

**THE SUBDIVISION ORDINANCE FOR THE TOWN OF PLEASANT VALLEY
ST. CROIX COUNTY, WISCONSIN
2005 - 01**

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SECTION 1 - STATEMENT OF PURPOSE

The purpose of this Ordinance is to preserve the agricultural character of the Town of Pleasant Valley while allowing for limited residential growth. It is also the purpose of this Ordinance to promote the public health, safety and general welfare of residents and landowners in the Town of Pleasant Valley by assuring that land being subdivided, most often to change its use from use for agricultural purposes to smaller parcels for residential purposes, will occur in locations, configurations and densities that

will support the preservation of agricultural and rural character in the Town, that will encourage programs that support the preservation of land, that will manage the pace of non-ag related subdivision to help limit or avoid conflicts between agricultural and non-farm development and that will discourage unrestrained subdivision of land in ways that conflict with agriculture. It is also the purpose of this Ordinance to protect and provide the best possible environment for human habitation, when and where appropriate to do so, and to ensure that adequate provisions are made for public services and improvements when land in the Town is subdivided for residential purposes.

SECTION 2 – EFFECTIVE DATE; JURISDICTION; VIOLATIONS

A. This is a comprehensive revision to the requirements of the Town's Subdivision Ordinance as previously approved on October 14, 1997 and published October 21, 1997. Unless otherwise noted, the provisions of this ordinance shall be in full force and effect on and after the effective date of the revisions as established in Section 11 of this ordinance. This ordinance applies to all subdivisions of land which occur or are proposed to occur in the Town of Pleasant Valley, St. Croix County, Wisconsin. Land in the Town is under the concurrent jurisdiction of St. Croix County, which also has a Subdivision Ordinance. Where the standards of this ordinance differ from the standards of another applicable ordinance, statute or regulation, the more restrictive standard shall apply.

B. The approving authority under this Ordinance shall be the Town Board of the Town of Pleasant Valley, after receiving the recommendation of the Pleasant Valley Plan Commission.

C. Approval by the Town Board shall be required prior to the subdivision of a lot, parcel or tract of land in the Town of Pleasant Valley into one or more new lots, parcels or tracts unless the subdivision activity falls under one or more exemptions listed in Wis. Stat. §§ 236.03 (2) or 236.45 (2)(a)(1-3).

D. The following activities are declared to be violations of this Ordinance:

- (1) To convey, offer to convey or contract to convey a subdivided lot, tract or parcel without having had the act of subdivision creating the said lot, tract or parcel approved pursuant to this ordinance; or**
- (2) To record a certified survey map, a plat or a metes and bounds description of a lot, parcel or tract, thereby attempting to effect the subdivision of land, without such subdivision having been approved pursuant to this Ordinance; or**
- (3) To fail to comply fully with this Ordinance or any other Town ordinance regulating the development of land or to fail to comply fully with all conditions imposed by the Town Board during its review and action on any subdivision application before it; or**

- (4) Any violation of Wisconsin Statutes Chapter 236.

SECTION 3: DEFINITIONS

A. In this ordinance, the following terms have the following definitions:

- (1) Certified Survey Map (CSM):

A map of not more than four parcels, whether lots or outlots, created from the same parcel within a five year period and prepared in accordance with Wis. Stats. § 236.34 and the St. Croix County Subdivision Ordinance.

- (2) Plat:

A map of a major subdivision prepared in accordance with Wis. Stats. § 236 and the St. Croix County Subdivision Ordinance.

- (3) Dwelling Unit:

A self-contained living unit consisting of sleeping quarters, bathroom(s) and kitchen, more than one of which may be located on one lot or building site.

- (4) Dwelling Unit Density Ratio:

The acreage-to-dwelling unit ratio used to establish the amount of

dwelling units available for lot creation, or building development under this ordinance. Contiguous land used for public road easements for roads in existence on December 13, 2005, can be included for purposes of calculating the amount of available dwelling units.

(5) **Lot:**

A specific and identifiable area of land 35 acres or less in size created pursuant to application and governmental approval for use as a principal building site for one or more dwelling units or for purposes of transfer of ownership. When created, lots are assigned a number representing a specific metes and bounds description/location.

(6) **Major Subdivision:**

A subdivision creating five or more lots of any size within a five year period from a parcel.

(7) **Minor Subdivision:**

A subdivision creating four or less lots of any size within a five year period from a parcel.

(8) **Outlot:**

A parcel of land, other than a lot, so designated on a certified survey map or plat and created for purposes other than principal building development.

(9) Parcel:

Contiguous land belonging to a single owner on December 13, 2005, not separated by public roads or railroad rights-of-way. Public or private roads do not create separate parcels eligible for separate subdivision activity under this ordinance.

(10) Subdivision:

The division of a lot or parcel of land for the purpose of transferring ownership or for building development where the act of division results in one or more lots, outlots, parcels or building sites of 35 acres or less in area.

SECTION 4 - PROCEDURE FOR TOWN REVIEW OF SUBDIVISIONS

A. All applications to subdivide land shall be submitted to the Town Board in the same form and shall contain the same information as submitted to St. Croix County. The application can be submitted to the Town Board for approval prior to its submittal to St. Croix County. The applicant shall notify all abutting landowners of the time and place of review of the subdivision application by the Town and verify that it has done so

before the application shall be deemed to have been submitted to the Town. The Town Board shall reject any applications that have not had review and action by appropriate agencies prior to being submitted to the Town Board. The Plan Commission shall be provided with 6 copies of all subdivision application materials review by the applicant, at least 10 days before the Commission meeting at which the applications is to be initially reviewed. The Town Board shall review and approve or disapprove the application within 90 days of the time effective submittal based upon compliance of the duly submitted application with the standards of and requirements authorized by this Ordinance.

B. Procedural Rules.

(1) When the Town Board has approved a subdivision application, the Chair of the Town Board will sign and date the approved subdivision map upon the request of the applicant.

(2) Conditions of Approval.

Subdivision proposals shall be located, designed and constructed in a manner that supports compatibility between agricultural and non-agricultural development, that protects the public safety, health and general welfare and that takes into account the economical and efficient provision of public services, consistent with the purpose of this Ordinance. The Town Board may impose standards and conditions upon its approval intended to accomplish these

objectives. All such conditions shall be stated in writing and given to the applicant and shall be based upon requiring compliance with the standards of this Ordinance, other Town Ordinances, St. Croix County Ordinances, and Chapter 236 of the Wisconsin Statutes.

(3) Disapprovals.

When the Town Board determines to disapprove a subdivision application, it shall place a written statement of the reasons for the rejection in the minutes of the meeting at which the decision was made and shall supply the applicant with a copy of the minutes or a written statement of the reasons contained therein within 15 days of the action.

(4) Extension of Time Periods.

The 90-day approval period provided for in Section 4.A. of this Ordinance may be extended by agreement with the subdivider.

(5) Failure to Act Within Time Period.

Failure of the Town Board to act within 90 days or any agreed-upon extension of that period constitutes approval of the application. Upon written request by the applicant, the Town Clerk shall execute a certificate to that effect on the face of the certified survey map or plat.

SECTION 5 - STANDARDS FOR SUBDIVIDING OF LAND

A. Statement of Intent.

This Ordinance contains standards for selected aspects of land subdivisions. The Town is also governed by the St. Croix County Land Division Ordinance. That Ordinance is more comprehensive in character and addresses certain aspects of land subdivision that are not addressed in this Ordinance. Where the standards of this Ordinance are more restrictive than the County Ordinance, this Ordinance shall apply. Where the County Ordinance is more restrictive, or where the County Ordinance regulates aspects of subdividing not addressed by this Ordinance, the County Standards shall apply.

B. Suitability of Land for Subdividing.

No land shall be subdivided that is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation severe erosion potential, unfavorable topography, inadequate water supply or septic system capabilities, or any other feature or circumstance likely to result in the imposition of unreasonable costs to remedy severe or avoidable problems or to be harmful to the health, safety or general welfare of the present or future residents of the Town.

C. Requirements for all Subdivision Activity.

- (1) Minimum Lot Size: three acres.**
- (2) Major subdivisions shall be conservation design development, defined as the same number of lots as in a conventional subdivision but with reduced lot size to rural character, open space and agricultural land.**
 - (a) The minimum lot size for conservation design major subdivisions will be 1 acre.**
 - (b) The land remaining after the reduction in lot size will become common open space within the subdivision.**
 - (c) The minimum amount of common open space shall be 65% of the total site area.**
 - (d) Common open space shall be restricted in perpetuity from further development by conservation easement.**
 - (e) Major subdivisions shall have common private onsite wastewater treatment systems. A common system is a system serving more than two lots. More than one common private onsite wastewater treatment system is allowed in a major subdivision.**
 - (f) Major subdivisions shall have common private onsite water distribution systems. A common system is a system serving**

more than two lots. More than one common private onsite water distribution system is allowed in a major subdivision.

- (h) Conservation design development will not receive a density bonus.
 - (i) As stated in 5.A above, St. Croix County's Land Division Ordinance is more comprehensive in nature and shall apply for other aspects of conservation design development.
- (3) Dwelling Unit Density Ratio:
- (a) On land zoned Agricultural on December 13, 2005; two dwelling unit for each forty acres or per quarter-quarter section, if fractionally less than forty acres, of contiguous land belonging to the same owner as determined on December 13, 2005.
 - (b) On land zoned Agricultural-Residential on December 13, 2005: four dwelling units per forty acres or per quarter-quarter section if fractionally less than forty acres, of contiguous land belonging to the same owner as determined on December 13, 2005.
 - (c) On parcels of contiguous land more than forty acres in area and zoned Agricultural on December 13, 2005, the number

of acres remaining after calculating the available number of dwelling units for all forty acre parcels/quarter-quarter sections shall be divided by twenty and the quotient rounded down to a whole number. If the rounded quotient is 1, then one additional dwelling unit shall be available for the subject contiguous land; if the rounded quotient is zero, then no additional dwelling unit shall be available.

(d) On parcels of contiguous land more than forty acres in area and zoned Agricultural-Residential on December 13, 2005, the number of acres remaining after calculating the available number of dwelling units for all forty acre parcels/quarter-quarter sections shall be divided by ten and the quotient rounded down to a whole number. If the rounded quotient is 1, then one additional dwelling unit shall be available for the subject contiguous land; if the rounded quotient is zero, then no additional dwelling unit shall be available.

(e) So that the transition to a subdivision system based on dwelling unit density ratios does not work injustice to landowners at the time of transition, all parcels smaller than twenty acres in size, zoned Agricultural, and vacant on December 13, 2005, i.e., on which no dwelling unit has been

constructed and for which no building permit has been issued or is pending, shall be assigned one dwelling unit, so long as the vacant parcel involved is equal to or greater than the minimum lot size established herein.

(f) So that the transition to a subdivision system based on dwelling unit density ratios does not work injustice to landowners at the time of transition, all parcels smaller than ten acres in size, zoned Agricultural-Residential, and vacant on December 13, 2005, i.e., on which no dwelling unit has been constructed and for which no building permit has been issued or is pending, shall be assigned one dwelling unit, so long as the vacant parcel involved is equal to or greater than the minimum lot size established herein.

(g) The Town shall create and maintain a map establishing contiguous land ownership on December 13, 2005, and showing parcel size, unused dwelling units available to support lot subdivision and dwelling units transferred and/or used in the future for that purpose. Public notification shall be made when the map is completed in draft form so that landowners and/or designated agents for this purpose will have an opportunity to review the parcels sizes and available

dwelling units for property to which they hold title. A reasonable review period, to be set by the Town Board but of no less than two weeks in duration, shall be provided following public notice. After expiration of the review period, the data contained on the map shall be conclusively presumed to establish available and used dwelling unit allotments and dwelling unit density ratios in the Town at any given time.

- (4) The number of available dwelling units shall be established in accordance with contiguous ownership on December 13, 2005. Landowners are responsible at the point of affected future sales of land to clearly convey land with or without a specific number of available dwelling units, in accordance with this ordinance, and to report the fact of that transaction to the Town so that it may update its records. If the selling landowner fails to do so, then one dwelling unit shall transfer from the seller's real estate to that being acquired by the purchaser by operation of law if the selling landowner has any dwelling units remaining on the date of the conveyance.
- (5) Whenever a rezoning, parcel split or other land use approval by the Town or by St. Croix County results in the maximum number of

dwelling units available from the original area of contiguous ownership having been used, the Town shall, as a part of the same rezoning, subdivision or other land use approval process, act to restrict the remaining original area from further subdivision activity in the following manner. At the time of allocation of the last available dwelling unit, the remaining area of the original contiguous ownership parcel from which all available dwelling units have been allocated and that is not being subdivided to hold any allocated dwelling units shall be made the subject of an Owner's Certification and recordable Notice, on forms made available and recorded by the Town, where all owners of the affected property acknowledge that there will be no further subdivision of the affected property until such time as the Town Board may act by amendment to this Ordinance to increase the dwelling unit density ratios in the Town. In the event of such Town Board action, the Town shall execute and record a Cancellation of Notice upon landowner request to allocate newly available dwelling units in a manner consistent with Town Ordinances establishing dwelling unit densities in effect at that time.

D. Road Standards

- (1) Each lot created by the subdivision of land shall have usable access to an existing public street, road or highway. Such access shall meet the specifications set by the Town of Pleasant Valley.
- (2) All roads which are proposed to be built and dedicated to the public shall have right of way width and grade characteristics that qualify the road for receipt of state highway funds pursuant to Wis. Stats. §§ 86.30, 86.31 and any other applicable portions of the Wisconsin Statutes.
- (3) (a) All proposed public roads shall be designed, graded and constructed at the expense of the subdivider in a manner that will fully meet the standards of Wis. Stats. § 86.26 and the Town of Pleasant Valley as to roadway width, surface width, bridge width and design loads.

(b) Before a proposed public road can be dedicated and accepted by the Town, such road shall be paved with three inches of hot mix blacktopping material of a type and quality equivalent to the hot mix blacktopping material in use by the Town of Pleasant Valley. The paving and material shall be approved by the Town of Pleasant Valley prior to its acceptance of the road. As a condition of road acceptance,

the developer shall provide a maintenance guarantee to the Town in the form of an irrevocable Letter of Credit in an amount that is 50% of the verified paving costs for one year following acceptance of the road by the Town.

- (c) The Town Board shall specify the requirements for aspects of roads such as signage, lighting, culverts, posts and rails as part of the subdivision approval process, with the costs of such items to be paid by the subdivider.
- (4) At the time of application to the Town Board for subdivision approval the applicant shall identify all proposed public improvements and public or private road being built as part of the subdivision activity being proposed and shall submit a schedule for the required construction and surfacing, specifying for all such public improvements and roads when the required construction will occur. The Town Board shall specifically review this proposed construction schedule. The construction schedule may be accepted as submitted or as modified by the Town Board. Once accepted by the Town, the public improvements construction schedule shall be a binding and enforceable condition of the Town's approval of the certified survey map of which the improvements are a part. A financial performance guarantee in the amount set or

approved by the Town Board and which may be held by the Town, by St. Croix County or partially by each municipality shall be provided by the subdivider at the time of Town Board approval of the certified survey map to assure that construction will occur according to the approved plans and on schedule.

- (5) All designated public roads shall be offered for dedication to the Town. Acceptance of public roads shall occur by separate Town Board action and not automatically upon approval of the certified survey map on which they are shown.

- (6) All the roads not dedicated to the public on a certified survey map or plat shall be clearly designated thereon as private roads. The certified survey map or plat shall bear a statement informing lot purchasers that Town obligations for road maintenance and snow removal do not extend to private roads. All operating and maintenance costs for private roads will be born by a private road association, created at the time of certified survey map or plat application and approval by restrictive covenants or other recorded device that is acceptable to the Town and that is binding on all land served by the said private road and on the present and future owner(s) of such land.

SECTION 6 - FINANCIAL GUARANTEE

If the public improvements and facilities required under this Ordinance have not been fully installed at the time the certified survey map is approved by the Town, the applicant shall deliver to the Town, an irrevocable letter of credit in a form and amount acceptable to the Town and naming the Town as beneficiary, to serve as a performance guarantee that all or any portion of the work to be performed and public improvements and facilities to be installed pursuant to this Ordinance shall conform to the plans and specifications reviewed and approved by the Town Board as part of the application and approval process. Such Letter of Credit shall be approved by the Town Attorney and shall be in an amount determined by an independent civil engineer, hired by the Town for such purpose, to amply cover that portion of the cost of completing said facilities and improvements for which the Town will hold the performance guarantee.

SECTION 7 - ENGINEERS APPROVAL

The adequacy of all proposed private or public improvements in the nature of roads, stormwater management, erosion control, central sanitary sewage collection and/or treatment and central water distribution, and the proper design, construction and installation thereof, including any necessary maintenance plans, shall be subject to the review and approval of a civil engineer hired for that purpose by the Town of Pleasant Valley. All costs and expenses incurred in the hiring of such engineer by the Town Board shall be paid by the subdivider. The Town Board may require payment of a reasonable advance deposit against the costs and expenses of the Town's engineer.

SECTION 8 - ISSUANCE OF BUILDING PERMITS

No building permit for any lot shall be issued by the Town of Pleasant Valley until all improvements required by Section 5 hereof have been completed in compliance with the standards herein unless the Town, in its sole discretion, concludes that it and/or St. Croix County are holding performance guarantees in an adequate amount, in a satisfactory format and of proper duration, in which case building permits will be issued on a case-by-case basis.

SECTION 9 - ENFORCEMENT

Any subdivision or land development activity not in compliance with this Ordinance shall be a violation of the Ordinance regardless of whether knowledge of or intent to violate was present. Ordinance violations shall subject the party or parties responsible for and/or participating in non-compliance to an injunction action demanding that the condition constituting the violation be ceased or cured and that remedial actions to achieve compliance be undertaken, and/or a forfeiture in an amount of not less than \$500 nor more than \$1,000, plus actual costs of prosecution. Each day during which such violation exists is a separate offense. In addition, the Town Board may order an assessor's plat pursuant to the provision of Wis. Stats. § 70.27 whenever the conditions specified in that section are found to exist. No building permits shall be issued concerning any lot created in violation of any requirement of this ordinance.

SECTION 10 - SEVERABILITY

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

SECTION 11 - EFFECTIVE DATE

This ordinance shall become effective on the date after is publication, in conformity with Wis. Stats. § 60.80(2) and (3).

Date of Approval by Town Board: December 13, 2005

By: James Freeman
_____, Town Chairman

ATTEST:

By: Deborah J. Velkett
_____, Town Clerk

DATE PUBLISHED: January 5, 2006 in Baldwin Bulletin & (paper)

EFFECTIVE DATE: 1-6-06 River Falls Journal