

**Town of Menomonie
Dunn County, Wisconsin**

Conservation Subdivision Ordinance

This ordinance shall repeal any previous board subdivision ordinances and amendments. It will take effect after its passage and posting as provided by law.

Revised December, 2003
Revised June, 2008
Revised November 17, 2011

Adopted this 17th day of November, 2011 by the Town Board of the Town of Menomonie, Dunn County, Wisconsin.

Filed this 17th day of November 2011.

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Frank Bammert, Chairman

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Francis Eiseth, Supervisor

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Neil Koch, Supervisor

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Leslie Hulbert, Clerk

* indicates signatures on original

Town of Menomonie Conservation Subdivision Ordinance
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CHAPTER 3: MINOR SUBDIVISIONS (page 9)

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CHAPTER 4: MAJOR SUBDIVISIONS (page 15)

This chapter lays out the specific steps and requirements for major subdivisions. In general, a subdivision must come before the Plan Commission three times; first for the concept conference, second for the preliminary approval, and third for the final review. After each appearance before the Plan Commission the subdivision must also be approved by the Town Board before it can go on to the next step.

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CHAPTER 1: GENERAL PROVISIONS

1.1 TITLE. These regulations shall be officially known, cited, and referred to as the Conservation Subdivision Ordinance of the Town of Menomonie, Wisconsin. (Herein after “ordinance”)

1.2 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authority contained in section 236.45 of the Wisconsin Statutes.

1.3 PURPOSE. This ordinance is adopted for the following purposes:

1. To guide future growth and development of the community consistent with the Town of Menomonie’s Comprehensive Plan.
2. To guide the detailed analysis of the development parcel so it fits in with surrounding development and conservation practices.
3. To guide preservation of rural character through the permanent preservation of meaningful open space and sensitive natural resources.
4. To guide preservation of scenic views by minimizing views of new development from existing roads.
5. To guide preservation of prime agricultural land by concentrating housing on lands having low agricultural potential as shown on the Town’s Comprehensive Plan maps.
6. To encourage commonly- owned open space areas for passive recreation and or active recreational use by residents of the development and, where specified, the larger community.
7. To encourage a diversity of lot sizes, housing choices, and building densities to accommodate a variety of age and income groups.
8. To encourage buffering between residential and non- residential areas.
9. To guide the protection and restoration of environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
10. To guide preservation of significant archaeological sites, historic buildings, and their settings.
11. To meet the demand for housing in a rural setting.
12. To protect groundwater.
13. To locate areas for development and conservation.

1.4 JURISDICTION. This ordinance shall apply to all lands within the corporate limits of the Town of Menomonie, Dunn County, Wisconsin. The ordinance does not apply to:

1. Transfers of interest in land shall be by or pursuant to court order.
2. Cemetery plats under section 157.07 of the Wisconsin Statutes.
3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created. The lots resulting are not reduced below the minimum sizes required by other applicable laws or ordinances. There is no net loss of Green space and all conditions placed on the existing original Green space shall remain.
4. Assessors’ plats made under section 70.27 of the Wisconsin Statutes, but such assessors’ plats shall comply with sections 236.15 (1)(a)-(g) and 236.20 (1), (2)(a)-(c), of the Wisconsin Statutes, unless waived under section 236.20 (2) (L).
5. Lots or building sites created for non-residential use.

137 1.5 APPLICABILITY AND COMPLIANCE. The subdivision standards in this ordinance apply
138 to all divisions of land by a subdivider where the division creates at least one (1) new
139 residential lot or building site. The minimum lot size in the Town of Menomonie is one (1)
140 acre. In applicable zones this minimum lot size may be reduced to no less than one-half (1/2)
141 acre by using either a sewage treatment system as described in Chapter 6.2 or a holding
142 tank. The number of new lots or building sites that can be created shall be consistent with
143 the applicable zoning ordinance for the parent parcel. The overall development density for
144 the parent parcel is the same as would be allowed for a conventional subdivision in the
145 existing zoning district except for those conservation subdivisions which qualify for a
146 development bonus in Chapter 5.2 (p.24). The provisions of this ordinance apply to
147 residential development in residential and agricultural districts established in the Dunn
148 County Zoning Ordinance. Conservation subdivisions shall not be
149 permitted in districts where they are not permitted in the Dunn County Zoning Ordinance.
150

151 1.6 LAND DIVISION. No person shall divide any land under the provisions of this ordinance
152 without compliance with all requirements of this ordinance and the following:

- 153 1. The provision of Wis. Stats. Ch 236 and Wis. Stats. 80.08.
- 154 2. The rules of the Division of Transportation Infrastructure Development, Wisconsin
155 Department of Transportation, contained in Chapter TRANS 233 of the Wisconsin
156 Administrative Code for subdivisions that abut a State Trunk Highway or connecting
157 street.
- 158 3. The rules of the Wisconsin Department of Natural Resources contained in Chapter 118
159 of the Wisconsin Administrative Code, for shoreland, shoreland-wetland, and floodplain
160 management.
- 161 4. The provisions of the Groundwater Recharge Protection Overlay District Ordinance
162 adopted by the Town of Menomonie.
- 163 5. The comprehensive plan adopted by the Town of Menomonie.
- 164 6. All applicable Dunn County regulations, including zoning, sanitary, building and official
165 mapping ordinances, as well as Extraterritorial Jurisdiction of the City of Menomonie.
- 166 7. All applicable rules contained in the Wisconsin Administrative Code.

167
168 1.7 SPECIAL EXCEPTIONS. Special exceptions do not require compliance with this ordinance
169 but do require a recommendation from the Plan Commission, and/or Town Board,
170 confirming the special exception is valid. Special exceptions do require compliance with
171 platting and submittal requirements of Chapter 236 of the Wisconsin Statutes and do require
172 a Town Board signature block and Town Board approval. The subdivider shall file ten (10)
173 copies of the CSM or plat along with any other special exception materials with the
174 Commission chair or designee at least ten (10) days prior to the scheduled meeting of the
175 Plan Commission at which action is desired. Special exceptions include the following;

- 176 1. Reconfiguring lots in existing subdivisions provided all the following conditions are
177 met.
 - 178 a. None of the existing lots has green space or common open space reserved.
 - 179 b. Additional lots are not created.
 - 180 c. The lots are not reduced below the minimum size required by other applicable laws
181 and ordinances.
- 182 2. The lot created contains the existing dwelling.
- 183 3. Transferring ownership of Open Space provided all the following conditions are met.
 - 184 a. Transfer involves only adjoining land owners.
 - 185 b. Any newly created lots shall comply with the provisions of this ordinance.
 - 186 c. Transfer results in no net loss of Open Space.

- 187 d. Transfer does not reduce the lots below the minimum size required by other
188 applicable laws and ordinances.
189 e. Unless otherwise granted all conditions placed on the existing/original Open Space
190 shall remain with the transferred Open Space.
191

192 1.8 RECONFIGURING LOTS WITH GREEN SPACE OR COMMON OPEN SPACE. The
193 Town Board shall not grant reconfigurations or modifications, except as described in
194 Chapter 2.4 (p. 7), to existing lots where green space or common open space exists unless all
195 of the following conditions are met.

- 196 1. Lots do not fall below the minimum size required by other laws and ordinances.
197 2. There is no net loss of green space or common open space.
198 3. Ownership of green space or common open space shall not be transferred either in part
199 or in totality, except as described in 1.7 (p. 4), or with approval of the Town Board.
200 4. Legal descriptions of the existing green space or common open space are abandoned and
201 replaced with the proposed legal descriptions for the reconfigured green space or
202 common open space.
203 5. The reconfiguration meets the intent of the Town's Comprehensive Plan.
204

205 1.9 CONDOMINIUM PLATS. A condominium plat prepared in Chapter 703 of the Wisconsin
206 Statutes shall be reviewed by the Town of Menomonie in the same manner as a conservation
207 subdivision as set forth in this ordinance and shall comply with the applicable design
208 standards and required improvements of this ordinance.
209

210 1.10 OFFICIAL MAPS. It is the intent of the Town of Menomonie to utilize Official Maps for
211 the purpose of serving and promoting the public health, safety, and convenience, economy,
212 orderliness, and general welfare of the Town; to further the orderly layout and use of land; to
213 stabilize the location of real boundary lines; to insure proper legal descriptions and proper
214 monumenting of land; to facilitate adequate provisions for transportation, parks, play
215 grounds, and storm water drainage; and to facilitate the further subdivision of larger tracts
216 into smaller parcels of land. Where applicable the restrictions and conditions of Official
217 Maps shall be applied to the review of Certified Survey Maps (CSM's) and plats within the
218 Town as per the authority granted by Section 62.23(6) of the Wisconsin Statutes.
219

220 1.11 ABROGATION AND GREATER RESTRICTIONS.

- 221 1. PUBLIC PROVISIONS. These regulations are not intended to interfere with, abolish, or
222 annul any other ordinance, rule or regulation, statute, or other provision of law except as
223 provided in these regulations. Where any provision of these regulations imposes
224 restrictions different from those imposed by any other provision of these regulations or
225 any other ordinance, rule or regulation, or other provision of law, the provision, which is
226 more restrictive or imposes higher standards shall control.
227 2. PRIVATE PROVISIONS. These regulations are not intended to abolish any easement,
228 covenant or any other private agreement or restriction, provided that where the
229 provisions of these regulations are more restrictive than such easement, covenant, or
230 other private agreement or restriction, the requirements of these regulations shall govern.
231 Where the provisions of the easement, covenant, or private agreement impose duties and
232 obligations more restrictive than these regulations, and the private provisions are not
233 inconsistent with these regulations, then the private provisions shall be operative and
234 supplemental to these regulations and the determinations made under the regulations.

235 1.12 INTERPRETATION. In the interpretation and application of this ordinance, the provisions
236 of these regulations shall be held to the minimum requirements for the promotion of the
237 public health, safety, and general welfare. These regulations shall be construed broadly
238 in favor of the Town to promote the purposes for which they are adopted.
239

240 1.13 SEPERABILITY. If any part or provision of these regulations or the application of these
241 regulations to any person or circumstances is adjudged invalid by any court of competent
242 jurisdiction, the judgment shall be confined in its operation to the part, provision, or
243 application directly involved in the controversy in which the judgment shall be rendered. It
244 shall not affect or impair the validity of the remainder of these regulations or the
245 application of them to other persons or circumstances. The Town Board hereby declares
246 that it would have enacted the remainder of these regulations even without any such part,
247 provision, or application, which is judged to be invalid.
248

249 1.14 DISCLAIMER.

- 250 1. MULTIPLE JURISDICTIONS. All persons reviewing the provisions of this ordinance
251 should be aware that the Town is one of a number of governmental bodies that may have
252 jurisdiction over proposed subdivisions or development. The Town cannot make any
253 representations on behalf of any other governmental body. No subdivision may be made
254 unless all approvals have been given.
- 255 2. BINDING ACTS. No statement or actions by any official, employee, agent or committee
256 of the Town should be construed or taken as a binding act except by a resolution,
257 motion, or ordinance that has been adopted by the Town Board at a lawfully conducted
258 Town Board meeting or by the Town electorate at a duly constituted Annual or Special
259 Meeting. This includes but is not limited to, interpretation of this ordinance.
- 260 3. COMPLIANCE ASSURANCE. The Town expressly states that it has no responsibility
261 whatsoever for assuring that land and/or building sites sold in the Town are in
262 compliance with any ordinances, regulations or rules. The Town also assumes no
263 responsibility for the suitability of any property whose subdivision has been approved by
264 the Town Board.
265

266 **CHAPTER 2: VIOLATIONS, PENALTIES and ENFORCEMENT**

267

268 2.1 VIOLATION. It shall be unlawful to build upon, divide, convey, record, or monument any
269 land in violation of this ordinance or state law, and no person shall be issued a building
270 permit by the Town of Menomonie authorizing the building on or improvement of any
271 subdivision within the jurisdiction of this ordinance not of record as of the effective date of
272 this ordinance until the requirements of this ordinance have been fully met. The Town Board
273 may institute appropriate action or proceedings to enjoin violations of this ordinance or
274 applicable state law.
275

276 2.2 PENALTIES. Penalties for violation of this ordinance shall be as follows:

- 277 1. Any person, firm or corporation who fails to comply with the provisions of this
278 ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars
279 (\$100) nor more than One Thousand Dollars (\$1,000) and the forfeiture shall be added to
280 the property tax. Thirty (30) days after the conviction if the violation exists or continues
281 shall constitute a separate offense. Recordation improperly made has penalties provided
282 in section 236.30 of the Wisconsin Statutes.
- 283 2. Conveyance of lots in unrecorded plats has penalties provided for in section 236.31 of
284 the Wisconsin Statutes.

- 285 3. Survey monuments disturbed or not placed have penalties as provided for in section
- 286 236.32 of the Wisconsin Statutes.
- 287 4. When successive divisions create a subdivision the Town may order an assessor's plat
- 288 made under section 70.27 of the Wisconsin Statutes. The subdivider shall pay for such
- 289 plat.

291 2.3 APPEALS. Any person aggrieved by an objection to a Certified Survey Map (CSM) or plat

292 or a failure to approve a CSM or plat under this ordinance may appeal, as provided in

293 sections 236.13(5) and 62.23(7)(e) 10, 14, and 15, of the Wisconsin Statutes, within thirty

294 (30) days of the notification of the rejection of the CSM or plat. Where failure to approve is

295 based on an unsatisfied objection, the agency making the objection shall be made a party to

296 the action. The court shall direct that the CSM or plat be approved if it finds that the action

297 of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

298

299 2.4 MODIFICATIONS.

- 300 1. AUTHORITY APPLICATION. Where, in the judgment of the Town Board, it would be
- 301 inappropriate to apply literally the provisions of this ordinance because exceptional or
- 302 undue hardship would result, the Town Board may waive or modify any requirements to
- 303 the extent deemed just and proper. Application for any such modification or waiver shall
- 304 be made in writing by the subdivider at the time when the preliminary map or plat is
- 305 filed for consideration, stating fully all facts relied upon by the petitioner, and shall be
- 306 supplemented with maps, plans, and other additional data that may aid the Town Board
- 307 in the analysis of the proposed project.
- 308 2. CONDITIONS FOR GRANTING MODIFICATIONS. The Town Board shall not grant
- 309 modifications or waivers to this ordinance unless it makes findings based upon the
- 310 evidence presented to it in each specific case provided all the following conditions are
- 311 met.
- 312 a. The granting of the modification shall not be detrimental to the public safety, health
- 313 or welfare, or injurious to other property or improvements in the neighborhood in
- 314 which the property is located.
- 315 b. The conditions upon which the request for a modification is based are unique to the
- 316 property for which the modification is sought and are not applicable generally to
- 317 other property.
- 318 c. Because of particular physical surroundings, shape, or topographical conditions of
- 319 the specific property involved, a particular hardship to the owner would result, as
- 320 distinguished from a mere inconvenience, financial hardship, or self-imposed
- 321 hardship, if the strict letter of this ordinance were carried out.
- 322 d. Such modification is necessary for the preservation and enjoyment of substantial
- 323 property rights possessed by similar properties in the vicinity.
- 324 3. GRANTING MODIFICATIONS BY THE TOWN BOARD.
- 325 a. The Town Board, if it approves the modification to this ordinance, shall do so by
- 326 motion or resolution.
- 327 b. Such relief shall be granted without detriment to the public good, without impairing
- 328 the intent and purpose of this ordinance or the desirable general development of the
- 329 Town consistent with the Town of Menomonie Comprehensive Plan and/or this
- 330 ordinance.
- 331 c. Any modification granted can only provide the minimum relief needed to alleviate
- 332 the unnecessary hardship or obtain reasonable use of the property.
- 333 d. A majority vote of the membership of the Town Board shall be required to grant any
- 334 modification of this ordinance, and the reasons shall be entered in the minutes.

2.5 FEES.

1. The Town Board may, by resolution, establish reasonable fees for the administration of this ordinance.
2. Application Review Fee. All minor and major subdivision applications shall be accompanied by an application review fee established by the Town Board as set forth in the Town of Menomonie Fee Schedule.
3. Additional Costs. The subdivider shall be responsible for reimbursing the Town for any additional cost incurred by the Town in reviewing minor and major subdivisions such as but not limited to; engineering, inspection, legal and administrative costs.

2.6 DEFINITIONS. The following definitions shall be observed and applied, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular form. The word “shall” is mandatory and the word “may” is permissible.

1. OPEN SPACE, COMMON OPEN SPACE OR GREEN SPACE. Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by the residents of said conservation subdivision. The minimum open space required shall be 30 percent of the gross acreage of the development. In major subdivisions open space shall be common and shall meet one of the requirements in Chapter 7 (p. 27). In minor subdivisions open space can be privately owned and can be part of individual residential lots.
In both major and minor subdivisions open space shall be substantially free of structures, but may contain historic structures and archaeological sites. Open space shall not contain personal or private storage buildings, garages or any other secondary structure unless the building or structure is on an approved development plan, CSM, or plat. Once created, green space or common open space shall not be further subdivided, nor shall ownership of green space or common open space be transferred unless conditions for granting modifications are met. Open space shall not include roads or driveways.
Septic systems can be placed on open space.
2. CONDOMINIUM. A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes. A condominium is a legal form of ownership of real estate and not a specific building style or type.
3. CONSERVATION EASEMENT. The grant of a property right or interest from the property to a unit of government or nonprofit conservation organization or community organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, preventing future or additional development.
4. CONSERVATION SUBDIVISION. Compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible that characterizes a housing development in a rural setting.
5. GROSS ACREAGE. The total area of a parcel excluding the area of the perimeter street rights-of-way to the center of the street.
6. HOMEOWNERS ASSOCIATION. A community association, incorporated or not incorporated, combining individual home ownership with the shared use or ownership of common property or facilities.
7. NONPROFIT CONSERVATION ORGANIZATION. Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of

- 385 8. which include retaining or protecting the natural, scenic or open space values of real
386 property, assuring the availability of real property for agricultural, forest, recreational or
387 open space use, protecting natural resources, maintaining or enhancing air or water
388 quality, or preserving the historical, architectural, archaeological or cultural aspects of
389 real property.
- 390 9. PARENT PARCEL. This ordinance shall apply to the act of division of a lot, parcel, or
391 tract existing on the effective date of this ordinance or prior ordinances by the owner
392 thereof, or his agent for the purpose of transfer of ownership or building development
393 where the act of division creates one or more new lots, parcels or tracts of less than a
394 rectangular half of a government protracted quarter-quarter section or a government lot.
- 395 10. SUBDIVIDER. Any person, corporation, partnership, association, individual, firm, trust
396 or agent dividing or proposing to divide land resulting in a conservation subdivision.
- 397 11. RECONFIGURATION. A change in lot boundary lines that does not result in any new
398 lots being created.
- 399 12. APPROVED DEVELOPMENT PLAN. This could also be a CSM or Plat.
- 400 13. COMMISSION CHAIR. Chairperson of the Plan Commission.
- 401 14. PLAN COMMISSION. The Town of Menomonie Land Use Plan Commission
- 402 15. BUFFER. The area between two different zones such as residential and commercial.
- 403 16. MINUTES. The Plan Commission and or Town Board record of their meetings.
- 404 17. HOUSING DENSITY. Housing density or residential density refers to the number of
405 homes per unit of land. It is typically reported in dwelling units per acre (or du/ac).
- 406

407 **CHAPTER 3: MINOR SUBDIVISIONS**

408 3.1 MINOR SUBDIVISIONS: PRELIMINARY REVIEW.

- 409 1. Subdivisions, which create less than five (5) lots or building sites of less than twenty
410 (20) acres by successive divisions from the same parent parcel within a period of five (5)
411 years, shall follow the procedures contained in this minor subdivision section. When
412 more than 4 contiguous lots are created using multiple CSM's, the Plan Commission
413 may require the developer to follow the submittal process for major subdivisions.
414 Criteria such as, but not limited to, number of lots, location, recharge areas, drainage,
415 zoning, current uses, etc may be considered in the decision to follow the process for
416 major subdivisions.
- 417 2. A road serving two or more lots must have a 66 foot right-of-way and have a driveway
418 agreement between the property owners. Before the town would consider taking over a
419 road, it must be built to Town standards. If it is a dead end road, a cull de sac must be
420 built that meets Town standards. Drive ways accessing the cull de sac must also meet
421 Town standards. The road must be deeded to the Town before it can become a town
422 road.
- 423 3. PROCESSING A SUBDIVISION APPLICATION.
 - 424 a. The Commission chair or designee shall, within ten (10) workdays after the receipt
425 of a subdivision application review the subdivision application for completeness and
426 notify the subdivider of any identified missing items.
 - 427 b. The Plan Commission shall coordinate and establish the application review
428 processing timeline.
 - 429 c. The subdivider or designee shall attend both the Plan Commission meeting and the
430 Board meeting where such subdivision is listed as an agenda item. Subdivider or
431 designee shall make a presentation of the subdivision for consideration. Failure of
432 the subdivider or designee to attend the meetings may be grounds to table the
433 subdivision application.
 - 434

- 435 3.2. MINOR SUBDIVISION SUBMITTALS. The subdivider shall submit ten (10) copies of a
436 series of maps and descriptive information to the Plan Commission at least ten (10) days
437 prior to the scheduled meeting and as a minimum contain the following:
438 1. DEVELOPMENT YIELD ANALYSIS. The subdivider shall submit a table showing the
439 maximum number of dwelling units that would be permitted under the county zoning
440 ordinance, consistent with the minimum lot size, lot widths, set backs, and other
441 provisions of the zoning ordinance and compare it to the number of dwelling units
442 proposed. Land that is undeveloped because of other laws and ordinances that prohibit
443 development in certain areas (e.g. floodplains, wetlands, steep slopes, and drainage
444 ways) shall be excluded from the development yield analysis. Written request shall be
445 included with the submittal requirements.
- 446 2. PROJECT AND DEVELOPMENT INFORMATION. The subdivider shall submit the
447 following:
448 a. Name, address, and telephone number of the legal owner and, if applicable, agent of
449 the property.
450 b. Name, address, and telephone number of the professional person responsible for
451 subdivision design, for the design of the public improvements, and for surveys.
452 c. Date of preparation
- 453 3. MAP OF EXISTING AND PLANNED SITE CONDITIONS. The Map of Existing Site
454 Conditions for the proposed Certified Survey Map (CSM) or plat shall be prepared at a
455 convenient scale no smaller than one (1) inch = one hundred (100 feet) and shall include
456 all areas in and within one hundred (100) feet of the proposed subdivision. More than
457 one (1) sheet may be used to present the information required in this section and shall
458 include the following;
459 a. Boundary line of the proposed site and all property to be subdivided. Include all
460 contiguous land owned or controlled by the subdivider.
461 b. Show the type, width and condition of street improvements; railroad or major utility
462 rights-of-way; location, width, and names of all existing platted streets and rights-
463 of-ways to parks and other public open spaces; location and widths of existing
464 snowmobile trails or other recreational trails; and permanent buildings and
465 structures.
466 c. Location, widths and names of all existing public and private easements.
467 d. Identify by name and ownership boundary lines of all adjoining lands.
468 e. Location of significant natural resource features on the site i.e. wetlands, floodplains,
469 watercourses, existing wooded areas, slopes greater than 20%, drainage ways, habitat
470 for rare, threatened, and endangered species, and other natural resource features.
471 When needed, topographic data may be submitted using United States Geological
472 Survey (USGS) information or an approved equal.
473 f. Location of burial sites categorized under Wis. Stat. 157.70, Indian Mounds, national
474 and state register listed properties, and locally designated historic properties.
475 g. Legal description of the property.
476 h. Location of existing zoning classifications.
477 i. Provide graphic scale, north arrow, name address and phone number of person
478 responsible for preparing Map of Existing Site Conditions and date of preparation.
479 j. Minimum front, side, and rear yard building setbacks for all lots within the proposed
480 CSM or plat.
481 k. Indication of the use of any lot within and beyond the proposed CSM or plat.
482 l. Location and size of all proposed and existing sanitary lines and water mains,
483 proposed community sewer and water system, or individual on-site septic system and
484 potable water sources.

- 485 m. Location and size of all proposed and existing storm sewer (lines, drains, inlets,
486 manholes), culverts, retention/detention ponds, swales, infiltration practices and
487 areas, and other storm water facilities.
- 488 n. Open space areas, other than pedestrian ways and utility easements, intended to be
489 dedicated or reserved for public use, including the size of such area or areas in acres.
490 Describe any conditions placed on the dedication, reservation, or easement.
- 491 o. Total acreage of the proposed CSM or plat.
- 492 p. Location of groundwater recharge areas within the proposed CSM or plat and shall
493 include areas within 100' of the boundary of the proposed CSM or plat. The location
494 of recharge areas is shown on the map "Location of Recharge Areas to the Sandstone
495 Aquifer in Dunn County, Wisconsin." Koch, Neil C., 2005. The map can be
496 reviewed at the Town of Menomonie Town Hall, at the Dunn County Land
497 Conservation Division in Menomonie, and on Dunn County's web site.
- 498 q. The Town reserves the right to require additional information if deemed necessary
499 by the Town Board or Plan Commission.
- 500 4. PRELIMINARY MAP or PLAT. The Preliminary Map or Plat shall be prepared by a
501 licensed land surveyor at a convenient scale no smaller than one (1) inch = one hundred
502 (100 feet). More than one (1) sheet may be used to present the information required in
503 this section and shall include the following:
- 504 a. Exact length and bearing of the centerline of all streets.
- 505 b. Lot setbacks from present or proposed roadways will be in effect for all existing or
506 planned right of ways on alternate routes designated by the Town.
- 507 c. Exact street width along the line of any obliquely intersecting street.
- 508 d. Exact location and description of utility and drainage easements existing or planned.
- 509 e. All lands reserved for future public acquisition or reserved for the common use of
510 property owners within the CSM or plat, including public access to navigable
511 waterways.
- 512 f. Railroad right-of way within and abutting the plat.
- 513 g. Restrictions relating to access along public ways.
- 514 h. Restrictive covenants, deed restrictions, conservation easements for the proposed
515 subdivision shall be filed with the final CSM or plat.
- 516 i. Legal instruments detailing the ownership of the common open space, as required in
517 Chapter 7 (p. 27), shall be filed with the final CSM or plat.
- 518 j. Preliminary CSM or plat shall meet all the surveying and monumenting requirements
519 of section 236.15 of the Wisconsin Statutes.
- 520 k. Where the CSM or plat is located within a quarter section, the corners of which have
521 been relocated, monumented, and coordinated by Dunn County, the CSM or plat
522 shall be tied directly to two (2) of the section or quarter corners so relocated,
523 monumented, and coordinated. The exact grid bearing and distance of such tie shall
524 be determined by field measurements, and the material and Dunn County plane
525 coordinates of the monument marking the relocated section or quarter corner to
526 which the CSM or plat is tied shall be indicated on the CSM or plat.
- 527 l. The following farmland statement shall be placed on the face of the CSM or plat; In
528 the Town of Menomonie agriculture is one of the major uses of land. Agricultural
529 operations should be consistent with normal farming practices for the region and
530 should comply with local, state and federal laws. If inconveniences such as noise,
531 odors, dust, and disposal of manure arise, they shall not be considered a nuisance.
532 See Wisconsin State Statute 823.08.
- 533 m. The following green space statement shall be placed on the face of the CSM or plat:
534 "30% of the lot is designated as green space." See chapter 2.6.1

- 535 n. Certificates. The CSM or plat shall provide a signature block for Town Board
536 officials and all other certificates required by section 236.21 of the Wisconsin
537 Statutes. In addition, the surveyor shall certify that the surveyor has fully complied
538 with all sections of this chapter.
- 539 5. PRELIMINARY CONSTRUCTION PLANS. The Plan Commission may waive
540 submittal of the preliminary construction plans if the proposed CSM or plat is not
541 creating, extending or modifying a street or road. The Preliminary construction plans
542 shall be prepared, at a convenient scale, by a licensed engineer. All roads must have a 66
543 foot right-of-way and comply to chapter 3.1.2, page 9. More than one (1) sheet may be
544 used to present the information required in this section and shall include the following;
- 545 a. Preliminary Plan and Profile. Proposed street centerline profile grades, showing the
546 existing and proposed profile grade lines: ditch grades, location, slope, and size of all
547 drainage structures.
- 548 b. Preliminary Grading and Erosion Control Plan. A plan showing existing and
549 proposed grades, drainage patterns, and storm water facilities as per Chapter 5.3.2.i.
550 (p. 25). The plan shall show the location and extent of grading activities in and
551 within one hundred (100) feet of the proposed subdivided area, overall area of the
552 site in acres, total impervious area, stockpile locations, erosion and sediment control
553 facilities, and a schedule for erosion and sediment control practices including site
554 specific requirements to prevent erosion at the source. The Plan Commission may
555 allow the preliminary grading and erosion control plan to be prepared by a non-
556 licensed individual for a subdivision creating one (1) lot or building site and
557 disturbing less than ten thousand (10,000) square feet.
- 558 c. Preliminary location of sewage disposal, water supply, storm water management, and
559 flood control devices, systems and or areas. The Plan Commission may allow the
560 preliminary location of such systems, devices and or areas to be prepared by a non-
561 licensed individual for a subdivision creating one (1) lot or building site and
562 disturbing less than ten thousand (10,000) square feet.
- 563 6. NOTIFICATION OF ADJOINING LANDOWNERS. Notification of adjoining
564 landowners shall be required for any subdivision proposing to create two (2) or more
565 new lots. In addition, if there are covenants or restrictions, the subdivider must notify
566 everyone within and adjoining the subdivision, even if only one lot is created. The
567 notification shall include the following;
- 568 a. Basic explanation of the proposed subdivision application;
- 569 i. Number and size of proposed lots.
- 570 ii. Location of the proposed subdivision.
- 571 iii. Subdivider contact information.
- 572 iv. Date and time of the preliminary review meeting at which the subdivision will be
573 acted on.
- 574 b. The notification of adjoining landowners shall include all landowners within five
575 hundred (500) feet of the proposed subdivision.
- 576 c. The subdivider shall mail notification to adjoining landowners in time for
577 preliminary review.
- 578 d. As part of the preliminary subdivision submittal requirements the subdivider shall
579 provide the names and addresses of adjoining landowners notified along with a copy
580 of the notification letter.
- 581 e. A “Statement of Adjacent Landowner Notification” can be found in the appendix at
582 the end of this ordinance.
- 583
- 584

585 7. ADDITIONAL INFORMATION.

586 The Town Board or the Plan Commission may require a proposed subdivision layout of
587 all or part of contiguously owned land even though the division is not planned at the
588 time.

589

590 3.3 PRELIMINARY APPROVAL, CONDITIONAL APPROVAL OR REJECTION

- 591 1. PLAN COMMISSION RECOMMENDATION. The Plan Commission shall after
592 negotiations with the subdivider on changes and the kind and extent of public
593 improvements that shall be required, review the preliminary CSM or plat, and other
594 relevant information for conformance with this ordinance, the Town of Menomonie
595 Comprehensive Plan and all other laws, ordinances, rules, regulations and plans. If there
596 are minor changes necessary, the Plan Commission may require the subdivider to return
597 to the Plan Commission with those corrections before it is submitted to the Town Board.
598 The Plan Commission shall recommend to the Town Board, approval, conditional
599 approval, or rejection of the preliminary CSM or plat. Where applicable, the Plan
600 Commission shall recommend said CSM or plat be Fast Track reviewed by the Town
601 Board. The Plan Commission may recommend rejection if there is incomplete or
602 inadequate information.
- 603 2. REFERRALS OF PRELIMINARY CSM or PLAT. If the subdivision **is** in a state or
604 county subdivision as defined in either Wisconsin Statutes 236.02 (12) or the Dunn
605 County Subdivision Regulations, respectively, the subdivider shall also submit the
606 original drawing of the preliminary CSM or plat to the appropriate agency for review, in
607 accordance with Chapter 236.12 (6), Wis. Stats.
- 608 3. NOTIFICATION FROM THE TOWN. The Town shall give notice of the Town Board's
609 review of the CSM or plat by listing it as a Town Board agenda item in the meeting
610 notice published or posted. The notice shall include the name of the applicant, and when
611 available the address of the property in question.
- 612 4. FAST TRACK. Fast Track shall apply only to Minor Subdivision review. Fast Track
613 gives the Plan Commission the authority to recommend preliminary and final approval
614 as one action if all of the following requirements are met.
- 615 a. The subdivider shall submit a written request for a Fast Track review as part of the
616 preliminary submittal requirements of this chapter. In requesting a Fast Track review
617 the subdivider shall demonstrate knowledge and understanding of this ordinance.
 - 618 b. The Minor Subdivision application can create up to four (4) total new lots.
 - 619 c. The subdivider is compliant with all required submittals of this chapter.
 - 620 d. A 2/3 majority vote in favor of the Fast Track request shall be required for the Plan
621 Commission to recommend approval. A 2/3 majority vote shall be a minimum of
622 five (5) votes for a seven (7) member quorum, four (4) votes for a six (6) member
623 quorum, four (4) votes for a five (5) member quorum and three (3) votes for a four
624 (4) member quorum.
 - 625 e. The Plan Commission shall not recommend conditional approval of a Fast Track
626 request.
- 627 5. If the preliminary CSM or plat was conditionally approved or rejected, the Plan
628 Commission shall, within 30 days following the preliminary meeting, provide the
629 minutes or a written report informing the subdivider of the conditions for conditional
630 approval, or reasons for rejection.
- 631 6. RESULTS OF APPROVAL. Approval of a preliminary CSM or plat shall be valid as
632 per Wisconsin Statutes 236.349(2)(b). Approval or conditional approval of a preliminary
633 CSM or plat shall not constitute automatic approval. The preliminary CSM or plat shall
634 be deemed an expression of approval or conditional approval of the layout submitted as

635 a guide to the preparation of the final CSM or plat, which shall be subject to further
636 consideration by the Plan Commission and Town Board at the time of its submission.
637 7. The time limit for submitting final plats for approval is 36 months from the date the
638 preliminary is approved, s.236.11(1)(b), Wis. Stat.
639

640 3.4 FINAL REVIEW PROCEDURES.

- 641 1. FINAL APPLICATION. The subdivider shall prepare a final application and shall file
642 ten (10) copies of the final application and all other submittals with the Commission
643 chair or designee at least ten (10) days prior to the scheduled meeting of the Plan
644 Commission at which action is desired. The owner or subdivider shall file the final
645 application not later than submittal requirements of Wisconsin Statutes 236.34. The
646 subdivider or subdivider's agent shall also submit at this time a current certified abstract
647 of title or such other evidence as the Town Board may require showing ownership or
648 control.
- 649 2. FINAL CERTIFIED SURVEY MAP (CSM) OR PLAT. The subdivider may seek final
650 approval following approval or conditional approval of the preliminary CSM or plat.
651 Final CSM or plat shall be prepared by a licensed surveyor and shall correctly show, in
652 addition to the information required for Sec. 236.20 and/or Sec. 236.34 of the Wisconsin
653 Statutes, the Dunn County Comprehensive Ordinances and the requirements in Chapter
654 3.2.4 (p. 11).
- 655 3. FINAL CONSTRUCTION PLANS. If required as per chapter 3.2.5 (p. 12), then,
656 simultaneously with the filing of the final CSM or plat, the owner shall file with the
657 Town Clerk ten (10) copies of the final construction plans and specifications of public
658 improvements. The final construction plans shall be prepared according to the
659 preliminary construction plans in chapter 3.2.5 (p. 12).
- 660 4. NOTIFICATION OF ADJOINING LANDOWNERS. Requirements are found in
661 Chapter 3.2.6 (p. 12)
- 662 5. ADDITIONAL INFORMATION. Requirements are found in Chapter 3.2.7 (p. 13).
- 663 6. REFERRALS OF FINAL CSM or PLAT. Requirements are found in Chapter 3.3.2
664 (p.13).
- 665 7. NOTIFICATION FROM THE TOWN. Requirements are found in Chapter 3.3.3 (p. 13).
- 666 8. PLAN COMMISSION REVIEW. The Plan Commission shall examine the final plat as
667 to its conformance with the preliminary plat; and conditions of approval of the
668 preliminary plat; this chapter; and all applicable ordinances, rules, regulations, and
669 comprehensive plan elements that may affect it. The Plan Commission shall recommend
670 approval, conditional approval, or rejection of the final plat to the Town Board.
- 671 9. AMENDMENT. If the subdivider desires to amend the final CSM or plat as approved,
672 the subdivider may resubmit the amended CSM or plat, which shall be done in
673 accordance with Chapter 3 (p. 9), except for the fee, unless the amendment is, in the
674 opinion of the Town Board, of such scope as to constitute a new application, in which
675 case it shall be refiled.
- 676 10. If the final CSM or plat was conditionally approved or rejected, the Plan Commission
677 shall, within 30 days following the final meeting, provide the minutes or a written report
678 informing the subdivider of the conditions for conditional approval, or reasons for
679 rejection.
- 680 11. SUBDIVISION SUBMITTAL TO TOWN BOARD. The subdivider shall submit four
681 (4) copies of the CSM to the Town Board at least 10 days prior to the scheduled
682 meeting. The subdivider or representative must be in attendance at the meeting.
- 683 12. TOWN BOARD REVIEW. The Board shall, approve, conditional approve, or reject
684 such CSM or plat. The Town Clerk shall mail one (1) copy of the final CSM or plat to

685 the subdivider with the date and action endorsed thereon; and if approved, conditionally
686 approved, or rejected, the conditions for approval or conditional approval, or reasons for
687 rejection shall be stated in the minutes of the meeting. The Town Clerk shall also send
688 the minutes or a written report to the subdivider setting forth the conditions of
689 conditional approval or the reasons for rejection. One (1) copy of the final CSM or plat
690 shall be filed in the Town records.

691 If the Town Board fails to act within ninety (90) days of the filing of the subdivision
692 application, without a written extension, requested by the subdivider, and no unsatisfied
693 objections having been filed the CSM or plat shall be deemed approved.

694 13. OFFICIAL RECORDING. After the final CSM or plat has been approved by the Town
695 Board and any required improvements either installed or a contract and sureties ensuring
696 their installation is filed, the Town Board shall cause the certificate inscribed upon the
697 original CSM or plat attesting to such approval to be duly executed and the CSM or plat
698 returned to the subdivider for recording with the County Register of Deeds along with all
699 conservation easements and deed restrictions. The final CSM or plat shall be recorded as
700 per 236.34. The Register of Deeds cannot record the CSM or plat unless it is offered
701 within the time specified in Wisconsin statutes 236.25 (2)(b).
702

703 CHAPTER 4: MAJOR SUBDIVISIONS

704
705 4.1 CONCEPT CONFERENCE. Before submitting an application for a major subdivision, the
706 subdivider shall schedule an appointment and meet with the Plan Commission to discuss the
707 purpose and objectives of this ordinance, the Town of Menomonie Comprehensive Plan and
708 other adopted plan implementation devices. In so doing, both subdivider and Plan
709 Commission may reach mutual conclusions regarding the general program and objectives of
710 the proposed development and its possible effects on the community. The conference shall
711 also provide the subdivider with a better understanding of required procedures and help to
712 determine what additional information may be required from the subdivider pursuant to this
713 ordinance. The subdivider shall submit ten (10) copies of a series of maps and descriptive
714 inventory information to the Plan Commission at least ten (10) days prior to the scheduled
715 meeting. Mapping for pre-application conference can be done in any combination of features
716 as long as individual map components can be determined and as a minimum contain the
717 following:

- 718 1. CONCEPT MAP. The concept map should fully and clearly represent the proposed
719 subdivision. This information may be presented on an aerial photograph at a scale no
720 smaller than one (1) inch = four hundred (400) feet, include all areas in and within one
721 hundred (100) feet of the proposed subdivision and as a minimum contain the following:
 - 722 a. The general outlines and past land use, of all buildings and structures.
 - 723 b. Identify, delineate and define all encumbrances, such as easements or covenants.
 - 724 c. Approximate location of natural features such as drainage patterns, water bodies,
725 groundwater recharge areas, floodplains and wetlands. The location of recharge areas
726 is shown on the map "Location of Recharge Areas to the Sandstone Aquifer in Dunn
727 County, Wisconsin." Koch, Neil C., 2005. The map can be reviewed at the Town of
728 Menomonie and obtained from the Dunn County Land Conservation Division,
729 Menomonie, WI. It can also be found on the Dunn County web site.
 - 730 d. Approximate location and general layout of existing and proposed roads and
731 property boundaries.
 - 732 e. Approximate location of existing land cover on the site, according to general cover
733 type (pasture, woodland, etc.).
 - 734 f. Location of known critical habitat areas for rare, threatened or endangered species.

- 735 g. Location of unique geological resources, such as rock outcrops and glacial features.
736 h. Additional Information. The Town of Menomonie reserves the right to require
737 additional information if deemed necessary by the Plan Commission or Town Board.
738 2. CONCEPT INVENTORY ANALYSIS. The subdivider shall submit concept inventory
739 analysis of all areas in and within one hundred (100) feet of the proposed subdivision
740 and include at least the following:
741 a. The history of cultivated areas, brown fields, waste sites, and waste disposal
742 practices.
743 b. Cultural resources: brief description of historic character of buildings, structures,
744 historically important landscapes, and archaeological features. This includes a review
745 of existing inventories, including those the State Historical Society of Wisconsin
746 maintains for historic buildings, archaeological sites and burial sites.
747 c. Natural resources: brief description and comments on the general health and
748 condition of the vegetation for each land cover type (pasture, woodland, etc.).
749 d. Additional Information. The Town of Menomonie reserves the right to require
750 additional information if deemed necessary by the Plan Commission or Town Board.
751
752 4.2 CONCEPT PLAN REVIEW. Within 30 days following the concept conference, the Plan
753 Commission shall provide the minutes or a written report informing the subdivider of any
754 additions, changes, or corrections to the concept plan submitted as part of the concept
755 conference.
756
757 4.3 MAJOR SUBDIVISION PRELIMINARY REVIEW
758 1. GENERAL. Subdivisions, which create five (5) or more lots, or building sites which are
759 less than twenty (20) acres in size by successive divisions from the same parent parcel
760 within a period of five (5) years, shall follow the procedures contained in the major
761 subdivision section.
762 2. PROCESSING A MAJOR SUBDIVISION SUBMITTAL.
763 a. The Commission chair or designee shall, within ten (10) workdays after the receipt of
764 a subdivision application review the subdivision application for completeness and
765 notify the subdivider of any identified missing items.
766 b. The Plan Commission shall coordinate and establish the application review processing
767 timeline.
768 c. The subdivider or designee shall attend both the Plan Commission meeting and the
769 Board meeting where such subdivision is listed as an agenda item. Subdivider or
770 designee shall make a presentation of the subdivision for consideration. Failure of
771 the subdivider or designee to attend the meetings may be grounds to table the
772 subdivision application.
773
774 4.4 MAJOR SUBDIVISION SUBMITTALS. The subdivider shall submit ten (10) copies of a
775 series of maps and descriptive information to the Plan Commission at least ten (10) days
776 prior to the scheduled meeting and as a minimum contain the following:
777 1. DEVELOPMENT YIELD ANALYSIS. The subdivider shall submit a table showing the
778 maximum number of dwelling units that would be permitted under the county zoning
779 ordinance, consistent with the minimum lot size, lot widths, set backs, and other
780 provisions of the zoning ordinance and compare it to the number of dwelling units
781 proposed. Land that is undeveloped because of other laws and ordinances that prohibit
782 development in certain areas (e.g. floodplains, wetlands, steep slopes, and drainage
783 ways) shall be excluded from the development yield analysis. Written request shall be
784 included with the submittal requirements.

- 785 2. PROJECT DEVELOPMENT INFORMATION. The subdivider shall submit the
786 following:
787 a. Name, address, and telephone number of the legal owner and, if applicable, agent of
788 the property.
789 b. Name, address, and telephone number of the professional person responsible for
790 subdivision design, for the design of the public improvements, and for surveys.
791 c. Date of preparation
- 792 3. MAP OF EXISTING AND PLANNED SITE CONDITIONS. The Map of Existing Site
793 Conditions for the proposed Certified Survey Map (CSM) or plat shall be prepared at a
794 convenient scale no smaller than one (1) inch = one hundred (100 feet) and shall include
795 all areas in and within one hundred (100) feet of the proposed subdivision. More than
796 one (1) sheet may be used to present the information required in this section and shall
797 include the following;
798 a. Boundary line of the proposed site and all property to be subdivided. Include all
799 contiguous land owned or controlled by the subdivider.
800 b. Show the type, width and condition of street improvements; railroad or major utility
801 rights-of-way; location, width, and names of all existing platted streets and rights-
802 of-ways to parks and other public open spaces; location and widths of existing
803 snowmobile trails or other recreational trails; and permanent buildings and
804 structures.
805 c. Location, widths and names of all existing public and private easements.
806 d. Identify by name and ownership boundary lines of all adjoining lands.
807 e. Topographic data including contours at intervals of not more than two (2) feet.
808 Elevation values shall be based on the National Geodetic Vertical Datum of 1929
809 NGVD 29 or the North American Datum of 1988 NAVD 88 or future adjustments to
810 NAVD 88 as defined by the National Geodetic Survey. Location, description and
811 elevation of a minimum of two (2) benchmarks based off of such datum shall be
812 noted on the proposed CSM or plat. If the proposed CSM or plat creates a lot greater
813 than one (1) acre the Plan Commission may reduce the topographic area to include
814 the area within and to a minimum distance of fifty (50) feet beyond the limits of
815 disturbance of the proposed building site.
816 f. Location of significant natural resource features on the site i.e. wetlands, floodplains,
817 watercourses, existing wooded areas, slopes greater than 20%, drainage ways, habitat
818 for rare, threatened, and endangered species, and other natural resource features.
819 g. Location of burial sites categorized under Wis. Stat. 157.70, Indian Mounds, national
820 and state register listed properties, and locally designated historic properties.
821 h. Location of existing soil classifications including hydric soils, depth to bedrock,
822 depth to water table, suitability for road fill and suitability for highway location.
823 i. Legal description of the property.
824 j. Location of existing zoning classifications.
825 k. Provide graphic scale, north arrow, name address and phone number of person
826 responsible for preparing Map of Existing Site Conditions and date of preparation.
827 l. Minimum front, side, and rear yard building setbacks for all lots within the proposed
828 CSM or plat.
829 m. Indication of the use of any lot within and beyond the proposed CSM or plat.
830 n. Location and size of all proposed and existing sanitary lines and water mains,
831 proposed community sewer and water system, or individual on-site septic system and
832 potable water sources.

- 833 o. Location and size of all proposed and existing storm sewer (lines, drains, inlets,
834 manholes), culverts, retention/detention ponds, swales, infiltration practices and
835 areas, and other storm water facilities.
- 836 p. Open space areas, other than pedestrian ways and utility easements, intended to be
837 dedicated or reserved for public use, including the size of such area or areas in acres.
838 Describe any conditions placed on the dedication, reservation, or easement.
- 839 q. Total acreage of the proposed CSM or plat.
- 840 r. Location of groundwater recharge areas within the proposed CSM or plat and shall
841 include areas within 100' of the boundary of the proposed CSM or plat. The location
842 of recharge areas is shown on the map "Location of Recharge Areas to the Sandstone
843 Aquifer in Dunn County, Wisconsin." Koch, Neil C., 2005. The map can be
844 reviewed at the Town of Menomonie Town Hall, at the Dunn County Land
845 Conservation Division in Menomonie, and on Dunn County's web site.
- 846 s. The Town reserves the right to require additional information if deemed necessary
847 by the Town Board or Plan Commission.
- 848 4. PRELIMINARY MAP OR PLAT. The Preliminary Map or Plat shall be prepared by a
849 licensed land surveyor at a convenient scale no smaller than one (1) inch = one hundred
850 (100 feet). More than one (1) sheet may be used to present the information required in
851 this section and shall include the following:
- 852 a. Layout of proposed streets, showing right-of-way widths, types of improvements,
853 street surface widths, road surface, and proposed street names within the proposed
854 CSM or plat.
- 855 b. Lot setbacks from present or proposed roadways will be in effect for all existing or
856 planned right of ways on Official Maps designated by the Town.
- 857 c. Location and types of public easements (i.e. drainage, utility, pedestrian, public
858 access to waterways, etc.); and all conservation easements within the proposed CSM
859 or plat.
- 860 d. Layout of proposed lots and blocks within the proposed CSM or plat.
- 861 e. Basic data regarding proposed and existing (if applicable) lots and blocks, including
862 numbers, dimensions, area within the proposed CSM or plat.
- 863 f. Minimum front, side, and rear yard building setbacks for all lots within the proposed
864 CSM or plat.
- 865 g. The use of any lot within and to a distance of one hundred (100) feet beyond the
866 proposed CSM or plat.
- 867 h. Location and size of all proposed and existing sanitary lines and water mains,
868 proposed community sewer and water system, or individual on-site septic system and
869 potable water sources within and to a distance of one hundred (100) feet beyond the
870 proposed CSM or plat.
- 871 i. Location and size of all proposed and existing storm sewer (lines, drains, inlets,
872 manholes), culverts, retention/detention ponds, swales, infiltration practices and
873 areas, and other storm water facilities within and to a distance of one hundred (100)
874 feet beyond the proposed CSM or plat.
- 875 j. Open space areas, other than pedestrian walk ways and utility easements, intended to
876 be dedicated or reserved for public use, including the size of such area or areas in
877 acres. Provide information on the conditions, if any, of the dedication or reservation.
- 878 k. Maintenance plans for restoration and or long-term management of the conservation
879 easement and open space areas as per Chapter 7.2 (p. 28).
- 880 5. PRELIMINARY CONSTRUCTION PLANS The Preliminary construction plans shall
881 be prepared, at a convenient scale, by a licensed engineer. All roads and streets shall be
882 designed according to the Town of Menomonie Road Standards. The Plan Commission

- 883 may waive submittal of the preliminary construction plans if the proposed CSM or plat
884 is not creating, extending or modifying a street or road. More than one (1) sheet may be
885 used to present the information required in this section and shall include the following;
- 886 a. Preliminary Plan and Profile. Proposed street centerline profile grades, showing the
887 existing and proposed profile grade lines: ditch grades, location, slope, and size of all
888 drainage structures.
 - 889 b. Preliminary Grading and Erosion Control Plan. A plan showing existing and
890 proposed grades, drainage patterns, and storm water facilities as per Chapter 5.3.2.i.
891 (p. 25). The plan shall show the location and extent of grading activities in and
892 within one hundred (100) feet of the proposed subdivided area, overall area of the
893 site in acres, total impervious area, stockpile locations, erosion and sediment control
894 facilities, and a schedule for erosion and sediment control practices including site
895 specific requirements to prevent erosion at the source. The Plan Commission may
896 allow the preliminary grading and erosion control plan to be prepared by a non-
897 licensed individual for a subdivision creating one (1) lot or building site and
898 disturbing less than ten thousand (10,000) square feet.
 - 899 c. Preliminary location of sewage disposal, water supply, storm water management, and
900 flood control devices, systems and or areas. The Plan Commission may allow the
901 preliminary location of such systems, devices and or areas to be prepared by a non-
902 licensed individual for a subdivision creating one (1) lot or building site and
903 disturbing less than ten thousand (10,000) square feet.
- 904 6. DEVELOPER'S AGREEMENT. The Town Board shall have the authority to require a
905 developers' agreement. The Plan Commission may also recommend that the Board do
906 so. A Development Agreement will be drafted by the developer and may include, but is
907 not limited to:
- 908 a. Provisions clarifying duties to construct specific improvements.
 - 909 b. The phasing of construction.
 - 910 c. Timing, location and financing of infrastructure.
 - 911 d. Reimbursement for Town directed oversized infrastructure to accommodate future
912 growth beyond development area.
 - 913 e. Assurances that adequate public facilities (including roads, water, sewer, fire
914 protection and emergency medical services) will be available as they are needed to
915 serve the development.
 - 916 f. Means to mitigate anticipated impacts of the development on the general public
917 or the environment.
 - 918 g. Performance bonds (or other means of financial assurance approved by the Board
919 to protect the Town's interests.
 - 920 h. Provisions for the developer to pay any professional costs (CSM/Plat review
921 costs, supervision and inspection costs, attorney costs, etc.) incurred by the Town,
922 County, State, and Federal requirements.
 - 923 i. A means for the Town Board to document that the developer met conditions
924 set forth in the development agreement.
- 925 7. NOTIFICATION OF ADJOINING LANDOWNERS. Notification of adjoining
926 landowners shall be required for all major subdivisions. The subdivider shall notify all
927 adjoining landowners. The notification shall include the following;
- 928 a. Basic explanation of the proposed subdivision application;
 - 929 i. Number and size of proposed lots.
 - 930 ii. Location of the proposed subdivision.
 - 931 iii. Subdivider contact information.

- 932 iv. Date and time of the preliminary review meeting at which the subdivision will be
933 acted on.
- 934 b. The notification of adjoining landowners shall include all landowners within five
935 hundred (500) feet of the proposed subdivision.
- 936 c. If there are covenants or restrictions the subdivider must notify everyone within and
937 adjoining the subdivision.
- 938 d. The subdivider shall mail notification to adjoining landowners in time for
939 preliminary review.
- 940 e. As part of the preliminary subdivision submittal requirements the subdivider shall
941 provide the names and addresses of adjoining landowners notified along with a copy
942 of the notification letter.
- 943 8. A “Statement of Adjacent Landowner Notification” can be found in the appendix at the
944 end of this ordinance.
- 945 9. **ADDITIONAL INFORMATION.** The Town Board or the Plan Commission may
946 require a proposed subdivision layout of all or part of contiguously owned land even
947 though the division is not planned at the time.
- 948

949 **4.5 PRELIMINARY APPROVAL, CONDITIONAL APPROVAL OR REJECTION.**

- 950 1. **PLAN COMMISSION RECOMMENDATION.** The Plan Commission shall after
951 negotiations with the subdivider on changes and the kind and extent of public
952 improvements that shall be required, review the preliminary CSM or plat, and other
953 relevant information for conformance with this ordinance, the Town of Menomonie
954 Comprehensive Plan and all other laws, ordinances, rules, regulations and plans. The
955 Plan Commission shall recommend to the Town Board approval, or conditional
956 approval, or rejection of the preliminary CSM or plat. The Plan Commission may
957 recommend rejection if there is incomplete or inadequate information.
- 958 2. If the preliminary CSM or plat was conditionally approved or rejected, the Plan
959 Commission shall, within 30 days following the preliminary meeting, provide the
960 minutes or a written report informing the subdivider of the conditions for conditional
961 approval, or reasons for rejection.
- 962 3. **REFERRALS OF PRELIMINARY CSM or PLAT.** If the subdivision is in a state or
963 county subdivision as defined in either Wisconsin Statutes 236.02 (12) or the Dunn
964 County Subdivision Regulations, respectively, the subdivider shall also submit the
965 original drawing of the preliminary CSM or plat to the appropriate agency for review, in
966 accordance with Chapter 236.12 (6), Wis. Stats.
- 967 4. **NOTIFICATION FROM THE TOWN.** The Town shall give notice of the Town Board’s
968 review of the CSM or plat by listing it as a Town Board agenda item in the meeting
969 notice published or posted. The notice shall include the name of the applicant, and when
970 available the address of the property in question.
- 971 5. **TOWN BOARD ACTION.** After receipt of the Plan Commission’s recommendation, the
972 Town Board shall, approve, conditionally approve, or reject such subdivision CSM or
973 plat pending submission of the final CSM or plat. The Town Clerk shall mail one (1)
974 copy of the preliminary CSM or plat to the subdivider with the date and action endorsed
975 thereon; and if approved, conditionally approved or rejected, the conditions for
976 conditional approval or reasons for rejection shall be stated in the minutes of the
977 meeting. The Town Clerk shall also send the minutes or a written report to the
978 subdivider setting forth the conditions of conditional approval or the reasons for
979 rejection. One (1) copy of the preliminary CSM or plat shall be filed in the Town
980 records.

- 981 6. RESULTS OF APPROVAL. Approval of a preliminary CSM or plat shall be valid as
982 per Wisconsin Statutes 236.349(2)(b). Approval or conditional approval of a preliminary
983 CSM or plat shall not constitute automatic approval. The preliminary CSM or plat shall
984 be deemed an expression of approval or conditional approval of the layout submitted as
985 a guide to the preparation of the final CSM or plat, which shall be subject to further
986 consideration by the Plan Commission and Town Board at the time of its submission.
987 7. The time limit for submitting final plats for approval is 36 months from the date the
988 preliminary is approved, s.236.11(1)(b), Wis. Stat.
989

990 4.6 FINAL REVIEW PROCEDURES.

- 991 1. FINAL APPLICATION. The subdivider shall prepare a final application and shall file
992 ten (10) copies of the final application and all other submittals with the Commission
993 chair or designee at least ten (10) days prior to the scheduled meeting of the Plan
994 Commission at which action is desired. The owner or subdivider shall file the final
995 application not later than submittal requirements of Wisconsin Statutes 236.34. The
996 subdivider or subdivider's agent shall also submit at this time a current certified abstract
997 of title or such other evidence as the Town Board may require showing ownership or
998 control. A professional engineer, planner, or other person shall review the plat. The costs
999 for this action shall be the responsibility of the developer. The choice of the plat
1000 reviewer will be at the discretion of the Town Board.
- 1001 2. FINAL CERTIFIED SURVEY MAP (CSM) OR PLAT. The subdivider may seek final
1002 approval following approval or conditional approval of the preliminary CSM or plat. The
1003 final CSM or plat shall be prepared by a licensed surveyor and shall correctly show
1004 information required for Sec. 236.20 and/or Sec. 236.34 of the Wisconsin Statutes, the
1005 Dunn County Comprehensive Ordinances, and the requirements listed here.
1006 The final Map or Plat shall be prepared at a convenient scale no smaller than one (1)
1007 inch = one hundred (100 feet). More than one (1) sheet may be used to present the
1008 information required in this section and shall include the following:
- 1009 a. Exact length and bearing of the centerline of all streets.
 - 1010 b. Lot setbacks from present or proposed roadways will be in effect for all existing or
1011 planned right of ways on alternate routes designated by the Town.
 - 1012 c. Exact street width along the line of any obliquely intersecting street.
 - 1013 d. Exact location and description of utility and drainage easements existing or planned.
 - 1014 e. All lands reserved for future public acquisition or reserved for the common use of
1015 property owners within the CSM or plat, including public access to navigable
1016 waterways.
 - 1017 f. Railroad right-of way within and abutting the plat.
 - 1018 g. Restrictions relating to access along public ways.
 - 1019 h. Restrictive covenants, deed restrictions, conservation easements for the proposed
1020 subdivision shall be filed with the final CSM or plat.
 - 1021 i. Legal instruments detailing the ownership of the common open space, as required in
1022 Chapter 7 (p. 27), shall be filed with the final CSM or plat.
 - 1023 j. Preliminary CSM or plat shall meet all the surveying and monumenting
1024 requirements of section 236.15 of the Wisconsin Statutes.
 - 1025 k. Where the CSM or plat is located within a quarter section, the corners of which
1026 have been relocated, monumented, and coordinated by Dunn County, the CSM or
1027 plat shall be tied directly to two (2) of the section or quarter corners so relocated,
1028 monumented, and coordinated. The exact grid bearing and distance of such tie shall
1029 be determined by field measurements, and the material and Dunn County plane

- 1030 coordinates of the monument marking the relocated section or quarter corner to
1031 which the CSM or plat is tied shall be indicated on the CSM or plat.
- 1032 l. The following farmland statement shall be placed on the face of the CSM or plat; In
1033 the Town of Menomonie agriculture is one of the major uses of land. Agricultural
1034 operations should be consistent with normal farming practices for the region and
1035 should comply with local, state and federal laws. If inconveniences such as noise,
1036 odors, dust, and disposal of manure arise, they shall not be considered a nuisance.
1037 See Wisconsin State Statute 823.08.
- 1038 m. Maintenance plans for restoration and or long-term management of the conservation
1039 easement and open space areas as per Chapter 7.1 (1-3) (p. 27).
- 1040 n. Certificates. The CSM or plat shall provide a signature block for Town Board
1041 officials and all other certificates required by section 236.21 of the Wisconsin
1042 Statutes. In addition, the surveyor shall certify that the surveyor has fully complied
1043 with all sections of this chapter.
- 1044 3. FINAL CONSTRUCTION PLANS. Simultaneously with the filing of the final CSM or
1045 plat, the owner shall file with the Commission chair or designee ten (10) copies of the
1046 final construction plans and specifications of public improvements. Final construction
1047 plans shall be prepared, at a convenient scale, by a licensed engineer. All roads and
1048 streets shall be designed according to the Town of Menomonie Road Standards. The
1049 Plan Commission may waive submittal of the preliminary construction plans if the
1050 proposed CSM or plat is not creating, extending or modifying a street or road. More than
1051 one (1) sheet may be used to present the information required in this section and shall
1052 include the following;
- 1053 a. Final Plan and Profile. Proposed street centerline profile grades, showing the existing
1054 and proposed profile grade lines: ditch grades, location, slope, and size of all
1055 drainage structures.
- 1056 b. Final Grading and Erosion Control Plan. A plan showing existing and proposed
1057 grades, drainage patterns, and storm water facilities as per Chapter 4.4.2.i. (p. 17).
1058 The plan shall show the location and extent of grading activities in and within one
1059 hundred (100) feet of the proposed subdivided area, overall area of the site in acres,
1060 total impervious area, stockpile locations, erosion and sediment control facilities, and
1061 a schedule for erosion and sediment control practices including site specific
1062 requirements to prevent erosion at the source. The Plan Commission may allow the
1063 final grading and erosion control plan to be prepared by a non-licensed individual for
1064 a subdivision creating one (1) lot or building site and disturbing less than ten
1065 thousand (10,000) square feet.
- 1066 c. Final location of sewage disposal, water supply, storm water management, and flood
1067 control devices, systems and or areas. The Plan Commission may allow the final
1068 location of such systems, devices and or areas to be prepared by a non-licensed
1069 individual for a subdivision creating one (1) lot or building site and disturbing less
1070 than ten thousand (10,000) square feet.
- 1071 4. ADDITIONAL INFORMATION. The Town Board or the Plan Commission may
1072 require a proposed subdivision layout of all or part of contiguously owned land even
1073 though the division is not planned at the time.
- 1074 5. REFERRALS OF FINAL CSM or PLAT. If the subdivision is in a state or county
1075 subdivision as defined in either Wisconsin Statutes 236.02 (12) or the Dunn County
1076 Subdivision Regulations, respectively, the subdivider shall also submit the original
1077 drawing of the preliminary CSM or plat to the appropriate agency for review, in
1078 accordance with Chapter 236.12 (6), Wis. Stats.

- 1079 6. NOTIFICATION FROM THE TOWN. The Town shall give notice of the Town Board’s
1080 review of the CSM or plat by listing it as a Town Board agenda item in the meeting
1081 notice published or posted. The notice shall include the name of the applicant, and when
1082 available the address of the property in question.
- 1083 7. PLAN COMMISSION REVIEW. The Plan Commission shall examine the final plat as
1084 to its conformance with the preliminary plat; and conditions of approval of the
1085 preliminary plat; this chapter; and all applicable ordinances, rules, regulations, and
1086 comprehensive plan elements that may affect it. The Plan Commission shall recommend
1087 approval, conditional approval, or rejection of the final plat to the Town Board.
- 1088 8. AMENDMENT. If the subdivider desires to amend the final CSM or plat as approved,
1089 the subdivider may resubmit the amended CSM or plat, which shall be done in
1090 accordance with Chapter 3 (p. 9), except for the fee, unless the amendment is, in the
1091 opinion of the Town Board, of such scope as to constitute a new application, in which
1092 case it shall be refiled.
- 1093 9. If the final CSM or plat was conditionally approved or rejected, the Plan Commission
1094 shall, within 30 days following the final meeting, provide the minutes or a written report
1095 informing the subdivider of the conditions for conditional approval, or reasons for
1096 rejection.
- 1097 10. SUBDIVISION SUBMITTAL TO TOWN BOARD. The subdivider shall submit four
1098 (4) copies of the CSM to the Town Board at least 10 days prior to the scheduled
1099 meeting. The subdivider or representative must be in attendance at the meeting.
- 1100 11. TOWN BOARD REVIEW. The Board shall, approve, conditional approve, or reject
1101 such CSM or plat. The Town Clerk shall mail one (1) copy of the final CSM or plat to
1102 the subdivider with the date and action endorsed thereon; and if approved, conditionally
1103 approved, or rejected, the conditions for approval or conditional approval, or reasons for
1104 rejection shall be stated in the minutes of the meeting. The Town Clerk shall also send
1105 the minutes or a written report to the subdivider setting forth the conditions of
1106 conditional approval or the reasons for rejection. One (1) copy of the final CSM or plat
1107 shall be filed in the Town records.
- 1108 If the Town Board fails to act within ninety (90) days of the filing of the subdivision
1109 application, without a written extension, requested by the subdivider, and no unsatisfied
1110 objections having been filed the CSM or plat shall be deemed approved.
- 1111 12. OFFICIAL RECORDING. After the final CSM or plat has been approved by the Town
1112 Board and any required improvements either installed or a contract and sureties ensuring
1113 their installation is filed, the Town Board shall cause the certificate inscribed upon the
1114 original CSM or plat attesting to such approval to be duly executed and the CSM or plat
1115 returned to the subdivider for recording with the County Register of Deeds along with all
1116 conservation easements and deed restrictions. The final CSM or plat shall be recorded as
1117 per 236.34. The Register of Deeds cannot record the CSM or plat unless it is offered
1118 within the time specified in Wisconsin statutes 236.25 (2)(b).
1119

1120 **CHAPTER 5: REQUIREMENTS FOR DESIGN**

1121 **IMPROVEMENTS**

- 1122
- 1123 5.1 LAND SUITABILITY. No land shall be developed if identified as being environmentally
1124 sensitive. Areas determined to be environmentally sensitive may be included as common open
1125 space but shall not be included in the development yield analysis in Chapter 3.2.1 (p. 10). The
1126 Plan Commission shall have the ability to specify which areas may be preserved. These lands

- 1127 shall be identified as out lots or other designation that indicates the land is not available for
1128 development. Areas identified as being environmentally sensitive include, but are not limited to:
- 1129 1. All areas mapped as floodplain by the Federal Emergency Management Agency
1130 (FEMA), Wisconsin Department of Natural Resources, or any other public or private
1131 entity.
 - 1132 2. All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code,
1133 including a seventy-five (75)-foot buffer.
 - 1134 3. All areas within seventy-five (75) feet of the ordinary high water mark of navigable
1135 streams and lakes, as identified by Wisconsin Department of Natural Resources Water
1136 Management Specialists.
 - 1137 4. All areas having slopes greater than twenty (20) percent.
 - 1138 5. Burial sites and Indian mounds.
 - 1139 6. Drainage ways that contain running water during spring runoff or during storm events
1140 including a twenty-five (25) foot buffer from the edge of the drainage way.
1141
- 1142 5.2. DEVELOPMENT YIELD. The number of residential units for a parcel shall be determined
1143 in accordance with the following:
- 1144 1. The development yield analysis in Chapter 3.2.1 (p. 10) shall establish the base
1145 development yield for the parcel.
 - 1146 2. The base development yield may be increased if the development complies with one or
1147 more of the following standards:
 - 1148 a. Creating an endowment where the principal would generate sufficient annual interest
1149 to cover the conservation easement holder's yearly costs (insurance, taxes,
1150 maintenance, enforcement, etc.).
 - 1151 b. Providing for access by the general public to open space, trails, parks or other
1152 recreational facilities, excluding golf courses.
 - 1153 c. Providing affordable housing, to include a minimum of twenty-five (25) percent of
1154 all units that would be affordable to moderate income households, as defined by the
1155 U.S. Department of Housing and Urban Development.
 - 1156 d. Reusing historical buildings and structures, including those sites inventoried by the
1157 State Historical Society of Wisconsin. The U.S. Secretary of the Interior's Standards
1158 for Rehabilitation of Historic Properties shall apply.
 - 1159 e. Providing for shared sewage treatment and water facilities.
 - 1160 f. Becoming a sanitary sewer district.
 - 1161 g. Providing additional open space in ten (10) percent increments. Each ten (10) percent
1162 increase would qualify as a separate development yield bonus.
 - 1163 3. Each standard provides a development yield bonus of five (5) percent in addition to the
1164 base development yield. The maximum bonus permitted is forty (40) percent as long as
1165 it has shared sewage treatment and water facilities, or becomes a sanitary sewer district.
1166
- 1167 5.3. PERFORMANCE STANDARDS.
- 1168 1. GENERAL CONSIDERATIONS. Conservation subdivisions may identify a
1169 conservation theme or themes and shall be identified at the time of the pre-application
1170 conference. Conservation themes may include, but are not limited to, forest stewardship,
1171 ground water preservation, farmland preservation, natural habitat restoration, view shed
1172 preservation, or archaeological and historic properties preservation. The Plan
1173 Commission shall have the ability to specify which areas may be preserved.
 - 1174 2. RESIDENTIAL LOT REQUIREMENTS.
 - 1175 a. Existing farmsteads to be preserved shall have a driveway as part of the preservation
1176 of scenic and historic rural character.

- 1177 b. Lots shall be configured to minimize the amount of road length required for the
- 1178 subdivision.
- 1179 c. Residential lots shall be configured to minimize loss of woodlands.
- 1180 d. If agricultural uses are being maintained, lots shall be configured in a manner that
- 1181 maximizes the useable area remaining for such agricultural uses with a thirty (30)
- 1182 foot buffer between agricultural uses and residential structures.
- 1183 e. All lots within a neighborhood shall have access to the green space either by
- 1184 abutment to or from a road in the development.
- 1185 f. Lots shall be oriented, where possible, around one or more of the following:
- 1186 i. A central green or square.
- 1187 ii. A physical amenity such as a meadow, a stand of trees, or some other natural or
- 1188 restored feature.
- 1189 g. Development envelopes, to the greatest extent practical, should not be located on
- 1190 ridges, hilltops, along peripheral public roads or in other visually prominent areas.
- 1191 h. A thirty (30) foot native vegetation buffer shall be maintained around open water
- 1192 areas, unless a specific beach or grassed area is identified
- 1193 i. Storm water management “Best Management Practices” (BMPs)
- 1194 i. Minimize the use of curb and gutter and maximize the use of open swales.
- 1195 ii. Post development peak discharge shall not exceed pre-development peak
- 1196 discharge during the one-hundred (100)-year storm event and the two (2)-year
- 1197 storm event. The development shall capture eighty (80) percent of the
- 1198 sediment/pollutants from the two (2) year storm event.
- 1199 iii. Landscape plantings should be used to increase infiltration and decrease runoff.
- 1200 iv. Natural open drainage systems shall be preserved.
- 1201 3. RESIDENTIAL CLUSTER SITING STANDARDS.
- 1202 a. All residential lots and dwellings shall be grouped into clusters.
- 1203 b. Residential clusters shall be located to minimize negative impacts on the natural,
- 1204 scenic and cultural resources of the site and conflicts between incompatible uses.
- 1205 c. Residential clusters shall avoid encroaching on rare plant communities, high quality
- 1206 sites, or endangered species identified by the Wisconsin Department of Natural
- 1207 Resources.
- 1208 d. Whenever possible, open space shall connect with existing or potential open space
- 1209 lands on adjoining parcels and local and regional recreational trails.
- 1210 e. Residential clusters should be sited to achieve the following goals, to the extent
- 1211 practicable.
- 1212 i. Minimize impacts to prime farmland soils and large tracts of land in
- 1213 agricultural use, and avoid interference with normal agricultural practices.
- 1214 ii. Minimize disturbance to woodlands, wetlands, grasslands, groundwater
- 1215 recharge areas and mature trees.
- 1216
- 1217 iii. Prevent downstream impacts due to runoff through adequate on site storm
- 1218 water management practices.
- 1219 iv. Protect scenic views of open land from adjacent roads.
- 1220 v. Protect archaeological sites and existing historic buildings or incorporate them
- 1221 through adaptive reuse.
- 1222 f. Landscaping around the cluster may be necessary to reduce or minimize off site
- 1223 views of residences.

- 1224 5.4. OPEN SPACE DESIGN.
1225 1. COMMON OPEN SPACE. The minimum open space required shall be 30% of the gross
1226 acreage, shall be designated as part of the development, and shall be owned and
1227 maintained under one of the alternatives listed in Chapter 7 (p. 27). Common open space
1228 shall be accessible to the residents of the development. Common open space may also be
1229 available to the general public providing the proper approvals are obtained from the
1230 Town Board. The required common open space shall be undivided and restricted in
1231 perpetuity from future development, and maintained as specified in Chapter 7 (p. 27).
1232 2. OPEN SPACE. Open space shall be designated as part of the development or parcel.
1233 3. Open Space Conservation Ranking (in order of significance). The areas to be preserved
1234 shall be identified on a case-by-case basis in an effort to conserve and provide the best
1235 opportunities to restore and enhance the natural features of each particular site.
1236 a. First priority will be given to intact natural communities, habitat and areas for rare
1237 and endangered species, environmental corridors and natural and restored prairies,
1238 significant historic and archaeological properties, prime or productive farmland,
1239 slopes greater than twenty (20) percent, and areas of excellent to very good recharge
1240 to the aquifer.
1241 b. Second priority will be given to areas providing some plant and wildlife habitat and
1242 open space.
1243 c. Third priority will be given to areas providing little to no habitat but providing view
1244 shed, recreation, or open space.
1245 4. In major subdivisions only, the following areas or structures may be located within the
1246 open space area and shall be counted toward the overall open space percentage required.
1247 Parking areas for access to the open space developed at a scale limited to the potential
1248 users of the open space.
1249 a. Homeowner's association held buildings or structures, provided they are an
1250 accessory to the use of the open space.
1251 b. Shared septic systems and shared potable water systems.
1252 5. Road right of ways shall not be counted towards the required minimum open space.
1253 6. No more than fifty (50) percent of the required open space may consist of water bodies,
1254 ponds, floodplain, or wetlands.
1255 7. The portion of open space designated to provide plant and/or animal habitat shall be kept
1256 as intact as possible. Trails shall be designed to avoid fragmenting these areas.
1257 8. The areas of the open space designed for recreational uses such as trails, play fields, or
1258 community gardens should be designed in a manner that avoids damaging historic or
1259 archaeological sites.
1260 9. A pathway system should be included to connect existing or potential open space lands
1261 on adjoining parcels and shall connect these areas to neighborhood streets and to planned
1262 or developed trails.
1263

1264 **CHAPTER 6: SEWAGE AND WATER FACILITIES**

- 1265
1266 6.1 WATER FACILITIES. Water for subdivisions shall be provided by individual on-site wells
1267 or by one or more community wells meeting the permit requirements of the State of
1268 Wisconsin and Dunn County. The use of shared or community wells are encouraged. Plans
1269 for shared or community wells shall include a wellhead protection plan with a separation
1270 distance from the zone of influence to sources of pollution. Such plans shall be submitted as
1271 part of the final construction plans.

1272 6.2 SEWAGE FACILITIES. All subdivisions shall be provided with adequate sewage treatment
1273 facilities meeting the standards of Dunn County and the permit requirements of the
1274 Wisconsin Department of Commerce and the Department of Natural Resources. Where a
1275 publicly owned wastewater treatment works or a common sewage treatment facility does not
1276 provide sewage treatment, a common sewage treatment and disposal unit located on the
1277 common open space is encouraged. Such plans shall be submitted as part of the final
1278 construction plans.

1279
1280 6.3 FINANCIAL GUARANTEE. A financial guarantee ensuring the construction and
1281 completion of the common facilities shall be submitted to the Town Board.
1282

1283 **CHAPTER 7: OWNERSHIP AND MAINTENANCE OF OPEN** 1284 **SPACE AND COMMON FACILITIES**

1285
1286 7.1 ALTERNATIVES. The designated open space, as defined in Chapter 2.6.1 (p. 8), and common
1287 facilities may be owned and managed by one or more of the following combinations:

- 1288 1. HOMEOWNER'S ASSOCIATION. If the common open space is to be owned by a
1289 homeowners association. The instrument shall indicate that membership in the association is
1290 mandatory for all homeowners in the development and their successors. It shall also indicate
1291 the homeowners' association bylaws, guaranteeing continuing maintenance of the open
1292 space and other common facilities, and the declaration of covenants, conditions and
1293 restrictions of the homeowners association. Such instrument shall be submitted for approval
1294 to the Plan Commission as part of the information required for the preliminary map or plat.
1295 The homeowners; association bylaws or the declaration of covenants, conditions and
1296 restrictions shall contain the following information:
 - 1297 a. The legal description of the common land;
 - 1298 b. A description of common facilities;
 - 1299 c. The restrictions placed upon the use and enjoyment of the lands or facilities;
 - 1300 d. Persons or entities entitled to enforce the restrictions;
 - 1301 e. A mechanism to assess and enforce the common expenses for the land or facilities
1302 including upkeep and maintenance expenses, real-estate taxes and insurance
1303 premiums;
 - 1304 f. A mechanism for resolving dispute among the owners or association members;
 - 1305 g. The conditions and timing of the transfer of ownership and control of land or facilities
1306 to the association;
 - 1307 h. Any other covenants, restrictions and conditions the developer deems appropriate.
- 1308 2. CONDOMINIUM ASSOCIATIONS. If the common open space and facilities are to be held
1309 under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the
1310 condominium instruments shall identify the restrictions placed upon the use and enjoyment
1311 of the common open space. All common open space shall be held as a "common element" as
1312 defined in section 703.01(2) of the Wisconsin Statutes. Such instrument shall be submitted
1313 for approval to the Plan Commission as part of the information required for the preliminary
1314 map or plat.
- 1315 3. A NONPROFIT CONSERVATION ORGANIZATION. If the common open space is to be
1316 held by a nonprofit conservation organization, the organization shall be acceptable to the
1317 Town Board. The conveyance to the nonprofit conservation organization shall contain
1318 appropriate provisions for revision in the event that the organization becomes unwilling or
1319 unable to uphold the terms of the agreement. Such instrument shall be submitted for

1320 approval to the Plan Commission as part of the information required for the preliminary map
1321 or plat.

1322 4. PUBLIC DEDICATION OF OPEN SPACE AND STREETS. The Town Board may accept
1323 the dedication of fee title or dedication of a conservation easement to the common open
1324 space. Such instrument shall be submitted for approval to the Plan Commission as part of
1325 the information required for the preliminary map or plat. The Town Board may accept the
1326 common open space provided:

- 1327 a. The common open space is accessible to the general public.
- 1328 b. The Town of Menomonie agrees to and has access to maintain the common open
1329 space.
- 1330 c. Streets or other public ways which have been designated on a duly adopted official
1331 map or element of the Town of Menomonie Comprehensive Plan shall be dedicated or
1332 reserved by the subdivider to the Town of Menomonie. The street or public way shall
1333 be made a part of the map in the locations and dimensions indicated in the
1334 Comprehensive Plan and as set forth in this ordinance.

1335 5. FEE TITLE OWNERSHIP. Only one individual or organization may hold fee title to the
1336 land, while a nonprofit conservation organization or other qualified organization holds a
1337 conservation easement prescribing the acceptable uses for the entire green space. Such
1338 instrument shall be submitted for approval to the Plan Commission as part of the
1339 information required for the preliminary map or plat.

1340
1341 7.2 MAINTENANCE PLAN. Every major subdivision shall include a plan that provides evidence
1342 of a means to properly manage the common open space in perpetuity and evidence of the long-
1343 term means to properly manage and maintain all common facilities, including any storm water
1344 facilities. Such instrument shall be submitted for approval to the Plan Commission as part of the
1345 information required for the preliminary map or plat. The maintenance plan is optional for
1346 minor subdivisions.

- 1347 1. The maintenance plan shall do the following;
 - 1348 a. Designate the ownership of the open space and common facilities in accordance with
1349 Chapter 7.1 (p. 27).
 - 1350 b. Establish necessary regular and periodic operation and maintenance responsibilities.
 - 1351 c. Estimate staffing needs, insurance requirements, and other associated costs and
1352 define the means for funding the same on an on-gong basis.
 - 1353 d. Include a land stewardship plan specifically focusing on the long-term management
1354 of common open space lands. The stewardship plan shall include a narrative, based
1355 on the concept inventory analysis required in Chapter 4.1.2 (p. 16), describing:
 - 1356 i. Existing conditions including all natural, cultural, historic, and scenic elements
1357 in the landscape.
 - 1358 ii. The proposed end state for each common element; and the measures proposed
1359 to achieve the end state.
 - 1360 iii. Proposed restoration measures, including measures for correcting increasingly
1361 destructive conditions, such as erosion, and measures for restoring historic
1362 features and habitats.
 - 1363 iv. The operations needed to maintain the stability of the conservation or
1364 agricultural resources, including mowing schedules, weed control, planting
1365 schedules, clearing and clean up. At the Town Board's discretion, the applicant
1366 may be required to escrow sufficient funds for the operation and maintenance
1367 costs of common facilities for one year.
- 1368 2. In the event that the organization established to own and maintain the open space and
1369 common facilities, or any other successor organization, fails to maintain all or any

Chapter 7 section 2.2 continued

1370 portion of the common facilities in reasonable order and condition in accordance with the
1371 maintenance plan and all applicable laws, rules and regulations, the Town Board may serve
1372 written notice upon such organization and the residents and owners of the open space and
1373 common facilities, setting forth the manner in which the organization has failed to maintain
1374 the common facilities in reasonable condition. Such notice shall set forth the nature of
1375 corrections required and the time within which the corrections shall be made. Upon failure
1376 to comply with the time specified, the organization, or any successor organization, shall be
1377 considered in violation of this ordinance, in which case the bond if any may be forfeited, and
1378 any permits may be revoked or suspended. Representatives of the Town of Menomonie may
1379 enter the premises and take corrective action.
1380 The costs of the corrective action by the Town Board shall be assessed, in accordance with
1381 tax assessments, against the properties that have the right of enjoyment of the common
1382 facilities and shall become a lien on said properties. The Town Board, at the time of Town
1383 of Menomonie representatives entering upon such common facilities for the purpose of
1384 maintenance, shall file a notice of such lien at the office of the County Register of Deeds
1385 upon the properties affected by such lien.
1386 3. Management plans can be amended by the owner identified in Chapter 7.1 (p. 27) with the
1387 approval of the Town Board.
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APPENDIX

Town of Menomonie
Plan Commission
E4055 550th Avenue
Menomonie, WI 54751

STATEMENT OF ADJACENT LANDOWNER NOTIFICATION

As the project applicant or agent I understand that before the Town of Menomonie Plan Commission can accept my application for preliminary review as complete, I must submit in writing a complete list of notified adjacent landowners within 500 feet of the parcel of property proposed to be sub-divided. This notification is not required where only (1) one single family residence and (1) one single lot sub-division is planned unless the lot is in a development where covenants or restrictions exist, then notification must be made to everyone within the said development,. This list shall include the name, mailing address, telephone number, and parcel number of the adjacent owner/taxpayer. This Adjacent landowner notification applies for all Minor and Major Sub-Divisions within the Town of Menomonie, Dunn County, Wisconsin as defined in the Towns Conservation Sub-Division Ordinance, except as noted above.

This statement of notification shall be submitted to the Plan Commission Chair or designee at least 10 calendar days prior to the Plan Commission’s regularly scheduled monthly meeting, along with the Preliminary Application package.

As project applicant I also understand that any errors or omissions in the information provided by me may be cause for delay in the review and/or approval of my proposed sub-division application. These delays may include the rescheduling for review of my proposed sub-division application for a future Plan Commission meeting.

By signing below, I acknowledge that I have read and understand the above outlined requirements and those explained in more detail in the Town’s Conservation Sub-Division Ordinance. I also acknowledge the effects of providing incorrect or incomplete information.

Signature:

Printed name of Applicant:

Landowner Taxpayer Agent Surveyor (circle one)

Date:
