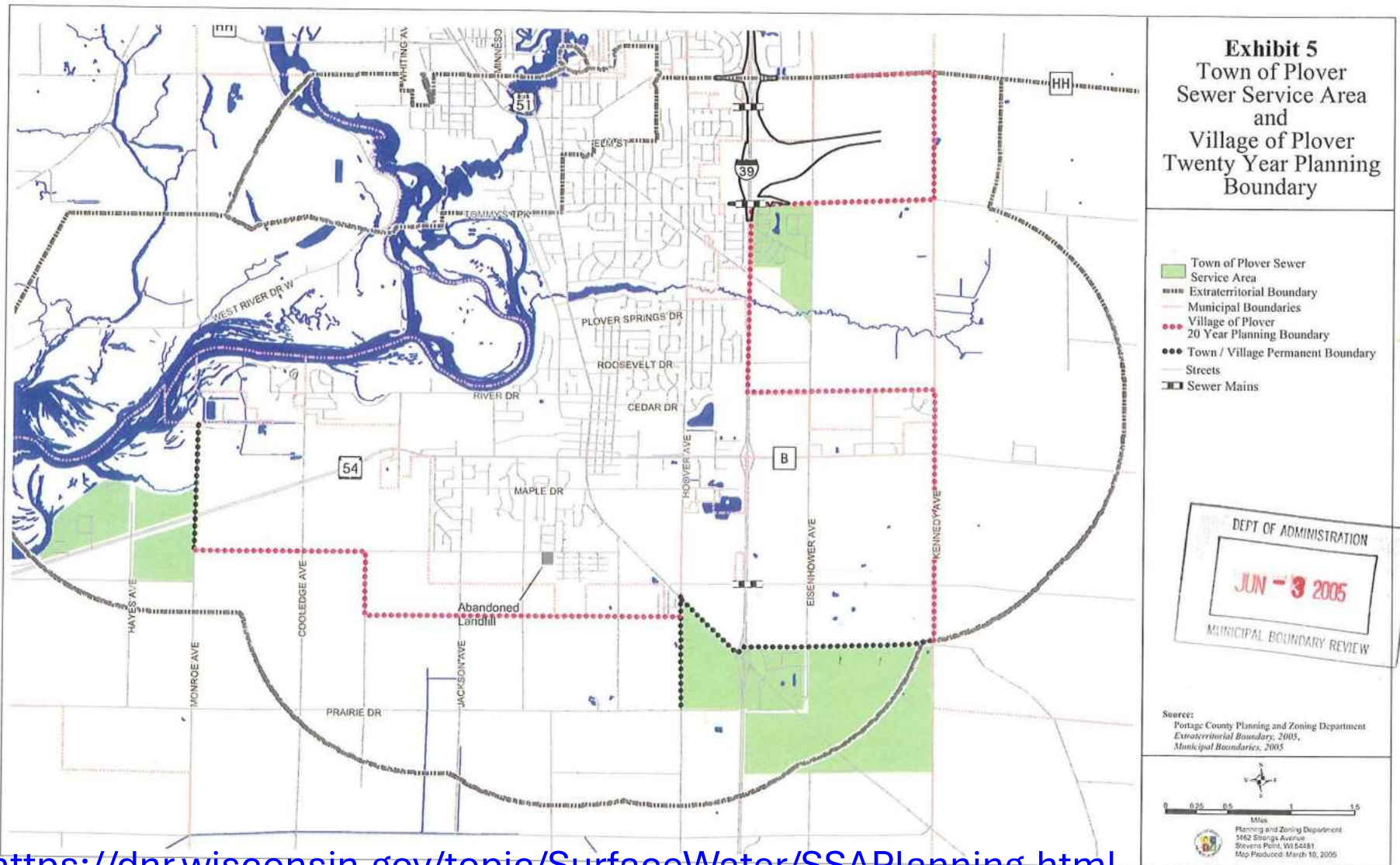


Edge Subdivision

- 160 acres, 154 lots
- 1 acre each
- 8 lots undeveloped
- 5-acre park
- 3-acre pond
- Served by well/septic

Additional Tools

Boundary Agreements and Sewer Service Areas



<https://dnr.wisconsin.gov/topic/SurfaceWater/SSAPlanning.html>

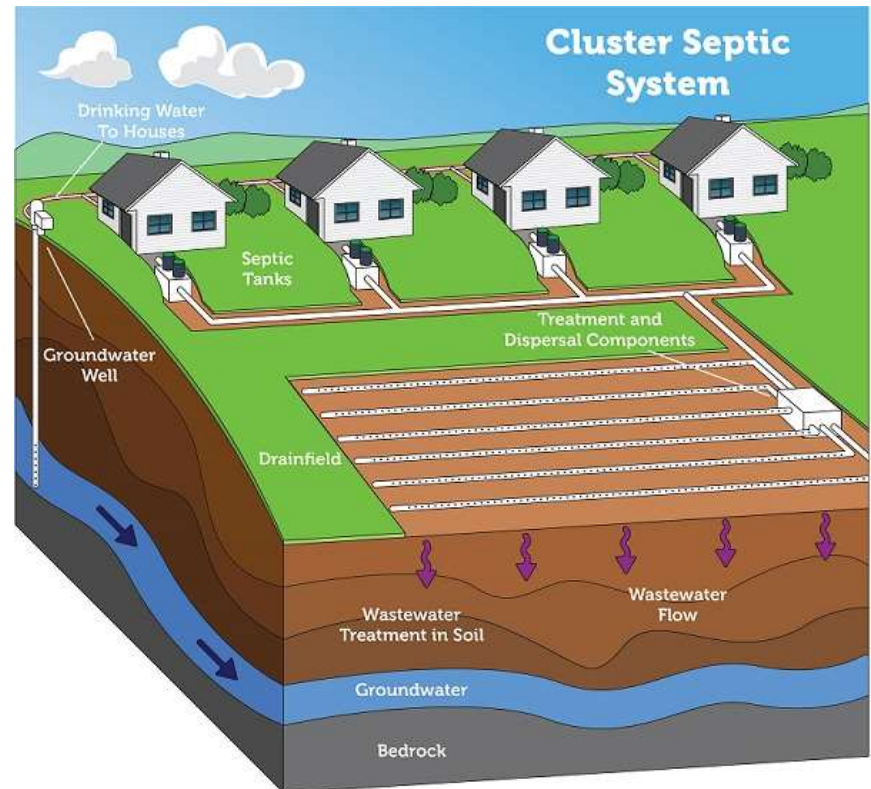
<https://doa.wi.gov/Pages/LocalGovtsGrants/BoundaryAgreements.aspx>

Additional Tools

Community Well and Septic



Please note: Septic systems vary. Diagram is not to scale.



Please note: Septic systems vary. Diagram is not to scale.

<https://www3.uwsp.edu/cnr-ap/watershed/Documents/Subdivision%20Wells.pdf>

<https://sustainablecitycode.org/brief/allow-community-septic-systems/>

<https://www.epa.gov/septic/types-septic-systems>

Combining Land Use Tools

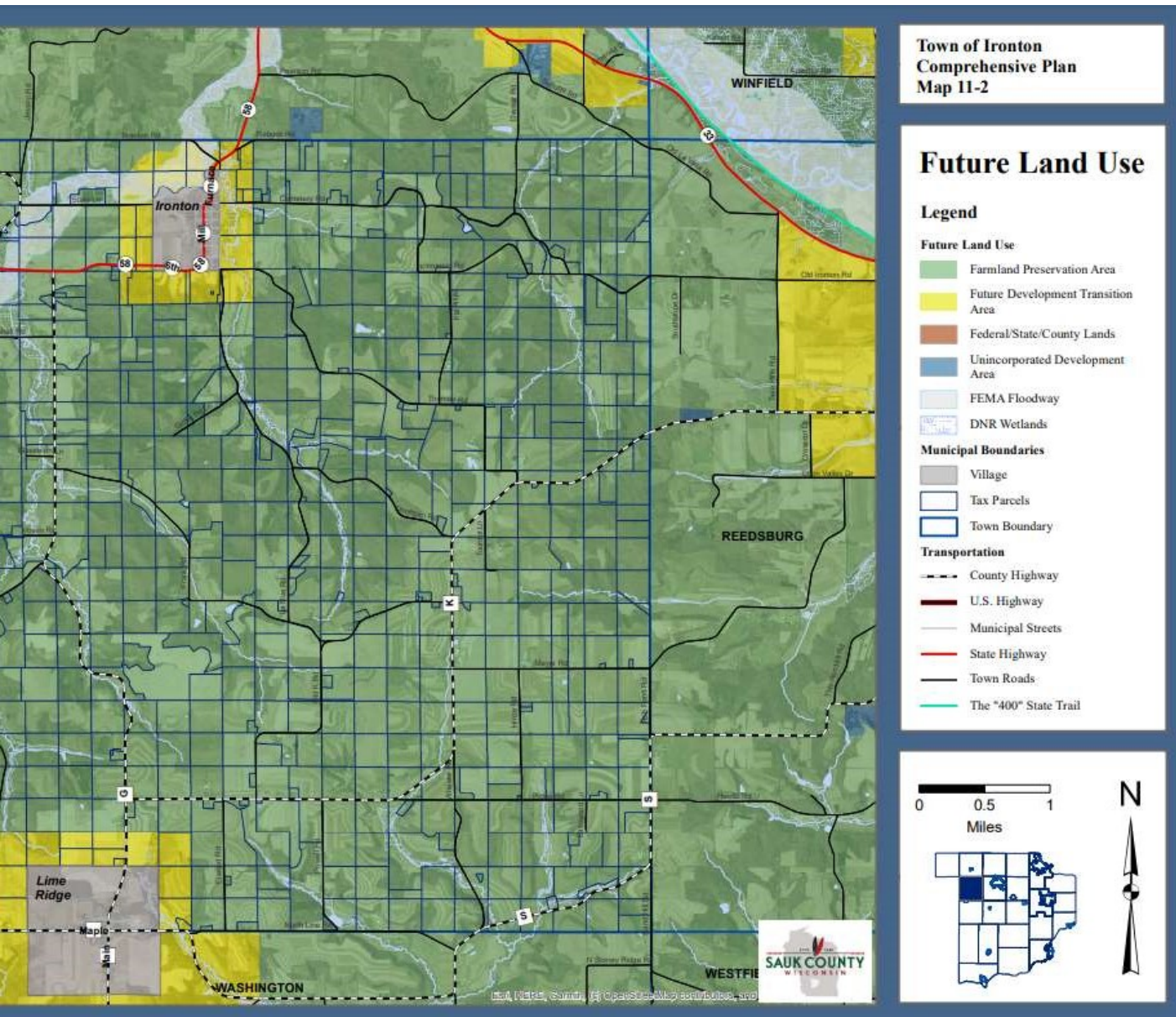


Comprehensive Plan describes the future vision of the community and how to achieve that vision.

Zoning Ordinance regulates land use, density, and dimensions of lots and structures.

Subdivision Ordinance regulates division of land, street and lot layout, and improvements.

Combining Land Use Tools



Ex. Town Ironton Comprehensive Plan, Sauk County, 2022

“The policies in this plan specifically recognize the Villages of Cazenovia, Ironton and Lime Ridge and lands within ¼ mile of the Villages as primary growth areas.

These are the only areas where subdivisions will be permitted.”

Pictorial Guide and Checklist

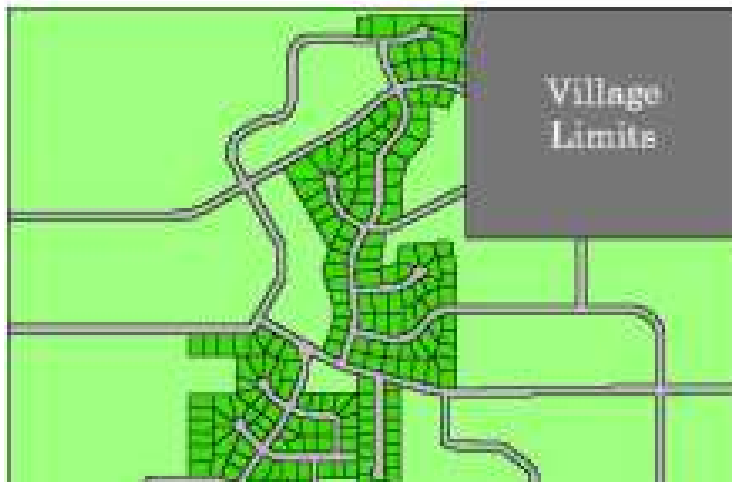
Preferred



Development directly adjacent to the villages

- Smaller lots and layout typical of traditional neighborhood design
- Interconnected roads and sidewalks
- Dedicated park space
- Community septic system

Less Desired

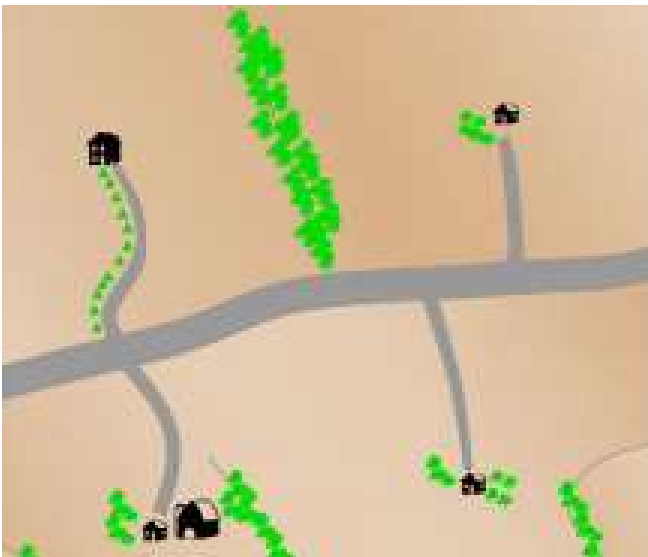


Pictorial Guide and Checklist

Preferred



Less Desired



Development in agricultural areas

- Homes placed along existing fence row or woodlot
- Vegetation maintained or replaced
- Shared driveways reduce town road access points
- Minimal land taken out of agricultural production

Pictorial Guide and Checklist

Preferred



Less Desired



Development on wooded hillsides

- Homes built in natural valley rather than blufftops
- Existing vegetation maintained or replaced
- Driveways shared by residences
- Reduction in town road access points

Implemented through county zoning and subdivision ordinance:

- Exclusive Agriculture Zoning District
- Minimum lot size and maximum density
- One home / 35 acres
- Smaller lots in exchange for conservation easement
- Planned Rural Development
- Transfer of Development Rights
- Cluster and Conservation Subdivision option

Future boundary agreements with villages

Homework

Visit land divisions in or around your community



Would you amend your process or standards to provide different outcomes?

Poll 2



The background features a series of concentric, overlapping curved lines in shades of gray, some solid and some dashed, creating a sense of depth and movement. A prominent blue callout box is centered on the page, containing the text "Recommended Resources".

Recommended Resources



State of Wisconsin

Department of Administration

Plat Review

<http://doa.wi.gov/platreview>

[Platting News](#)

[Plat Review Documents](#)

[Platting Manual](#)

[Platting Statutes & Rules](#)

[Intergovernmental Relations](#)

Contact Us

Email

plat.review@wisconsin.gov

Wisconsin Platting Manual

<https://doa.wi.gov/Pages/LocalGovtsGrants/WisconsinPlattingManual.aspx>

[Full Manual](#) June 2024

Manual Sections

[A-E 7](#)

[Annexation](#) December 2021

[Assessor's Plats](#) Sept. 2023

[Cemetery Plats](#)

[Certificates](#) Nov. 2016

[Condo Plats](#) 2009

[Correction Instruments](#)

[Certified Survey Maps \(CSM\)](#) March 2023

[Discontinuances](#) Jan. 2019

[Easements](#)

[Example Plats](#) Oct. 2023

[Local Plats](#) Dec. 2014

[Lots & Outlots](#) Dec. 2014

[Mapping Requirements](#) Oct. 2023

[Monuments](#) Dec. 2014

[Recording](#) Dec. 2014

[Review Process](#) Oct. 2023

[Restriction Release](#)

[Submittals](#) June 2024

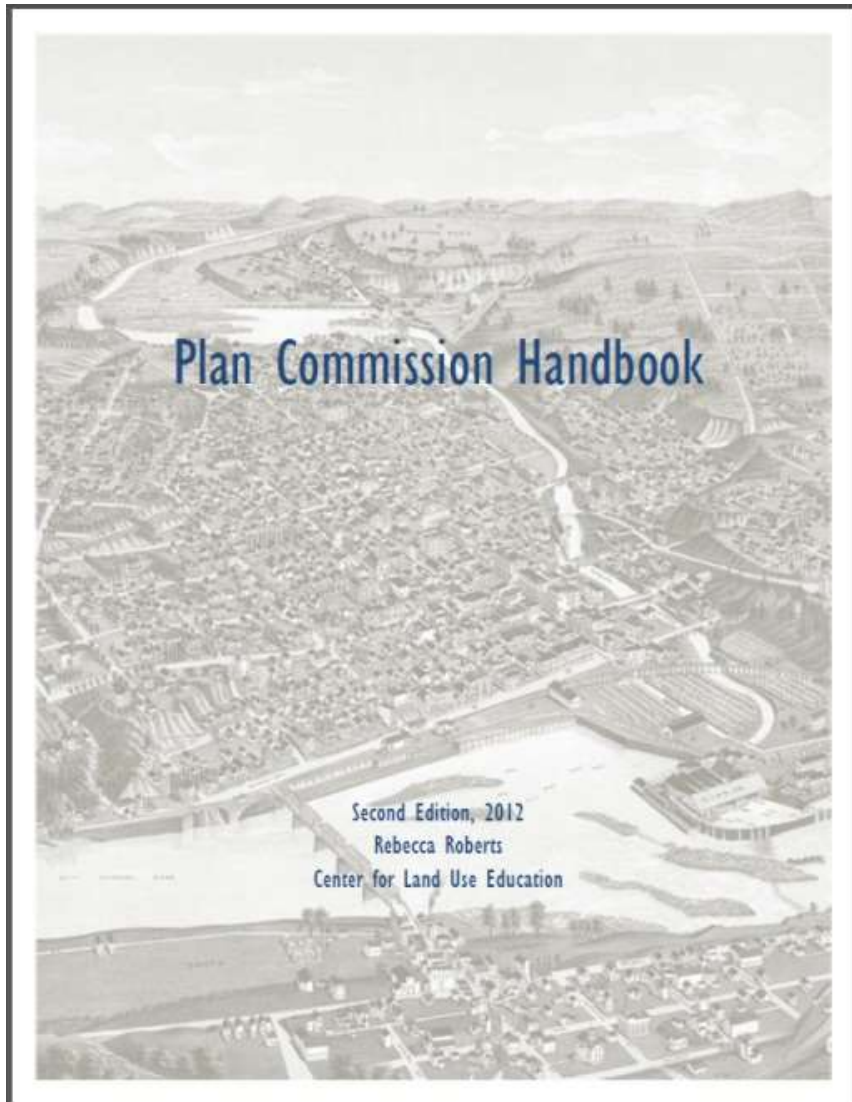
[Time Limits](#) Dec. 2014

[Streets](#) Dec. 2014

[Subdivisions & Water](#) Dec. 2014

[Vacations](#) Jan. 2016

For More Information



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Thank You!

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