

5.04 Subdivision Plat Application and Approval

- (1) **Pre-Application Consultation.** The subdivider shall have an initial consultation with the Town Administrator and the Town Planning Commission, and other appropriate regional planning agencies if required, before proceeding with platting procedures in order to obtain their advice and assistance, and so that the subdivider is familiar with the necessary regulations and the general factors mentioned below. The Town shall charge no fee for one initial consultation meeting with the Planning Commission. For the initial consultation the subdivider shall provide a sketch plan (it may be a free-hand drawing but in sufficient detail to determine conditions) on a topographic survey map and will be reviewed generally as it relates to the following:
 - (a) The suitability of the site for development.
 - (b) The accessibility of the site, and continuity to existing development within 300 feet of all boundaries.
 - (c) The availability of public facilities (sewer, school, parks, water, etc.) and public services (police, fire, etc.).
 - (d) Soil conditions, drainage patterns and potential wetlands.
 - (e) The effect of the proposed development on any contemplated improvements.
 - (f) Zoning.
 - (g) Topography.
 - (h) The improvements, design, dedications, or reservations required by these regulations.
 - (i) Wisconsin Statute and Administrative Code regulations such as: chapter 236, Chapter RD-12 and H-83 as it relates to on-site

Sewage, Chapter 33 as it relates to highway Regulations.

- (j) Applicable County Code
- (k) For a conservation subdivision, a preliminary statement regarding the method by which open space will be reserved and maintained according to 5.06(7) and 5.06(8) of this ordinance.
- (1) When a conservation subdivision is being applied for per section 5.06 of this ordinance, an on-site walkabout on the site by the Town Planning Commission and applicant is required (unless waived by the Commission). During the walkabout, the applicant will provide the Planning Commission a copy of the "existing features" (site analysis) which will be reviewed as specified in 5.06(3) of this ordinance.
- (2) **Preliminary Plat Application Requirements.** Based on input from the Planning Commission at the Initial Consultation the subdivider shall prepare a Preliminary Plat and a letter of official application for plat review. The subdivider shall submit **15 copies of the Preliminary Plat** prepared in accordance with this ordinance, **2 large size copies** and **13 11x17's**, to the Town Administrator at least **25 days prior to the meeting of the Planning Commission** at which action is desired. An application for Plat review shall not be official and complete until all elements required by this Ordinance are received by the Town and deemed satisfactory. The Town Administrator shall submit copies of the Preliminary Plat to the Planning Commission, Town Planning staff, Town Superintendent and Town Engineer for review. The Planning Staff, Superintendent and Engineer shall promptly submit a written report of their recommendations and reactions regarding the proposed plat.

(a) **Supplementary Data Required with Preliminary Plat.** The following materials shall be included with submission of the preliminary plat in order for the application to be considered complete and ready for review:

- (1) **Natural Resource Site Plan Inventory and Analysis.** Review and analysis of site's sensitive natural areas to include: steep slopes over 12%, wetlands, watercourses, streams, 100 yr. flood plains, all rights-of-ways and easements, woodlands, scenic views, watershed divides and drainage ways, fences or stone walls, rock outcrops and existing structures.
- (2) **Preliminary Layout of Public Improvements.** The subdivider shall file three complete sets of engineering reports and preliminary plans for the construction of any public improvements required by this Ordinance, specifically addressing sewer and water service feasibility (size, location and grade), drainage facilities (size and locations), traffic patterns, typical street cross sections, erosion control measures, pavement design and other improvements necessary in the subdivision.
- (3) **Preliminary Street Plans and Profiles.** The subdivider shall provide a topographical map showing street layout and profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. A cutting and filling plan shall fit road and lot design to the topography and avoid cutting and filling more than 50% of the property. All elevations must meet the approval of the Town Board.

- (4) **Soil Testing.** The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the land suitability concerns described in Sec. 5.02 (5), the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and the ground water table. Where the proposed subdivision will not be served by public sanitary sewer, the subdivider shall comply with Wis.Admin. Code.Comm 83 delineating areas with 3-foot and 6-foot ground water and bedrock levels. *However, no lot shall be created which requires a holding tank for on-site sewage disposal. 12-13-04*
- (5) **Restrictive Covenants.** The subdivider shall submit a draft of any proposed deed restrictions and restrictive covenants to the Town Administrator.
- (6) **Property Owners Association.** If the subdivider proposes that common property or common elements within a subdivision or condominium would be owned or maintained by an organization of property owners, the subdivider shall submit a draft of the legal instruments and rules for the proposed association.
- (7) **Use Statement.** A statement of the proposed use of lots stating the type of residential buildings with the number of proposed dwelling units; types of business or industry intended, to reveal the effect of the development of traffic, fire hazards and congestion of population.

- (8) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the area, including dimensions.
- (9) **Stormwater Runoff and Erosion Control Plans.** As per this Ordinance. TR-55 study that shows: 1) The **rate of runoff** from the post development 100 year storm shall be released at a rate not to exceed the 10 year pre-development rate. Pre-development surface condition shall be considered meadow condition. If the site transverses more than one drainage basin each basin shall remain generally the same in configuration, and shall stay the same in size. **Erosion Control** shall conform to the "Wisconsin Construction Site Best Management Handbook".
- (10) **Development Plan Assessment Check List.** The subdivider shall submit a Development Plan Assessment Check List using the standards and format specified in Appendix A of this Ordinance.
- (b) **Subdivider Responsibility for Preliminary Plat referral.** The subdivider, immediately following the official application to the Town, shall submit the original preliminary plat to the WI Dept of Administration that shall forward two copies to each of the state agencies authorized to object. The Dept. of Administration shall have the required number of copies made at the subdividers expense. Within 20 days of the date of receiving copies of the plat, any agency having authority to object shall

notify the subdivider, and all other agencies with authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which it examination is authorized to cover. If there is no objection, it shall certify on the face of a copy of the plat and return that copy to the Dept. of Administration. After each agency and the Department have certified that they have no objection or that their objections have been satisfied, the Dept. shall so certify on the face of the plat. If any agency fails to act within 20 days from the date of the receipt of copies of the plat, and the Department fails to act within 30 days of receipt to the original plat, it shall be deemed that no objections exist to the plat and, upon demand, it shall be so certified on the face of the plat by the Department.

(c) **Town Referral Process for Complete Preliminary Plat Applications.**

(1) **Planning Commission Public Hearing.**

Once the Town has received all the information required by Ordinance, a public hearing shall be scheduled before the Planning Commission. The Town Clerk shall give notice of the Planning Commission's review and public hearing on the Preliminary Plat using a Class 1 notice. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within 500 feet of the proposed land division shall receive written notice of the public hearing. Based on their review of the Preliminary Plat and Development Plan Assessment Check List prepared by the subdivider the Planning Commission shall make a recommendation to the Town Board to approve, conditionally approve or reject the plat.

(2) Town Board Action. The Town Clerk shall give notice of the Town Board's review by listing it as an agenda item in the Board's meeting notice published in the official Town newspaper. After review of the Preliminary Plat and negotiation with the subdivider on any changes deemed advisable and the kind and extent of public improvements which are necessary, the Town Board shall, within 90 days of the date the preliminary plat was officially filed with the Town, approve, approve conditionally or reject the plat. The Town Administrator shall provide written notice to the subdivider of any conditions for approval or the reasons for rejection. Failure of the Town Board to act within 90 days of filing shall constitute approval of the Preliminary Plat, unless an objecting agency files an objection or unless the review period is extended by agreement with the subdivider.

(3) Effect of Preliminary Plat Approval by Town Board. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is, submitted within twenty-four months of Preliminary Plat approval, conforms substantially to the Preliminary Plat layout, meets the conditions of the Preliminary Plat approval and adheres to all local plans and ordinances, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be

subject to further consideration by the Planning Commission and Town Board at the time of its submission.

(4) **Referral to Outagamie County Planning and Zoning Committee.** Preliminary Plats must be submitted to Outagamie County Planning & Zoning Staff for comments.

(3) **Final Plat Application Requirements.** The subdivider shall **file 15 copies, 2 large size copies and 13 11"x17" copies of the Final Plat** within six months of the approval date of the Preliminary Plat. If the Final Plat is not submitted within said twenty-four months, the Preliminary Plat approval is deemed void.

(a) **Supplementary Data required with Final Plat:**

(1) A certified abstract of title or title insurance commitment current to within one week prior to filing, showing title or control of the owner or the subdivider.

(2) 3 copies of the final plans and specifications of public improvements required by this Ordinance.

(b) **Subdivider Responsibility for Final Plat Referral.** The Subdivider shall transmit copies of the Final Plat to objecting agencies as required for Preliminary Plats under Sec. 5.04 (2) (b). The objecting agencies shall, within 20 days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections in the same manner noted for Preliminary Plats under Sec. 5.04 (2) (b) of this ordinance. If the original of the Final Plat has been filed with another approving authority, the subdivider may file a true

copy of such plat in lieu of the original. However, before approval of the Town Board will be inscribed on the original of the Final Plat, the surveyor or subdivider shall certify the respects in which the original of the Final Plat differs from the true copy, and all modifications must first be approved. If not taken care of during the Preliminary Plat approval process the subdivider shall transmit a copy of the Final Plat to the telephone, power and other utility companies so that needed utility connections can be installed in a timely fashion to serve the plat.

- (c) **Town Referral Process for Final Plat.** The Town Administrator shall refer the Final Plat to the Town Superintendent and Town Engineer for a review of final plans and specifications of public improvements for technical details. If found satisfactory, the Superintendent and Engineer shall so certify in writing, to the Planning Commission.
- (1) **Planning Commission Review.** The Planning Commission shall review the Final Plat within 30 days of filing with the Town. If the plat or final plans are unsatisfactory, the Superintendent and Engineer shall return them to the subdivider and so advise the Planning Commission.
- (2) **Town Board Review.** Within 60 days of the date of filing the Final Plat with the Town Administrator, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons sent to the subdivider by the Town Administrator.

(3) **Referral of Approved Final Plat to Outagamie County Planning and Zoning Committee.** For review and approval by Outagamie Planning Staff and Board

(4) **Recording of Final Plat.** The Town Board may not inscribe its approval on the Final Plat unless it is certified on the face of the Plat that the copies were forwarded to objecting agencies, as required herein, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met. Failure of the Town Board to act within 60 days of filing, unless the time has been extended and/or unsatisfied objections have been filed, shall be deemed approval of the plat. After the Town Board approves the Final Plat and required improvements are either installed or a contract and sureties insuring their installation is filed, the Town shall execute the certificate inscribed upon the Plat attesting to such approval and return the Plat to the subdivider for recording with the County Register of Deeds.

(d) **Replat Procedure.** Except when an assessor's plat is ordered pursuant to WI Statutes Section 70.27(1), when it is proposed to replat a recorded subdivision, or part thereof, so as to alter areas dedicated to the public, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in WI Statutes Sec. 236.40-236.45. The subdivider, or person wishing to replat, shall then proceed as specified in Sec. 5.04 governing the new subdivision application process.

