

**TOWN OF OSCEOLA
PLAN COMMISSION
REGULAR MONTHLY MEETING
Tuesday, July 28, 2026 – 6:00 P.M.
Town Hall - 516 East Avenue North, Dresser WI
Virtual - Open Meeting via Microsoft Teams
To join via Teams: See Meetings, Notices/Agendas on www.townofosceola.com
Agenda Can Change Up to 24 Hours Prior to Meeting**

MEETING AGENDA

- 1. Call Meeting to Order**
- 2. Verification of Meeting Posting**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Acceptance of Proposed Agenda**
- 6. Approval of Minutes of Previous Meeting(s):** 03/25/2025 2 - 3
- 7. Public Comment**
- 8. Old Business**
 - a. Review Year-To-Date Building Permit Requests 4 - 5
- 9. New Business**
 - a. Haas Brother Subdivision Review 6 - 23
 - b. Review Process of Accepting Major Subdivision Applications 24 - 25
 - c. Review Chapter 36, 30 and 34 of Code of Ordinance 26 - 50
- 10. Chair's Report**
- 11. Commission Member Comments**
- 12. Request for Future Meeting Agenda Items**
- 13. Next Plan Commission Meeting – August 25, 2026**
- 14. Adjournment**

Notice is hereby given that a quorum of the Osceola Town Board may be present at this meeting of the Plan Commission to gather information about a subject over which they have decision-making responsibility. The Board will take no formal action at this meeting.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities to have an equal opportunity to enjoy all Town programs and services. Anyone who requires an auxiliary aid or service for effective communication should contact the Clerk's office at (715)755-3060 no later than one (1) day ahead of the event.

AFFIDAVIT OF POSTING: I hereby certify that this notice has been posted at the Dresser Post Office, the Town Hall, and the Town Web Site.
/s/ Dani Pratt, Clerk

**TOWN OF OSCEOLA
PLAN COMMISSION
REGULAR MONTHLY MEETING
TUESDAY, MARCH 25, 2025 – 6 P.M.**

MINUTES

The Plan Commission of the Town of Osceola held a meeting on Tuesday, March 25, 2025, at the Osceola Town Hall, Dresser, Wisconsin.

CALL TO ORDER

Chair Utke called the meeting to order at 6:02 p.m.

VERIFICATION OF MEETING POSTING

Notice of the Plan Commission Meeting was posted at the Town Hall, the Dresser Post Office, and the Town Website.

PLEDGE OF ALLEGIANCE

Chair Utke led the group in the Pledge of Allegiance.

ROLL CALL

PRESENT: Chair Jeremy Utke, Dan Tronrud, Jim Berg, John Cronick, Cindy Thorman and Kim Kaiser.

ABSENT: Warren Johnson

APPROVAL OF PROPOSED AGENDA

Board member BERG placed on the record item 9a pertains to his family and will recuse himself from discuss and voting unless someone has specific questions.

MOTION BY THORMAN / 2ND BY CRONICK TO APPROVE THE AGENDA. MOTION CARRIED BY VOICE VOTE.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION BY BERG / 2ND BY TRONRUD TO APPROVE THE TUESDAY, FEBRUARY 25, 2025, MEETING MINUTES. MOTION CARRIED BY VOICE VOTE.

PUBLIC COMMENT

NONE – 3 in attendance, 0 online.

OLD BUSINESS

A. REVIEW YEAR TO DATE BUILDING PERMIT REQUESTS

For discussion only.

NEW BUSINESS

A. BERG PROPERTY - #042-00812-0600 SUBDIVISION

A brief discussion took place, and the land surveyor was present to answer questions. Board Member BERG recused himself from the discussion, this property pertains to his family. There were a few specific questions for MR. BERG that were answered.
MOTION BY TRONRUD / 2ND BY KAISER TO RECOMMEND THE TOWN BOARD APPROVE THE PROPERTY DEVISION AS PRESENTED. MOTION CARRIED BY VOICE VOTE. 5 YAY, 0 NAY AND 1 ABSTAIN.

B. BITTERSWEET PROPERTY - #042-00201-0000 SUBDIVISION

A brief discussion took place, and the land surveyor was present to answer questions.
MOTION BY BERG / 2ND BY THORMAN TO RECOMMEND THE TOWN BOARD APPROVE THE
PROPERTY DEVISION AS PRESENTED. MOTION CARRIED BY VOICE VOTE. 6 YAY, 0 NAY.

C. CONSIDER SCHEDULING APRIL MEETING ON DIFFERENT DATE

A brief discussion took place, a few board members have scheduling conflicts on
April 22, 2025, and the meeting date needs to be moved.
MOTION BY CHAIR UTKE / 2ND BY CRONICK TO MOVE THE APRIL PLAN COMISSION MEETING
TO APRIL 30, 6 PM. MOTION CARRIED BY VOICE VOTE. 6 YAY, 0 NAY.】

CHAIRMAN'S REPORT

None

COMMISSION MEMBER COMMENTS

None

FUTURE MEETING AGENDA ITEMS

Building Permits

NEXT PLAN COMMISSION MEETING

MEETING SET FOR APRIL 30, 2025, 6 PM

ADJOURNMENT

MOTION BY BERG / 2ND BY TRONRUD TO ADJOURN THE PLAN COMMISSION MEETING HELD
THIS TUESDAY THE 25TH DAY OF MARCH 2025 MOTION CARRIED BY VOICE VOTE.

Being no further business to come before the Plan Commission, the Meeting was adjourned
at 6:25 p.m.

Written by Jim Berg, Plan Commission Member

Attestation: _____
Jeremey Utke, Plan Commission Chair

Date Approved: _____

Building Permits - Planning Commission as of 6-30-26

Application Date	Name & Mailing Address	Address / Location of Building Permit/ Permit issued for	Permit Number
1/6/206	Nicholas O'Reilly 2396 84th Avenue Contractor:	2396 84th Avenue Finish Basement	TOS26-01
1/6/26	Joshua Cermin 1974 117th Avenue Contractor:	1974 117th Avenue Alteration - Solar Ground Mounted	TOS26-2
2/10/26	Debra Martinson 2187 88th Avenue Contractor	2187 88th Avenue Accessory Building	TOS26-3
4/3/26	Jim Berg 2220 68th Avenue Contractor:	2220 68th Avenue Accessory Building	TOS26-4
4/14/26	Rick Wagner 81X 214th St Contractor: David Lunde	81X 214th Street New Single Family	TOS26-5
4/21/26	Gregory Weber 881 249th Street Contractor: Jermy LaVigne	881 249th Street Garage	TOS26-6
4/28/26	Matt Gross 2516 79th Avenue Contractor: Don Cloutier Electric	2516 79th Avenue New Service	TOS26-7
4/28/26	Art Anderson 885 249th Street Contractor: Brett Bartley	885 249th Street Deck Replacement	TOS26-8
4/29/26	Woodie Morley 2168 100th Avenue County Rd F Contractor: Owner	2168 100th Avenue Addition	TOS26-9
5/3/26	Douglas Brown 808 Horse Lake Road Contractor: Ryan Daszczyszak WI Superior Services	808 Horse Lake Rd New Single Family	TOS26-10
5/4/26	James Sawnsen 1167 195th Street Contractor: Owner	1167 195th Street Addition	TOS26-11
5/14/26	B&W Homes 23XX 84th Avenue Contractor: Gary Brundlik Construction	23XX 84th Avenue New Single Family	TOS26-12
5/27/26	Julia Nelson 978 218th St Contractor: Steven Splittgerber	978 218th St Electrical Alterations	TOS26-13
5/28/26	Kyle Backes 2067 75th Avenue Contractor: Owner	2067 75th Avenue New Single Family	TOS26-14
6/16/26	James & Patricia Kirby 656 240th St Contractor: Stacy Johnson	656 240th Street Alteration Repair	TOS26-15

Building Permits - Planning Commission as of 6-30-26

Application Date	Name & Mailing Address	Address / Location of Building Permit/ Permit issued for	Permit Number
6/23/26	Ray Joy 2171 86th Avenue Contractor: Owner	2171 86th Avenue Accessory Building	TOS26-16
6/24/26	Dwight Bonewell 4920 W Sunnyslope Rd, Edina Contractor: Owner	855 207th Street New Single Family	TOS26-17

POLK COUNTY



WISCONSIN
COUNTY MAP



Know what's below.
Call before you dig.

PROJECT LOCATION

CONTACTS

POLK COUNTY	SARA MCCOURDY - ENVIRONMENTAL SERVICES DIRECTOR (715) 485-8631
POLK COUNTY ZONING	LOGAN HACKER - ZONING ADMINISTRATOR (715) 485-9248
TOWN OF OSCEOLA	CLERK/DANI PRATT (715) 755-3060 EX1 CHAIRMAN: DALE LINDH (651) 248-3681
ELECTRIC	POLK-BURNETT ELECTRIC COOPERATIVE (715) 646-2919
ELECTRIC	NORTHERN STATES POWER (715) 819-2525
GAS	WISCONSIN GAS (414) 221-2345
CABLE	LAKELAND COMMUNICATIONS (715) 825-0852
CABLE	SPECTRUM COMMUNICATIONS 844-447-2355

PLAT OF HAAS SUBDIVISION SPDG LLC TOWN OF OSCEOLA POLK COUNTY



LOCATION MAP

LEGEND

EXISTING	PROPOSED
--- BENCHMARK	--- BENCHMARK
--- CONTROL POINT	--- CONTROL POINT
--- SIGN	--- SIGN
--- CURB STOP	--- CURB STOP
--- WELL	--- WELL
--- HYDRANT	--- HYDRANT
--- GATE VALVE	--- GATE VALVE
--- CURB INLET	--- CURB INLET
--- AREA DRAIN	--- AREA DRAIN
--- SAN MH	--- SAN MH
--- STORM MH	--- STORM MH
--- SAN CLEANOUT	--- SAN CLEANOUT
--- GAS MANHOLE	--- GAS MANHOLE
--- LIGHT POLE	--- LIGHT POLE
--- UTILITY POLE	--- UTILITY POLE
--- GUY WIRE	--- GUY WIRE
--- GUY POLE	--- GUY POLE
--- PULL BOX	--- PULL BOX
--- ELEC PED	--- ELEC PED
--- CABLE PED	--- CABLE PED
--- VALUARY	--- VALUARY
--- TELE PED	--- TELE PED
--- IRON PIPE	--- IRON PIPE
--- ROW POST	--- ROW POST
--- SEBAR	--- SEBAR
--- WATER MAIN	--- WATER MAIN
--- SANITARY SEWER	--- SANITARY SEWER
--- STORM SEWER	--- STORM SEWER
--- OVERHEAD UTILITY	--- OVERHEAD UTILITY
--- TELEPHONE LINE	--- TELEPHONE LINE
--- GAS LINE	--- GAS LINE
--- ELECTRIC LINE	--- ELECTRIC LINE
--- CABLE TV LINE	--- CABLE TV LINE
--- TRELLINE	--- TRELLINE
--- EXISTING TREES	--- EXISTING TREES
--- MARSH	--- MARSH
--- FENCE LINE	--- FENCE LINE
--- WOODEN WIRE FENCE	--- WOODEN WIRE FENCE
--- SILV FENCE	--- SILV FENCE
--- RETAINING WALL	--- RETAINING WALL
--- CONTOURS MAJOR	--- CONTOURS MAJOR
--- CONTOURS MINOR	--- CONTOURS MINOR

ABBREVIATIONS:
 BC=BACK OF CURB
 BLK=BLOCK NUMBER
 BTH=SECTION (ELEV)
 CL=CENTERLINE
 CS=CURB STOP
 ELEV=ELEVATION
 ED=EDGE OF PAVEMENT
 EX=EXISTING
 FES=FLARED END SECTION
 FF=FINISHED FLOOR (ELEV)
 FL=FLOWLINE
 OF=GARAGE FLOOR (ELEV)
 ONE=ONE-HEAD DOOR
 GLO=GROUND LINE GROOVE
 HWL=HIGH WATER LEVEL
 INV=INVERT
 LF=LINEAR FEET
 LO=LOOKOUT STYLE HOME
 L=LEFT
 MIN=MINIMUM
 NML=NORMAL WATER LEVEL
 PC=POINT OF CURVE
 PRC=CURVE REVERSAL POINT
 PT=POINT OF TANGENCY
 RAD=RADIUS
 RT=RIGHT
 R/W=RIGHT OF WAY
 SAN=SANITARY SEWER
 SP=SPOT ELEVATION
 SS=SAFETY SHELF (ELEV)
 STA=STATION
 STM=STORM SEWER
 TC=TOP OF CURB
 T.O.P.=TOP OF PIPE
 TP=TOP OF PAVEMENT
 TYP=TYPICAL
 WM=WATER FITTINGS
 WTR=WATER
 WO=WALKOUT STYLE HOME

SHEET SCHEDULE

NO.	DESCRIPTION
1	TITLE SHEET
2	SHEET INDEX AND ALIGNMENT REPORT
3	EXISTING CONDITIONS & DEVELOPMENT PLAN
4	PROPOSED CONTROL PLAN
5	GRADING PLAN
6	ALIGNMENT PLAN & PROFILE
7-10	ROAD CROSS SECTIONS
11	STORMWATER POND & BERV CROSS SECTION
12	DETAILS

AEC PROJECT #: 24007

PLANS DATED: NOV 2025



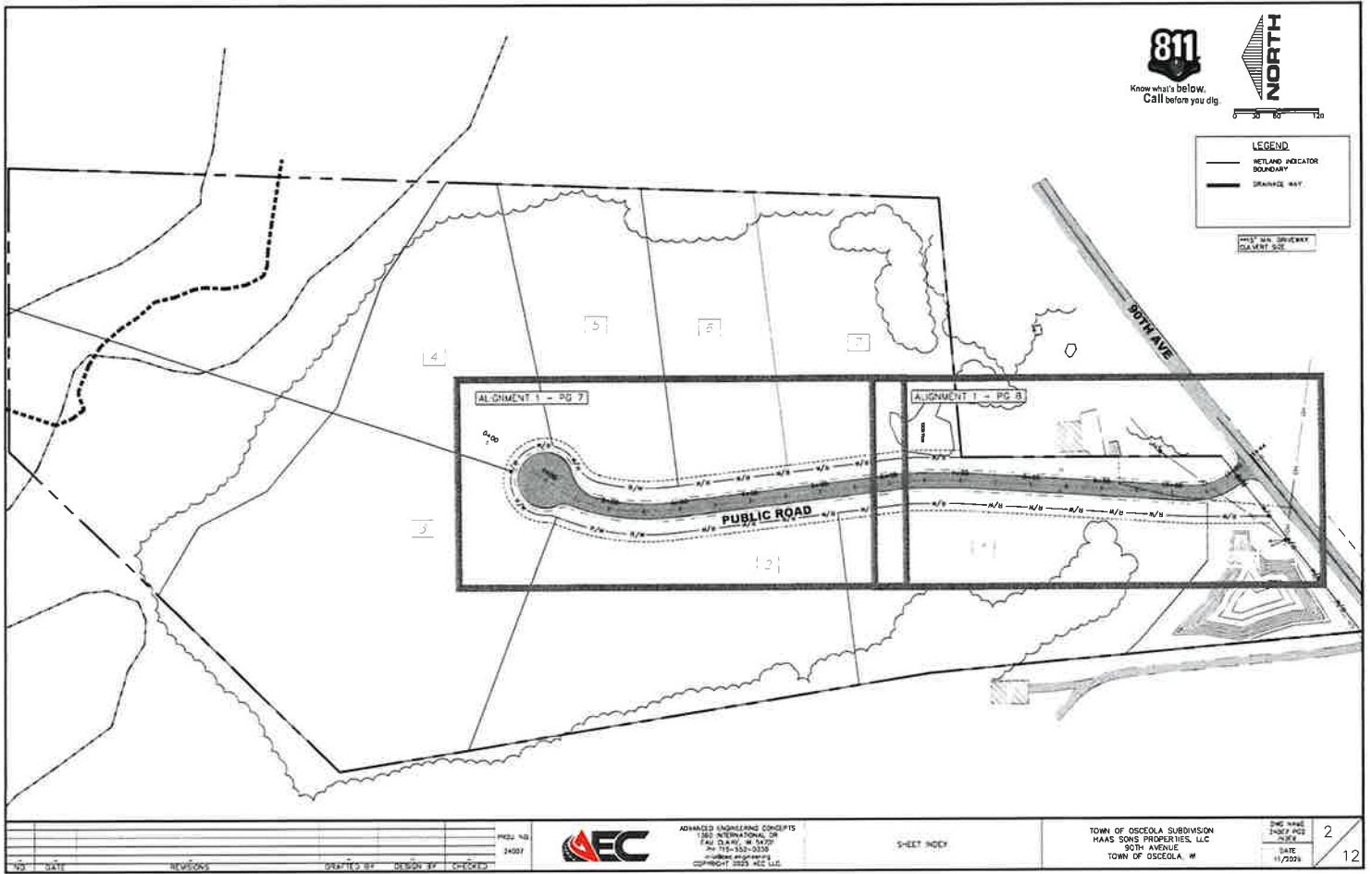
ADVANCED ENGINEERING CONCEPTS
 1360 INTERNATIONAL DR.
 EAU CLAIRE, WI 54601
 PH 715-552-0330
 INFO@AEC-ENGINEERING.COM
 COPYRIGHT 2025, AEC LLC

SCHEDULE OF REQUIRED PERMITS

APPROVALS NEEDED	DATE SUBMITTED	APPROVAL DATE
WDNR - WRAPP PERMIT		
POLK COUNTY STORM WATER PERMIT		

PROJECT DEVELOPER/CLIENT:
 SPDG LLC
 A.TN. DARREL HAAS
 203 E BIRCH STREET
 TORP, WI 54774
 PHONE: 715-929-8921
 EMAIL: darrel@spdg.com

PROJECT ENGINEER:
 ADVANCED ENGINEERING CONCEPTS
 A.TN. SEAN BOHAN, P.E.
 1360 INTERNATIONAL DRIVE
 EAU CLAIRE, WI 54601
 PHONE: 715-552-0330
 EMAIL: sean@aec-engineering.com



Horizontal Alignment Report

Report Date: 12/21/2025 10:59:29 AM

Project Name: 1000

Stationing: 0+00.00 to 11+44.14

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PI: N 248.308.5431 E 473.935.3729

Direction Back: S31° 22' 44" W

Radius: 100.00'

Delta: 42.37° 40' (L)

Length: 74.42'

Tangent: 39.82'

Chord Direction: S18° 58' 06" E Distance: 72.70'

Direction Ahead: S40° 14' 36" E

EC: N 248.338.7581 E 473.959.1822

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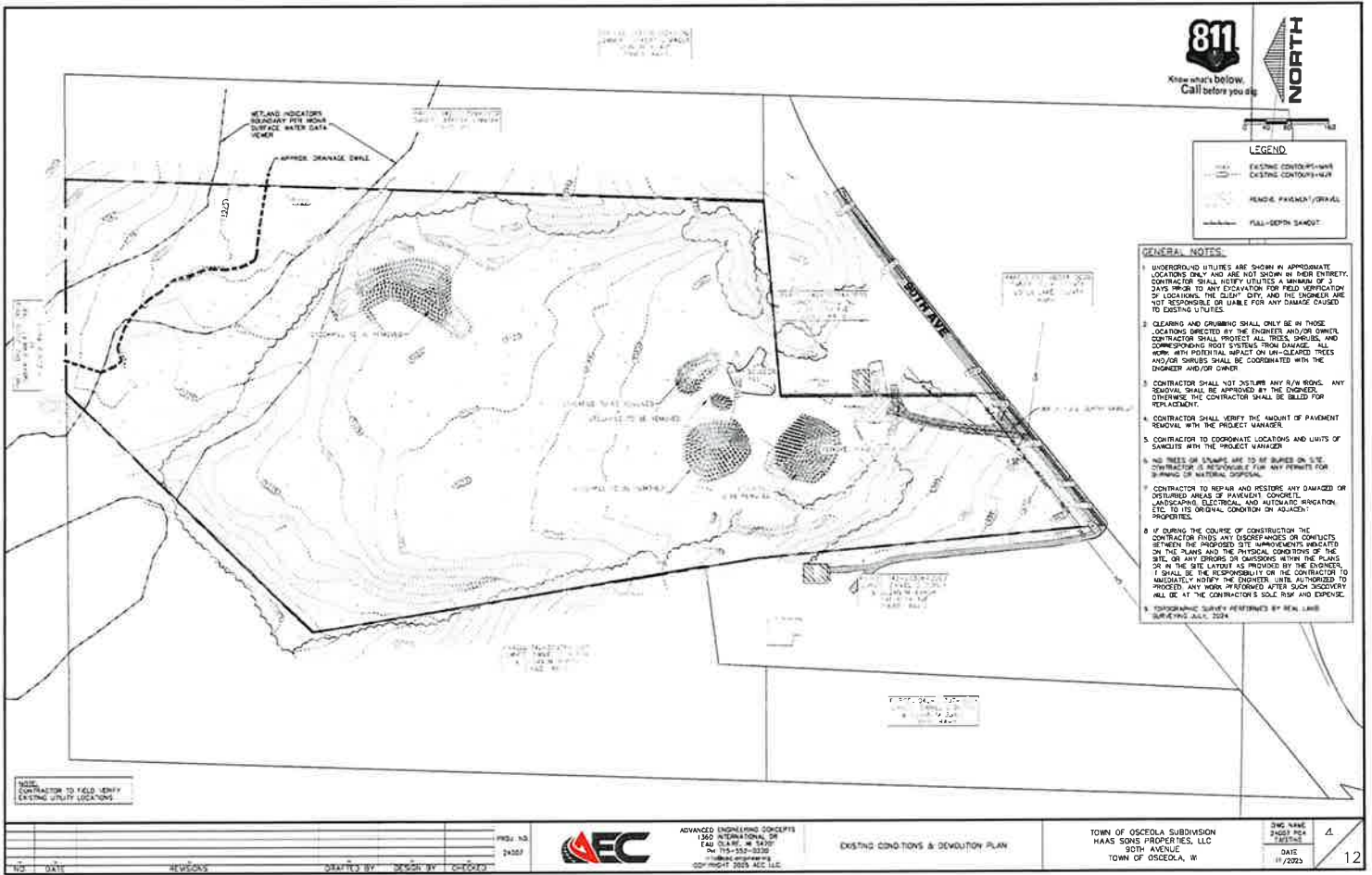
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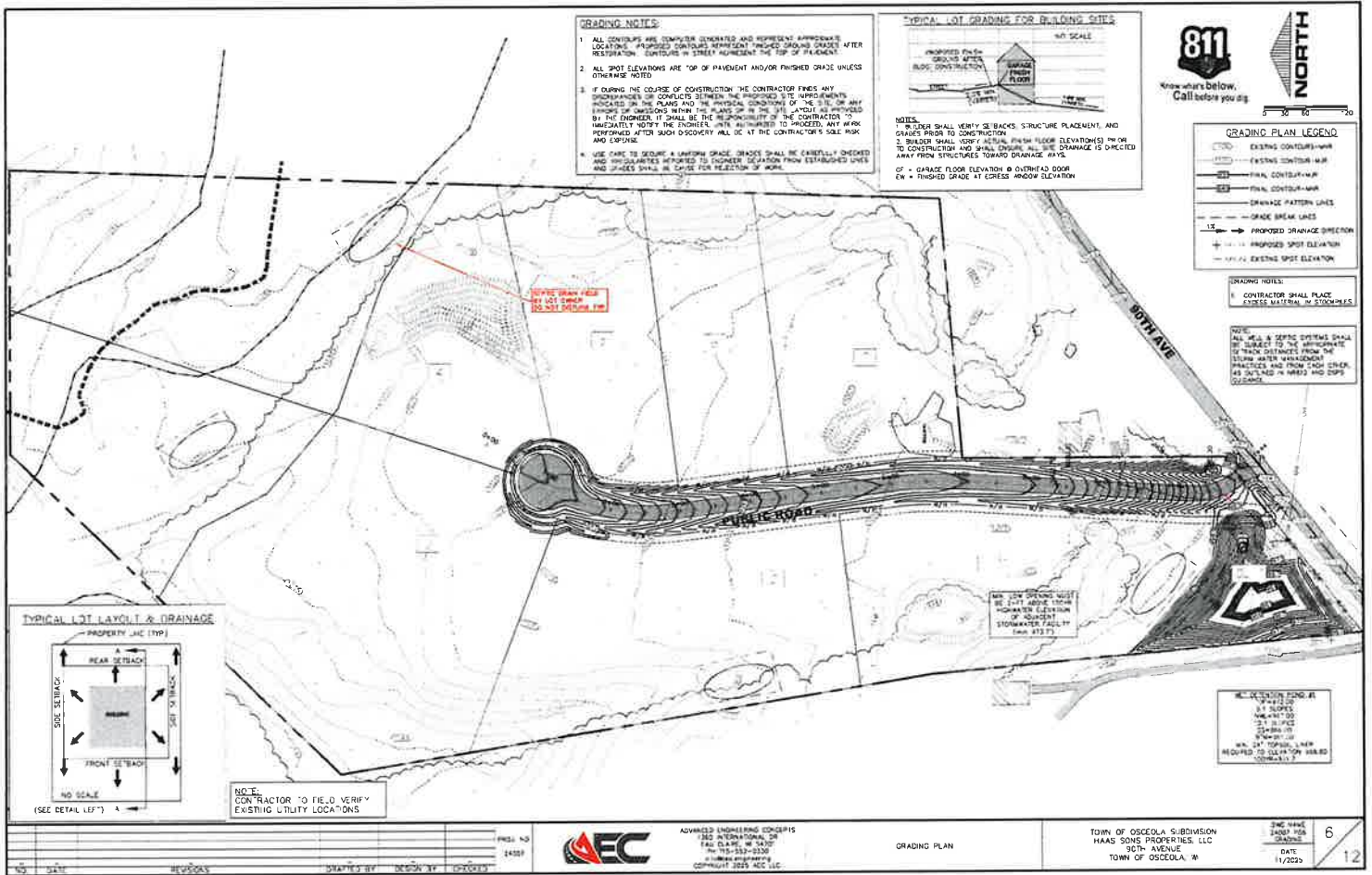
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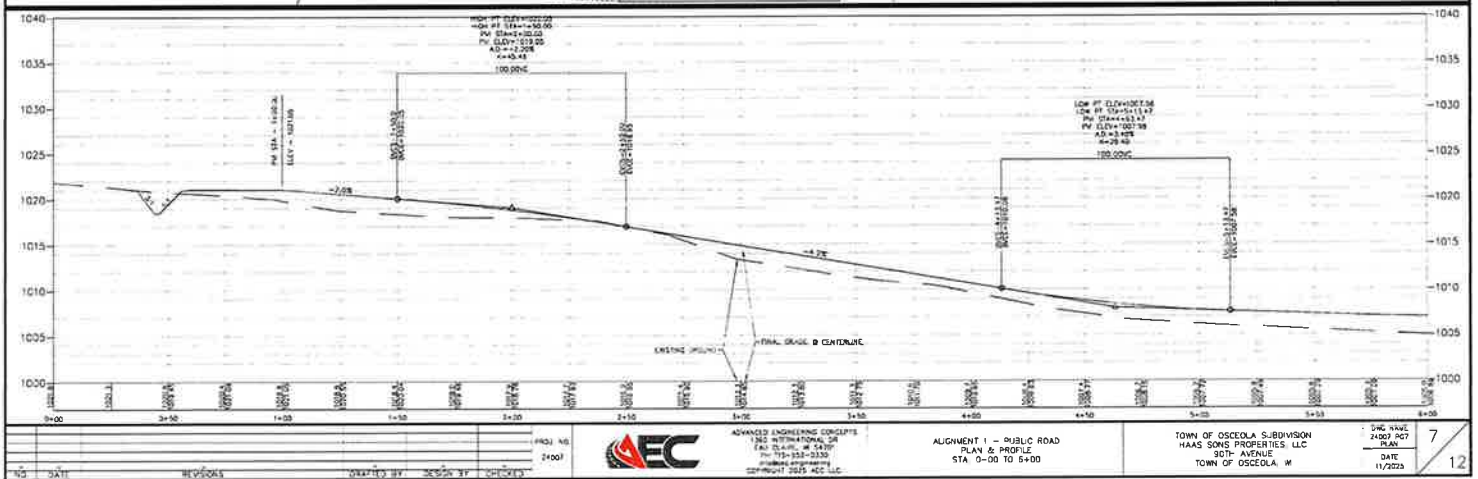
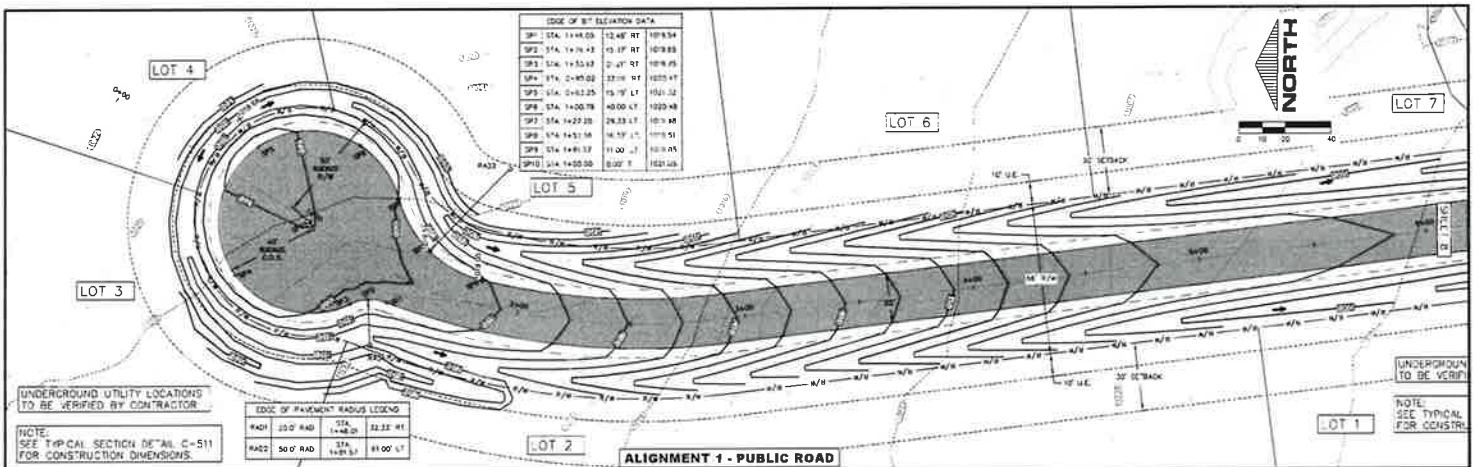
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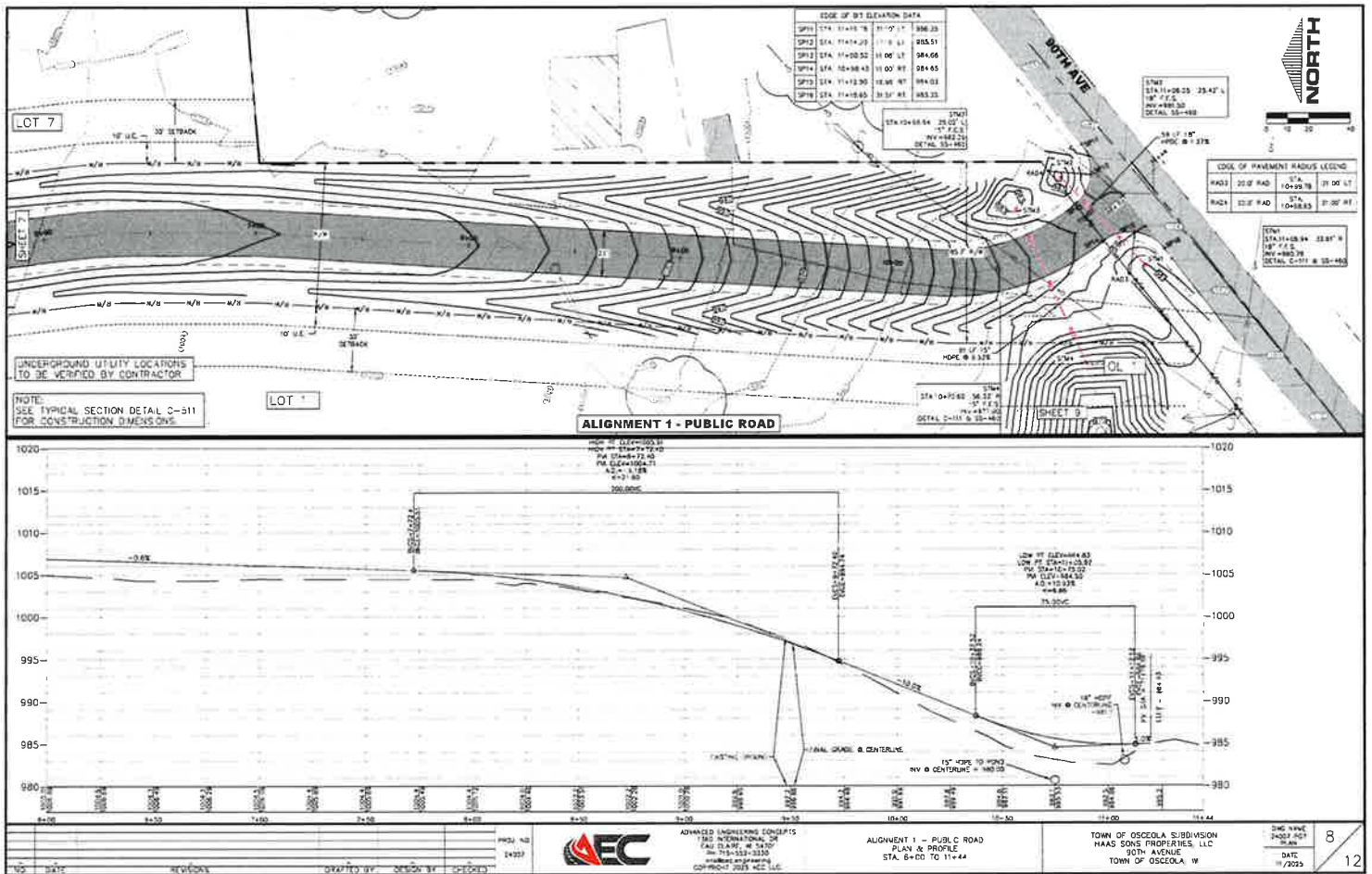
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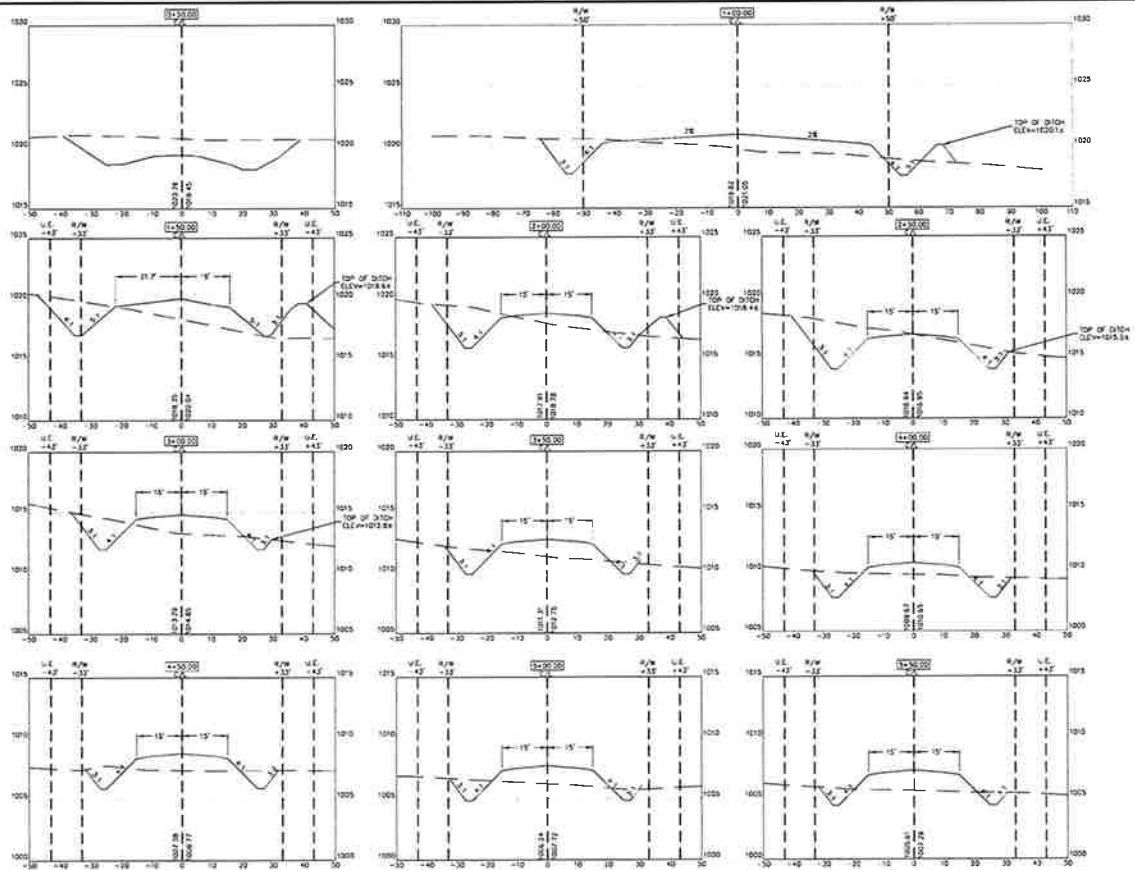












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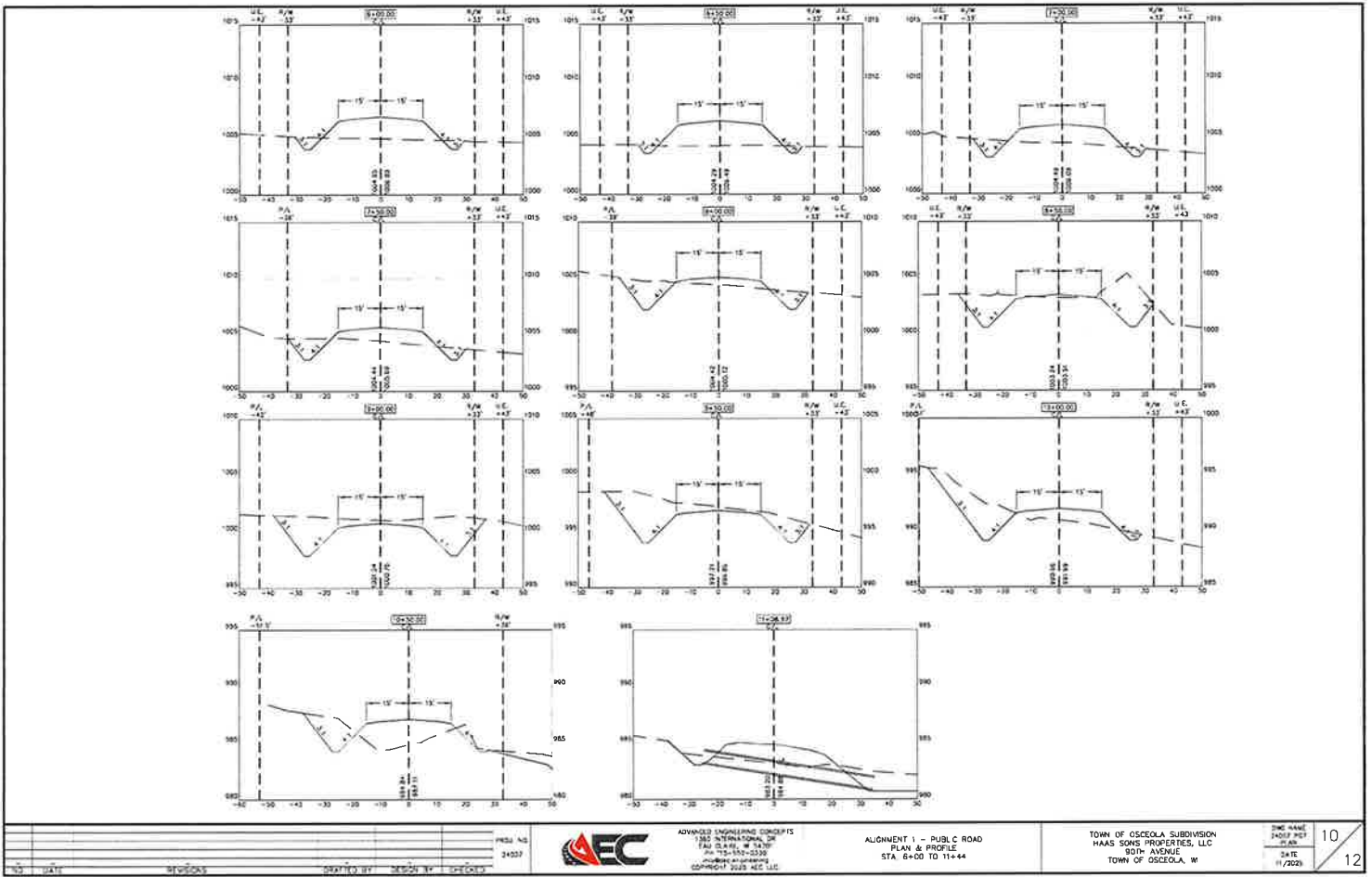
ADVANCED ENGINEERING CONCEPTS
1360 INTERNATIONAL DR
EAU CLAIRE, WI 54601
PH 715-831-0330
FAX 715-831-0330
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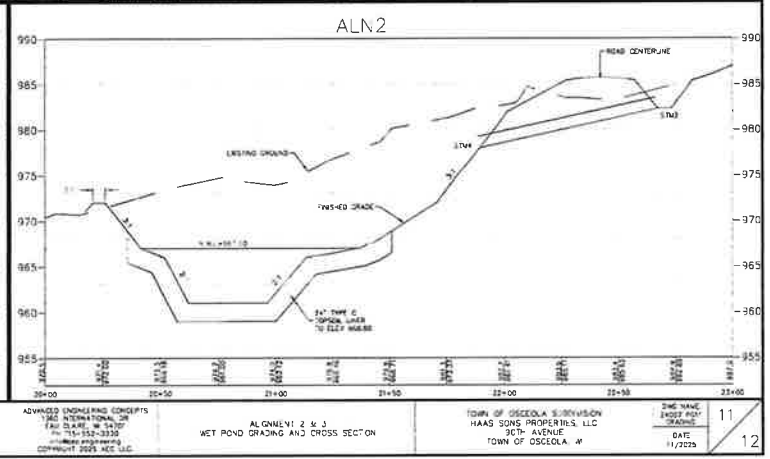
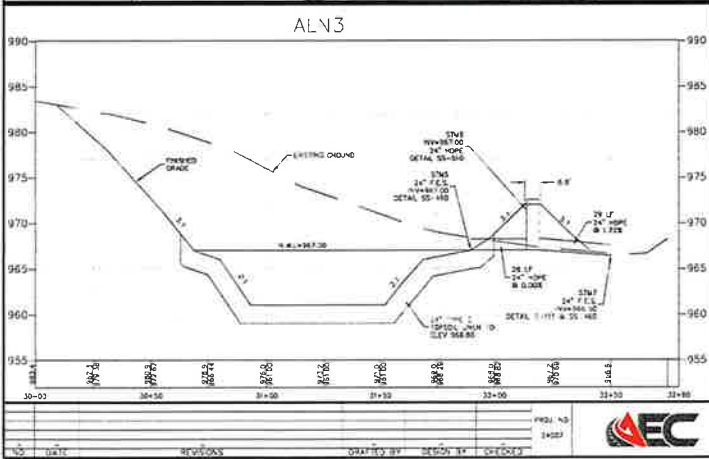
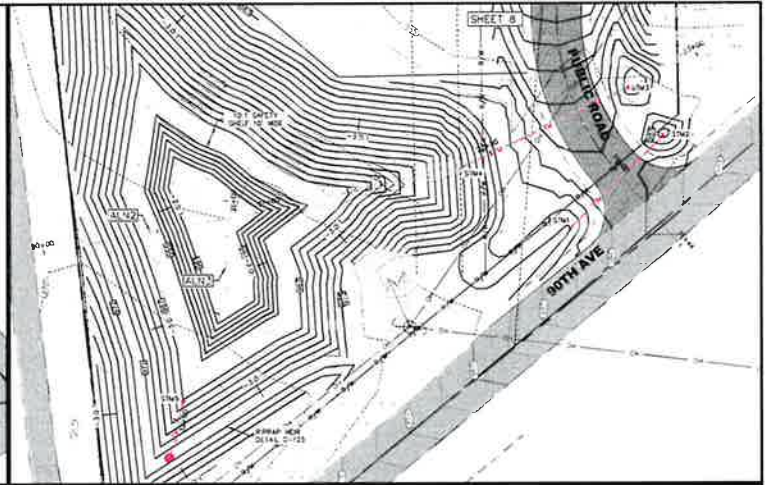
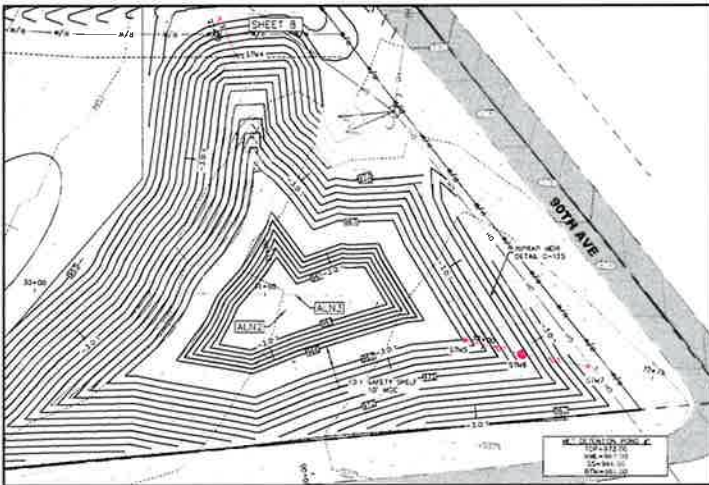
ALIGNMENT 1 - PUBLIC ROAD
PLAN & PROFILE
STA. 8+00 TO 11+44

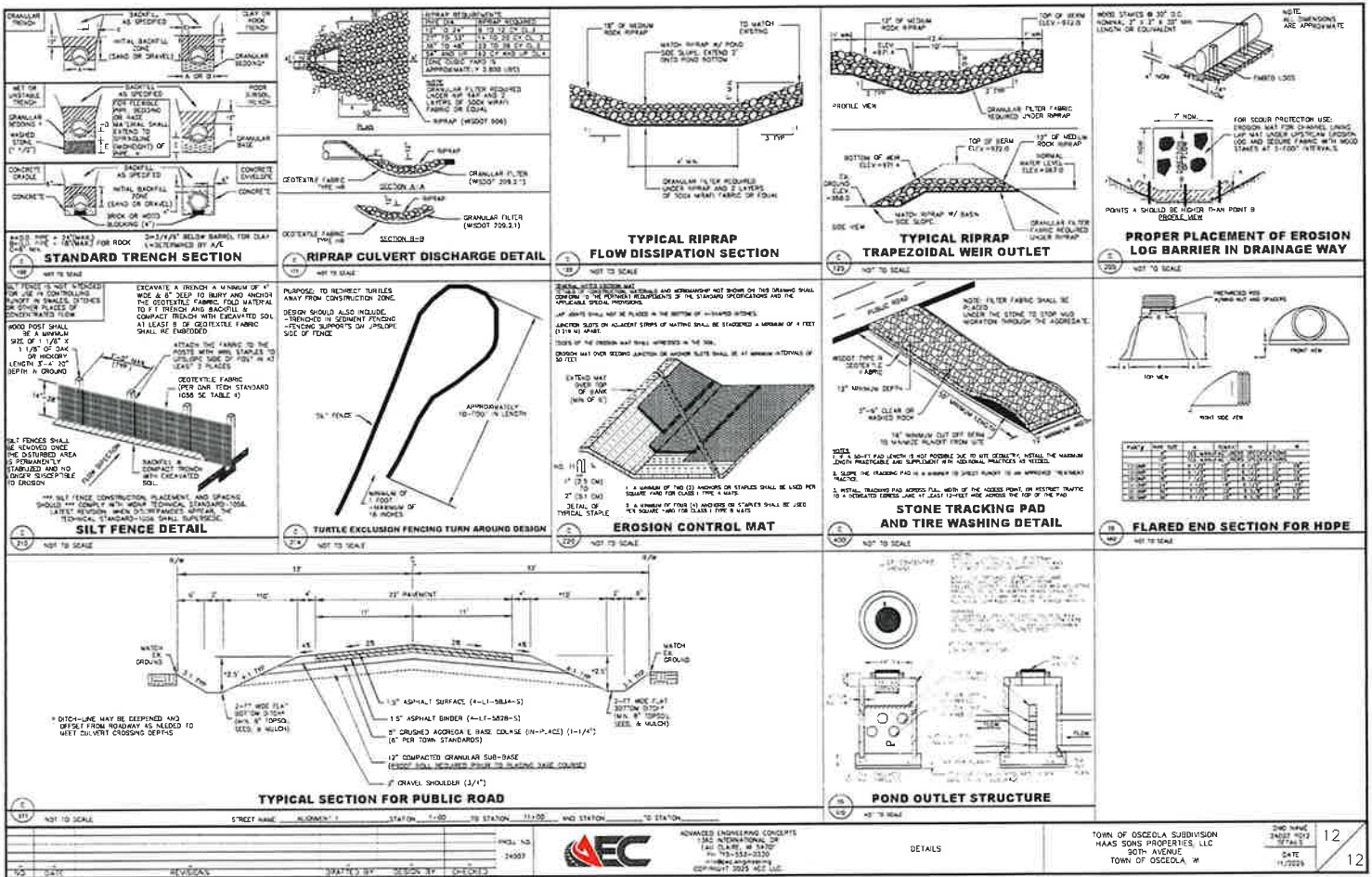
TOWN OF OSCOLA SUBDIVISION
HAAS SONS PROPERTIES, LLC
80TH AVENUE
TOWN OF OSCOLA, WI

DWG NAME
14007.PLT
PLAN
DATE
11/2003

9
12







Form No.

Minor Subdivision Application

To the Town Board and Planning Commission of the Town of Osceola, Polk County, Wisconsin

I, the undersigned, being owner/owner's agent of all the area herein described, hereby request from the Town Board of the Town of Osceola, review of a Minor Subdivision under the provisions of the "Subdivision and Platting Ordinance for the Town of Osceola, Polk County, Wisconsin."

Owner: <u>Brandon Haas</u> (Signature) Name: <u>Haas Properties</u> Address: <u>203 E Birch Street</u> <u>Thorp WI 54771</u> (City, Town) (State) (Zip) Telephone No.: <u>715-773-8118</u> Email Address: <u>brandon@haas4.com</u>	Agent: <u>Sean Bohan</u> (Signature) Name: <u>Sean P. Bohan P.E.</u> Address: <u>1360 International Drive</u> <u>Eau Claire WI 54701</u> (City, Town) (State) (Zip) Telephone No.: <u>715-552-0330</u> Email Address: <u>sbohan@acc.engineering</u>
---	--

For Town Use Only:

Received By: _____

Date Filed: _____

Fee Paid: _____

More information may be requested by the Planning Commission or Town Board if deemed necessary to properly evaluate your request. The lack of information requested by this form may in itself be sufficient cause to deny the petition. If you have any questions regarding the procedure, please contact the Chairman of the Town Planning Commission.

☐ **LEGAL DESCRIPTION OF THE PROPERTY (ATTACH ADDITIONAL SHEETS IF NECESSARY):**

Lot No. 1	Block No.	Subdivision	or Government Lot # 2 , SE 1/4
of Section 16 T 33 N, R 18 E W X , Town of Osceola, Wisconsin			
Tax # 042-00306-1000	Area in Acres 25.11	Volume 9	Page# 67 Polk County Register of Deeds Doc # 535306

☐ **PRESENT IMPROVEMENTS ON THE LAND (DESCRIBE):**

non-metallic mine

☐ Number of New Lots to be Created 7 + 1 outlot	Present Use Mining
☐ Zoning District R-1	Future Use Residential
☐ With this land division, how many acres will remain with the original parcel?	0
☐ How many acres will be lotted off for each new parcel?	1.49 + 6.34
☐ Surveyor Name, Phone # and Email Real Land Surveying Jeremy Skaw	715-514-4116 jskaw@rls.wi.com
☐ Has there been a previous subdivision, major or minor, on this land before?	no

Form No.

Surrounding Owners, Land Use and Zoning Designations

	Owner	Land Use	Zoning
North	Scarlet Stone LLC	Vacant	Res-Ag 5
North			
South	Lots Lake Country Park		
South			
East	Jeffery Masek	Single Family	Res-Ag 5
East			
West	Daniel Burch	Single Family	Res-Ag 5
West			

Review Requested (Choose one)

☐ Concept Review (No recommendation by the Plan Commission shall occur).
☒ Preliminary Review (Recommended approval, conditional approval, or rejection of the proposed plan).

Information Required

Table #1: Information To Be Shown on Plans		
Description	Concept	Preliminary
Air Photos of area	X	With lot lines shown
Subdivider contact information	X	X
Land Owner of record	X	X
Property lines	Sketched	Surveyed
Proposed road locations	X	X
Adjacent landowners and structures	X	X
Driveway locations		If required
Shared driveways		X
Entire area plan		X
Topographic contours		If required
Engineered road plans		X

Plan Commission Recommendation

The Town Plan Commission shall recommend approval, conditional approval, including a recommendation of the need for Development Agreement, or rejection of the proposed plan to the Town Board. If approval or conditional approval is recommended, the plan shall be referred to the Board for consideration.

	Included (Indicate included with ☒ or N/A)	Received (For Town Use Only)
☐ General Submission Requirements for all Applications		☐
<i>PART A: The following checklist contains the necessary components that must be identified on the Certified Survey Map; Drainage, Grading and Erosion Control Plans; and Soil Boring test results.</i>		
☐ Survey showing the original lot and proposed lots. Including the following information:		☐
• Acres, boundary lines, distances and bearings • Net Build able area on created and existing parcels • Identification and location existing structures • Identification of driveway access points and associated culverts • Easements and rights-of-way including all Utilities • Topographic Data. Including the following: - Identification of slopes greater than 20% and all Rock Out Cropping • Wetland delineation report and map - Type of wetland identified - Determination of private/public waters • Shoreland classifications - Depict ordinary high water mark - Identify 100-year floodplain elevation - Elevation of groundwater	☒ N/A ☒ N/A ☒ N/A ☐ N/A ☒ N/A ☒ N/A ☒ N/A ☐ N/A ☐ N/A ☐ N/A ☐ N/A ☐ N/A ☐ N/A ☐ N/A ☐ N/A	
☐ Information to be provided on separate map:		☐
• Drainage Grading, and Erosion Control Plans • Soil Testing for the installation of an on-site septic disposal system - Map identifying soil types and locations of soil borings	☒ N/A ☒ N/A ☒ N/A	
<i>PART B: Inclusions (please clearly check yes or no in the following checklist of items to submit for Planning Commission and Town Board review).</i>		
• 12 Copies of Certified Survey Map (See above for information to be included on the Certificate of Survey) • Application Fees • Road plans, if new roads are proposed • Driveway Permit, if required • Wetland delineation to be performed by a professional and maps reviewed by Town's Engineer, if required. • Drainage, Grading and Erosion Control Plans • Soil boring results for all proposed lots not having a residence on the lot (soil test location to be shown on individual lots. • Town Checklist • Copies of Letters received from any associated or contacted agencies.	Yes NO Yes No Yes No Yes NO Yes NO Yes No Yes No Yes No Yes NO	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

TOWN of OSCEOLA

Subdivision and Development Approval Process

Developer and
Planning Commission

1) CONCEPT DISCUSSION
With the Planning Commission (Not Required). The developer or agent can request a conceptual discussion with the Planning Commission. No formal recommendation can be made.

2) PRELIMINARY PLAT OR CSM SUBMISSION

Drawings are prepared by the developer or agent and submitted to the Town Office ten working days prior to the Planning Commission Meeting (4th Tuesday of the Month)

3) PRELIMINARY PLAT OR CSM REVIEW

Plans Are presented to the Planning Commission for review and recommendation to the Town Board. The Planning Commission may recommend an Engineer review the project.

Developer and
Town Board

4) FULL PLAT OR SCM AND ROAD ENGINEERING DRAWINGS SUBMISSION

Full plan drawings are prepared and submitted to the Town Office ten working days prior to the Town Board Meeting (the 1st Monday of each Month)

5) PRELIMINARY PLAT OR CSM FULL DRAWINGS REVIEW

Plans are presented to the to the Town Board, and designated engineer (if applicable), for preliminary approval. A Road Inspection Fee MUST be paid at the time of the preliminary approval

6) ROAD BOND

Developer must file proof of bond prior to final Town Board approval.

Developer and
Town Board

7) FINAL PLAT OR CSM APPROVAL

Developer or Agent presents to the Town Board for FINAL Approval

8) CERTIFIED COPY OF PLAT OR CSM

The developer must file a registered certified copy of the final plat or CSM with the Town Clerk.

PLEASE SEE CHAPTERS 36, 30 AND 34 OF THE TOWN CODE OF ORDINANCES, THE FEE SCHEDULE FOR ADDITIONAL COSTS.

TOWN OF OSCEOLA

Polk County, Wisconsin

www.townofosceola.com
townofosceola@yahoo.com

5-23-2019

- Name(s) of Property Owners
- Property Description
- Letter of Credit for improvements (roads)
- Developer's Insurance
- Road Continuation
- Covenants
- Homeowners Association
- Maintenance Agreements:
 - Shared Driveways
 - Holding Ponds
 - Private Roads
- Preliminary Plat or CSM
- Final Plat or CSM
- Use of engineering services and agreement to pay
- Town inspection fee
- When Developer's Agreement signed (at Prelim / Final ?)
- Town Board Waiver of the Agreement
- Violations & Penalties
- Remedies for breach of agreement
- Developer warrants work
- Developer warrants compliance with applicable laws
- Driveway location(s)
- Dedication of Land to the Town
- Storm Water Management & Control
- Pre-Construction Meeting
- Inspections
- Indemnification (Hold Town Harmless)
- Fee Schedule (for the Development or General)
- Annexation Prohibition

Chapter 36 SUBDIVISIONS

Sec. 36-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certified survey map means a map showing division of land prepared in accordance with Wis. Stats. § 236.34, and this chapter.

Clerk means the town clerk.

Comprehensive plan refers to a plan for guiding and shaping the growth or development of a community or area which has been adopted by a governmental unit and whose preparation is authorized by Wis. Stats. § 62.23 or 236.46.

Conceptual plan means a plan of a subdivision showing similar information as required by a preliminary plan but without the need to have final property line surveys completed, driveway locations known, and road plans completed at the time of presentation.

Developer includes any person, partnership, corporation, or other entity creating a subdivision. For the purposes of this chapter, any references to subdividers include developers.

Development agreement means a written agreement between the town and the developer outlining specific requirements and obligations of the subdivision development. See chapter 30 for details.

Divide means to convey, record, survey, parcel, split or in any other manner alter an interest in real property so as to cause a parcel of land to be allotted, allocated, severed, split or rendered into smaller parcels of land.

Driveway means an access used for purposes of ingress and egress, to or from a private or public road, serving not more than two lots.

Easement means that part of a lot so designated on a certified survey map or plat and utilized for a specific purpose.

Lot means a parcel of land numbered in sequence with other parcels shown on a concept map, preliminary and final plat or certified survey map.

Parcel means contiguous land not separated by road or railroad rights-of-way.

Plan means a concept drawing, preliminary or final plat, certified survey map or other conveyance showing a graphic illustration of the subdivision.

Plan commission means the town plan commission.

Plat means a detailed, surveyed map of a subdivision including the overall area of the development, the recorded owner of the property, size and location of each lot, location of any existing buildings, location of any private, public or other existing roads, location of proposed new driveways, location of any public or private roads and driveways adjacent to or across a road from the subdivision, size and location of any easements or outlots, location of any topographical features, which may affect the development and/or surrounding area.

Preliminary plan means a preliminary plan of a subdivision showing the overall area of the development, the recorded owner of the property, size and location of each lot, location of any existing buildings, location of any private, public or other existing roads, location of proposed new driveways, location of any public or private roads and driveways adjacent to or across a road from the subdivision, size and location of any easements or outlots, location of any topographical features, which may affect the development and/or surrounding area.

Public way includes any public road, street, highway, walkway, drainageway, or part thereof.

Private road means a road built to town standards, with or without blacktop, and designated on the plan as a "private road."

Replat means the process of changing, of the map or plat which changes, the boundaries of a recorded subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat but a land division.

Road means a public or private way for vehicular traffic which meets the following conditions:

- (1) Compliance with town ordinances.
- (2) Cul-de-sac or hammerhead roads have a turnaround at one end.
- (3) Dead-end roads are closed at one end.

Subdivider includes any person, partnership, corporation, or other entity creating a subdivision.

Subdivision means a division of a lot or parcel or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates one or more new lots, parcels or tracts, any one of which is 19 acres or smaller. Subdivisions, as defined, are classified for purposes of this chapter as follows:

- (1) Standard subdivisions are those subdivisions which create two or more parcels or building sites less than 19 acres and at least one acre.
- (2) Cluster subdivisions are those subdivisions which create any lots less than one acre but at least one-half acre and where at least 20 percent of the total subdivision area is designated as non-development space which may be used for farming, recreation, or open land. The cluster subdivision development proposal must contain an engineered plan for a common sanitary waste disposal system which may be part of the 20 percent non-development space.
- (3) Commercial lots will be sized according to the needs of the business and related infrastructure, and shall be approved, on an individual basis, through recommendation of the plan commission and approval of the town board.

State subdivision means the division of a lot, parcel or tract of land by the owners thereof, or the owner's agents, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1½ acres each or less in area, or where the act of division creates five or more parcels or building sites of 1½ acres each or less in area by successive division within a period of five years. For the purposes of this chapter, and unless specifically stated otherwise, references to subdivisions in the body of this chapter include state subdivisions.

Town means the Town of Osceola, Polk County, Wisconsin.

Town board means the town board of the Town of Osceola.

Village means the Village of Dresser, Polk County, Wisconsin.

Village growth area. The areas legally described and mapped in the Village of Dresser/Town of Osceola cooperative boundary plan (adopted December 11, 2017) as territory reserved for village growth.

(Prior Code, § 18.03; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.03, 5-1-2018)

Sec. 36-2. Purpose.

- (a) This chapter is adopted pursuant to Wis. Stats. § 236.45, to achieve the purposes of Wis. Stats. ch. 236, and to provide safe and orderly subdivision layouts.

-
- (b) The intent of this chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed:
- (1) To lessen congestion in the highways and streets;
 - (2) To foster the orderly layout and use of land;
 - (3) To secure safety from fire, panic and other dangers;
 - (4) To provide adequate light and air;
 - (5) To discourage overcrowding of the land;
 - (6) To protect the community's agriculture base;
 - (7) To facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and
 - (8) To facilitate the further division of large tracts of land into smaller parcels.

The regulations are made with the reasonable consideration of, but not limited to, the present character of the town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, protecting farming and open spaces, and providing for the most appropriate use of land in the town.

- (c) This chapter shall not be construed to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements rules, regulations or permits previously adopted or issued pursuant to laws. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- (d) In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the town and shall not be deemed a limitation or repeal of any other power granted by the state statutes or county ordinances.

(Prior Code, § 18.01; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.01, 5-1-2018)

Sec. 36-3. Authority.

This chapter is adopted pursuant to Wis. Stats. §§ 61.35 and 60.61, by authority under Wis. Stats. § 60.62, which was granted by Resolution No. 3-93 on January 27, 1993, to establish a plan commission for the town.

(Prior Code, § 18.02; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.02, 5-1-2018)

Sec. 36-4. Compliance.

- (a) Any division of land which results in a subdivision shall be in compliance with all of the provisions of this chapter. A subdivision which creates five or more parcels or building sites shall be required to comply with those sections of Wis. Stats. ch. 236, relating to subdivisions, as well as comply with the provisions of this chapter.
- (b) All subdivisions that create parcels or building sites shall be required to provide a certified survey map or certified plat to be recorded at the office of the register of deeds. A copy of the recorded certified survey map or certified plat is to be filed with the town clerk as detailed in sections 36-10 and 36-16.
- (c) Unless a waiver is granted by the town board as authorized by chapter 30, article II, anyone proposing to create a certified survey map or a subdivision in the town shall enter into a development agreement with the town.

-
- (d) All replats, vacations or alterations of subdivisions shall be in compliance with the provisions of Wis. Stats. §§ 236.36 through 236.445.

(Prior Code, § 18.04; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.04, 5-1-2018)

Sec. 36-5. Exemptions.

- (a) In so far as this chapter applies to divisions of parcels, it does not apply to:
- (1) The single division of a fractional or full quarter-quarter section in two equal parcels.
 - (2) Transfers of interest in land by will or pursuant to court orders.
 - (3) Leases creating less than five parcels for terms not to exceed ten years, mortgages, or easements.
 - (4) The sale or exchange of parcels of land between owners of abutting property if additional lots, parcels or building sites are not thereby created.
 - (5) Lots created by certified survey map for utility and/or telephone transmission facilities not to exceed 10,000 square feet in size.
 - (6) Cemetery plats made under Wis. Stats. § 157.07.
 - (7) Assessors' plats made under Wis. Stats. § 70.27.
 - (8) Easements.
- (b) The document, plat, or certified survey map shall identify the specific exemption claimed. Anyone using an exemption described in this section shall be subject to prosecution under section 36-20, if the town board subsequently determines that the exemption was not available.
- (c) A parcel created by virtue of any exemption under this section is not exempt from other applicable regulations. Any parcel that does not satisfy the standards of any regulation or law as to characteristics, such as parcel size or dimension, standards governing waste disposal, or the like, shall not be eligible for relief from such standards by variance.

(Prior Code, § 18.05; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.05, 5-1-2018)

Sec. 36-6. Disclaimer of liability.

The town does not guarantee, warrant, or represent that only those areas delineated as flood lands on plats and certified survey maps will be subject to periodic inundation, nor does the town guarantee, warrant, or represent that the soils shown to be unsuitable for a given land use from tests required by this chapter are the only unsuitable soils on the parcel. The town asserts that there is no liability on the part of the town, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this chapter.

(Prior Code, § 18.06; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.06, 5-1-2018)

Sec. 36-7. Applicability within the village growth areas.

Any applications, requests, permits, or similar approvals, as described in this chapter, for land located within the village growth areas shall be subject to approval by both the town and the Village of Dresser. In such cases,

both the town and the Village of Dresser standards shall be required with respect to design and construction of public streets, sidewalks, improvements generally placed in rights-of-way, (i.e., trees, signs, etc.), and the placement of public utilities (including, but not limited to, water, electric, gas, telephone and cable television, but not including sanitary sewers) in the street right-of-way.

(Prior Code, § 18.08; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.08, 5-1-2018)

Sec. 36-8. Land suitability.

No land shall be subdivided which is held unsuitable for the proposed use by the plan commission or the town board, for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, inadequate ingress or egress, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or the town. The plan commission, in applying the provisions of this section, shall recite in writing the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the plan commission may affirm, modify or withdraw its determination of unsuitability.

(Prior Code, § 18.09; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.09, 5-1-2018)

Sec. 36-9. Dedication.

All subdivision layouts shall be developed in proper relation to existing and proposed roads, the topography, surface water, vegetative cover and other natural features as the most advantageous development of adjoining areas. The plan commission may require that suitable sites not to exceed ten percent of the total area of the subdivision be dedicated or reserved for future public use such as parks, playgrounds, public access and open spaces as needed by the subdivision, subject to acceptance thereof by the town board. Any part of a street, drainageway or other public way which is indicated on a comprehensive plan or plan component shall conform to the arrangement, width and location indicated and shall be offered for dedication to the town in accordance with the following:

- (1) All roads hereafter constructed shall include as part of the basic construction plan provisions for control of erosion and sedimentation.
- (2) a. All road rights-of-way shall be sodded or seeded at the time of construction or, if constructed after September 15, temporary seeding shall be planted followed by a permanent seeding the next growing season to prevent erosion and sedimentation.
b. Side slope shall be no greater than a one-foot drop in a two-foot run.
- (3) Driveways shall not exceed a six-degree downgrade from the road within the limits of the public road right-of-way. Culverts must be placed under driveways, where needed, to carry the natural flow of runoff water.
- (4) The plan commission and/or town board may require the construction of service roads or access roads servicing a plurality of building sites in order to minimize congestion of existing roads.

(Prior Code, § 18.10; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.10, 5-1-2018)

Sec. 36-10. Survey required.

Any division of land creating a lot or outlot of less than 19 acres in size, or the division of a parcel resulting in the remaining parcel being reduced to less than 19 acres in size, shall require that such division be done by a certified survey map or certified plat conducted by a state-registered land surveyor. (Note: If such division requires the construction of a public or private road, the design standards found in chapter 34 shall apply.)

(Prior Code, § 18.11; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.11, 5-1-2018)

Sec. 36-11. Procedures for application of plans.

The applicant may request either a concept plan review or a preliminary plan review. If a concept plan review is selected, then the review of the concept is to ensure the applicant understands the issues involved and can obtain plan commission comments prior to formally designing a plan. The applicant may choose to bypass concept review and instead prepare a preliminary plan.

- (1) *Concept review.* In order to ensure that all applicants are informed of the procedural requirements, the minimum standards of this chapter, and the requirements or limitations imposed by other town regulations prior to the development of a preliminary plat, the subdivider shall meet with the plan commission to discuss a concept plan. The applicant shall provide the information identified in Table 36-11 and follow the schedule outlined in subsection (4) of this section. No action or recommendation by the plan commission shall occur.
- (2) *Preliminary review.* The preliminary plan shall incorporate plan commission comments from the concept review. Unless waived at the concept review, the plan shall include the entire area owned or controlled by the subdivider even though only a portion thereof is proposed for development at the time. The plan shall be prepared in accordance with this chapter, chapter 34, and Wis. Stats. ch. 236.
- (3) *Information required.* The following table provides the information that is to be shown on plans:

Table 36-11. Information to be Shown on Plans

Description	Concept	Preliminary
Air photos of area	X	With lot lines shown
Subdivider contact information	X	X
Landowner of record	X	X
Property lines	Sketched	Surveyed
Proposed road locations	X	X
Adjacent landowners and structures	X	X
Driveway locations		If required
Shared driveways		X
Entire area plan		X
Topographic contours		If required
Engineered road plans		X

- (4) *Scheduling plan commission review.*
 - a. The subdivider shall file ten copies of the plan with the town clerk at least ten working days prior to the meeting of the plan commission at which action is desired. The plan commission shall not be obligated to review, until a future meeting, any changes made to the plan by the subdivider after submission and before the meeting.

-
- b. A professional engineer, planner or another person charged with the responsibility to review plats shall assist in identifying any design problems with the plan and report the findings to the plan commission.
- (5) *Plan commission recommendation.* The town plan commission shall recommend approval, conditional approval, including a recommendation of the need for a development agreement, or rejection of the proposed plan to the town board. If approval or conditional approval is recommended, the plan shall be referred to the board for consideration.
- (6) *Town board plan review.* The town board, upon receiving a timely request from the subdivider, shall then approve, conditionally approve, or reject the plan. If the plan is rejected, the conditions of rejection shall be endorsed thereon or attached thereto. If the plan is resubmitted by the subdivider and unless time is extended by written agreement between the subdivider and the town board, failure of the town board to complete the action therein required within 90 days constitutes an approval of the plan.
- (7) *Final plan approval.*
- a. A professional engineer, planner or another person charged with the responsibility to review plats shall provide the town board with such person's conclusions as to whether the final plan conforms substantially to the preliminary plan approved by the plan commission. Any conditions of that approval, and any applicable town plans and applicable ordinances are considered before recommending approval of the final plan.
 - b. If the final plan is not submitted within 36 months after the last required approval of the preliminary plan, any approving authority may refuse to approve the final plan regardless of prior action taken on the plan, or may extend the time for submission of the final plan.

(Prior Code, § 18.12; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.12, 5-1-2018)

Sec. 36-12. Improvements.

- (a) The subdivider may construct the project in such phases as are approved and may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required shall be limited to the phase of the project that is currently being constructed. The subdivider shall not be required to provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.
- (b) Before final approval of any plan, the subdivider may install required future public roads and utility improvements subject to any conditions outlined in the development agreement. The subdivider shall file a surety bond or letter of credit, prior to the beginning of any construction, meeting the approval of the town board as a guarantee that such improvements shall be completed by the subdivider or the subdivider's subcontractors. During construction of each improvement, the subdivider must notify the town board so that adequate inspections can be made. The developer shall pay all inspection fees.

(Prior Code, § 18.13; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.13, 5-1-2018)

Sec. 36-13. Roads, streets, and driveways.

All roads, streets and driveways must be in compliance with this Code as detailed in chapter 34, article I.

(Prior Code, § 18.14; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.14, 5-1-2018)

Sec. 36-14. Survey monuments.

The subdivider shall install survey monuments in accordance with the requirements of Wis. Stats. § 236.15. (Prior Code, § 18.15; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.15, 5-1-2018)

Sec. 36-15. Storm drainage facilities.

- (a) Storm drainage facilities, where needed, shall be designed to:
 - (1) Permit the unimpeded flow of natural watercourses;
 - (2) Ensure the drainage of all points along the line of streets; and
 - (3) Provide positive drainage from on-site sewage disposal facilities.
- (b) In designing storm drainage facilities, special consideration must be given to protection against shoreland erosion and siltation of surface waters and preventing excess runoff on adjacent property. The plan commission shall require that easements or drainageways of widths sufficient to accommodate anticipated stormwater runoff be provided.

(Prior Code, § 18.16; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.16, 5-1-2018)

Sec. 36-16. Fees.

- (a) The subdivider shall pay to the town the fee required. Such fees, paid according to the schedule of fees and penalties, shall be used to defray the administrative expenses of the town in connection with review of said plan.
- (b) Town expenses incurred in employment of the services of engineers, attorneys, planners and other professional consultants in connection with the review of plans and expenses incurred as a result of impact on existing infrastructure shall be reimbursed to the town by the subdivider.

(Prior Code, § 18.17; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.17, 5-1-2018)

Sec. 36-17. Procedures for review of final plats.

- (a) The subdivider shall prepare and submit ten copies of the final plan to the town clerk within 36 months of the plan commission's or the town board's last action and at least ten working days prior to the meeting of the town board at which action is desired.
- (b) The town clerk shall forward copies of the final plan to the town board. The town board shall examine it for conformity with the plan commission's recommendation and any conditions, with the requirements of this chapter, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it.
- (c) The town board shall approve, conditionally approve, or shall reject the plan. If rejected, the town board shall indicate the reasons for any rejection of the plan. One copy of the plan shall then be returned to the subdivider, the surveyor, or engineer with the date and action endorsed thereon. The conditions or requirements of rejection, or conditional approval, shall be endorsed thereon or attached thereto.

-
- (d) The final plan may, if permitted by the town board, include only that portion of the approved plan which the subdivider proposes to record at the time.
 - (e) The final plan shall be approved if it conforms to the plan as recommended by the plan commission, including any conditions of that approval, and to any applicable town plans and ordinances. If the final plan is not submitted within 36 months of the last action, the town board may reject the final plan regardless of any prior action, or may extend the time for submission of the final plan.
 - (f) The subdivider shall file a certified copy of the final plan with the town clerk within ten days after it has been recorded.
 - (g) Upon approval of the final plan, all fees provided in the schedule of fees and penalties shall be paid in full.
- (Prior Code, § 18.18; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.18, 5-1-2018)

Sec. 36-18. Appeals.

- (a) If the town plan commission was acting at the request of the town board, the following recommendation of the plan commission may be appealed to the town board:
 - (1) Requirement of a plan in connection with a land division;
 - (2) Determination that the site land is unsuitable for subdivision.
- (b) A written notice of appeal must be filed with the town clerk within 30 calendar days of the date when notice of the action of the plan commission appealed from is presented to the subdivider.
- (c) The notice of appeal shall state the action of the plan commission appealed from, shall specify the reasons stated by the plan commission for taking such actions, shall specify the reasons why the subdivider believes said action was inappropriate, and shall state the names and addresses of the owners of all properties adjacent to the proposed land division or subdivision.
- (d) The town clerk shall file the notice of appeal with the town board and shall schedule the appeal for consideration by the town board at a meeting, open to the public, within 45 days of the filing of the notice of appeal. The town clerk shall send notice of the time scheduled for the consideration of the appeal to the subdivider and to all property owners adjacent to the proposed land division or subdivision at least ten days prior to the hearing of appeal.
- (e) Within 30 days of the appeal hearing, the town board shall affirm, modify, or reverse the action of the plan commission or shall refer the matter back to the plan commission for further consideration. Notice of the decision of the town board shall be sent to the subdivider and the plan commission.
- (f) The provisions of Wis. Stats. ch. 68 shall not be applicable to any determination made pursuant to the provisions of this chapter.
- (g) Any person aggrieved by an objection to a plan or a failure to approve a plan may, after review by the town board, appeal a determination, as provided in Wis. Stats. §§ 236.13(5) and 62.23(7)(e)10 to 15.

(Prior Code, § 18.19; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.19, 5-1-2018)

Sec. 36-19. Replats.

When it is proposed to replat a recorded subdivision or part thereof so as to change the boundaries of a recorded subdivision or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded

plat as provided in Wis. Stats. §§ 236.40 through 236.44. The subdivider or person wishing to replat shall then proceed as specified in sections 36-6 through 36-12.

(Prior Code, § 18.20; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.20, 5-1-2018)

Sec. 36-20. Violation and penalties.

- (a) Any person, partnership, corporation or other entity who violates this chapter shall be subject to a penalty as detailed in the town schedule of fees and penalties, in addition to any provisions allowed in Wis. Stats. §§ 236.31, 236.32 and 236.335, and as provided in section 1-7.
- (b) All provisions of Wis. Stats. §§ 236.31, 236.32 and 236.335 are hereby incorporated by reference and any penalty set forth in such sections shall be imposed as a forfeiture payable to the town treasurer.

(Prior Code, § 18.21; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.21, 5-1-2018)

Sec. 36-21. Amendments; state law to apply.

- (a) The town board may make amendments to this chapter in the manner prescribed by state statutes.
- (b) To the extent that this chapter contains time limits, deadlines, notice requirements, or other provisions that are more restrictive than time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Wis. Stats. ch. 236, the time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Wis. Stats. ch. 236 shall apply.

(Prior Code, § 18.22; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 7-9-2007; Ord. of 7-11-2011; Ord. No. 18-03-03, § 18.22, 5-1-2018)

Chapter 30 PLANNING

ARTICLE I. IN GENERAL

Secs. 30-1—30-18. Reserved.

ARTICLE II. DEVELOPMENT AGREEMENTS

Sec. 30-19. Purpose and intent.

The purpose of a development agreement is to allow the town, when appropriate, to enter into an agreement with a project developer that ensures that public and private improvements that are proposed to be made in the town due to proposed subdivision and land development activity will be designed and constructed in conformity with town, county and state laws, by requiring that developers agree to design and install public and private improvements at the developer's expense and in conformity with all applicable governmental regulations, that adequate provisions are made by the developer for the future maintenance of stormwater management and erosion control devices by benefited landowners, and that the health, safety and welfare of town residents and taxpayers are not unnecessarily affected by subdivision and development activity in the town. Such an agreement provides the opportunity for the town and the developer to agree on the scope and timing of the project, applicable regulations and requirements, and other matters relating to the development process.

(Prior Code, § 17.01; Ord. No. 07-03-ORD-02, § 17.01, 4-10-2007)

Sec. 30-20. Adoption of statutory provisions.

Under the authority granted the town under state law, including, but not limited to, Wis. Stats. §§ 60.10(2), 61.34, 61.35, 62.23, and Wis. Stats. ch. 236, the town board does hereby ordain that anyone proposing to create parcels of land in a manner that will result in the subdivision of land as defined by Wis. Stats. § 236.02(12), or in the county subdivision ordinance or chapter 36, may enter into a development agreement with the town as a condition of the town's preliminary and final plat or certified survey map approval.

(Prior Code, § 17.02; Ord. No. 07-03-ORD-02, § 17.02, 4-10-2007)

Sec. 30-21. Agreement required.

Unless a waiver is granted by the town board as authorized by this article, anyone proposing to create a certified survey map or a subdivision in the town shall enter into a development agreement with the town.

(Prior Code, § 17.03; Ord. No. 07-03-ORD-02, § 17.03, 4-10-2007)

Sec. 30-22. Agreement components.

The proposed development agreement shall, at a minimum, include provisions required by chapter 34 and chapter 36 and shall set forth the development standards and other provisions that shall apply to and govern the use and development of the real property for the duration specified in the agreement. The agreement may also

contain such other provisions as the town, and the property owner or person controlling the property may mutually agree upon, such as, but not limited to, preconstruction meetings, construction schedules, driveway locations, construction securities, warranties, land dedications and covenants and agreements.

(Prior Code, § 17.04; Ord. No. 07-03-ORD-02, § 17.04, 4-10-2007)

Sec. 30-23. Waiver.

The town board shall have sole discretion in determining whether to waive the requirement of a development agreement, but it shall consider the recommendation of the planning commission in making this decision.

(Prior Code, § 17.05; Ord. No. 07-03-ORD-02, § 17.05, 4-10-2007)

Sec. 30-24. Penalty clause.

- (a) Anyone commencing the construction of any public or private improvements in an area for which preliminary plat approval has been requested, and anyone causing or attempting to cause a plat or a certified survey map to be recorded without first executing a development agreement with the town shall pay a forfeiture in an amount as set by the town board plus the town's legal fees and costs of prosecution. The amount of the forfeiture shall be as established in the schedule of fees and penalties. Noncompliance with this article shall also constitute grounds for an injunction or other appropriate action or proceeding to stop a violation of any provision of this article. No building permit shall be issued for any lot in any area for which a development agreement is required and has not been executed by all required parties. These penalties are in addition to any other penalties provided by law.
- (b) Remedies for breach of a development agreement or default in any obligation established in the development agreement shall include, but not be limited to, unilateral suspension or withholding by the town of all permits, licenses, or other authorization issued or to be issued by the town in connection with the property shown on the plat. This is in addition to any other remedies to which the town may be entitled by law.

(Prior Code, § 17.06; Ord. No. 07-03-ORD-02, § 17.06, 4-10-2007)

Chapter 34 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

Sec. 34-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approach means that portion of road extending 100 feet on each side of a culvert, bridge, driveway or other connecting road.

Arterial street means a street which provides for the movement of relatively heavy traffic to, from or within the town. It has a secondary function of providing access to abutting land.

Base course means the supporting part of a road or bottom.

Bypass lane means a widening of the road into an additional traffic lane near an intersecting road to allow traffic to pass on the right.

Culvert means a galvanized steel, concrete, or corrugated polyethylene culvert pipe which shall conform to AASHTO M 294 Type S, having a corrugated outer wall and a smooth inner liner, of sufficient size, to allow the unobstructed flow of water under a road or driveway surface.

Collector street means a street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

Developer means any person, partnership, corporation, or other entity creating a subdivision. For the purposes of this article, any references to subdividers include developers.

Development agreement means a written agreement between the town and the developer outlining specific requirements and obligations of the subdivision development. See chapter 30 for details.

Drainage means to make gradually dry by trenches, channels, etc.

Driveway means an access used for purposes of ingress and egress serving not more than two lots.

(1) As located on a subdivision plat.

(2) Other individual driveways.

Grade means the rate of ascent or descent of a road.

Highway means a road or way over which the public generally has a right to pass.

Minor street means a street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."

Plan commission means the town plan commission.

Private road means a road built to town standards designated on the plan as a "private road."

Road means a public or private way for vehicular traffic which meet the following standards:

(1) Compliance with town ordinances.

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- (2) Compliance with the municipal code of the Village of Dresser when located within a village growth area as defined in the Village of Dresser/Town of Osceola cooperative boundary plan.
 - (3) Cul-de-sac or hammerhead roads have a turnaround at one end.
 - (4) Dead-end roads are closed at one end.

Roadbed means the whole of the material laid in place and ready for travel.

Roadway means the traveled portion of a road.

Subdivider includes any person, partnership, corporation, or other entity creating a subdivision.

Subdivision means a division of a lot or parcel, tract of land by the owner thereof or the owner's agent for the purpose of transfer of ownership or building development.

Surface course means the top of a roadway or traffic course.

Turning lane means an additional lane to assist in the deceleration of traffic prior to turning onto an intersecting road.

Village growth area means the areas legally described and mapped in the Village of Dresser/Town of Osceola cooperative boundary plan (adopted December 11, 2017) as territory reserved for village growth.

(Prior Code, § 8.01; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 6-11-2007; Ord. of 7-14-2008; Ord. of 8-8-2011; Ord. of 11-7-2017; Ord. of 5-1-2018; Ord. of 10-4-2021; Ord. of 1-3-2022; Ord. No. 22-01-03, § 8.01, 3-7-2022)

Sec. 34-2. Applicability within the village growth areas.

Any applications, requests, permits, or similar approvals, as described in sections 34-3 through 34-5, for land located within the village growth areas shall be subject to approval by both the town and the Village of Dresser. In such cases, both the town and the Village of Dresser standards shall be required with respect to design and construction of public streets, sidewalks, improvements generally placed in rights-of-way (i.e., trees, signs, etc.), and the placement of public utilities, including, but not limited to, water, electric, gas, telephone, and cable television, but not including sanitary sewers, in the street right-of-way.

(Prior Code, § 8.02; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 6-11-2007; Ord. of 7-14-2008; Ord. of 8-8-2011; Ord. of 11-7-2017; Ord. of 5-1-2018; Ord. of 10-4-2021; Ord. of 1-3-2022; Ord. No. 22-01-03, § 8.02, 3-7-2022)

Sec. 34-3. Acceptance of roads.

(a) Purpose.

- (1) To promote the public safety, general welfare and convenience, it is necessary that certain requirements be established and followed in the creation of roads in the town so the public will not be adversely affected by the action of the town board in accepting such roads.
- (2) It is not intended by this section to repeal, abrogate, annul or interfere with any existing highway rules or regulations issued pursuant to laws in regard to public highways.

(b) Application. The applicant may request either a concept plan review or a preliminary plan review. If a concept plan review is selected, then the review of the concept is to ensure the applicant understands the issues involved and can obtain plan commission comments prior to formally designing a plan. The applicant may choose to bypass concept review and instead prepare a preliminary plan.

- (1) *Concept review.* In order to ensure that all applicants are informed of the procedural requirements, the minimum standards of this chapter, and the requirements or limitations imposed by other town regulations prior to the development of a preliminary plat, the subdivider shall meet with the plan

commission to discuss a concept plan. The applicant shall provide the information identified in Table 34-3, and follow the schedule outlined in section 36-11(4). No action of recommendation by the plan commission shall occur.

- (2) *Preliminary review.* The preliminary plan shall incorporate plan commission comments from the concept review. Unless waived at the concept review, the plan shall include the entire area owned or controlled by the subdivider even though only a portion thereof is proposed for development at the time. The plan shall be prepared in accordance with this article, Wis. Stats. ch. 236, and chapter 36, pertaining to subdivisions.

- (3) *Information required.* The following table provides the information that is to be shown on plans:

Table 34-3. Information to be Shown on Plans

Description	Concept	Preliminary
Air photos of area	X	With lot lines shown
Subdivider contact information	X	X
Landowner of record	X	X
Property lines (size and location)	Sketched	Surveyed
Existing and proposed road locations	X	X
Adjacent landowners and structures	X	X
Driveway locations		If required
Shared driveways		X
Entire area plan		X
Topographic contours		If required
Engineered road plans		X

- (4) *Scheduling plan commission review.* The subdivider shall file ten copies of the plan with the town clerk at least ten working days prior to the meeting of the town plan commission at which action is desired. The plan commission shall not be obligated to review, until a future meeting, any changes made to the plan by the subdivider after submission and before the meeting.
- (5) *Plan review.* The town clerk shall forward copies of the plan on the Tuesday preceding the scheduled meeting to the town plan commission members. The plan will also be forwarded on to a professional engineer, a planner or another person charged with the responsibility to review plats, who shall assist in identifying any design problems with the plan, shall visit the site of the plan, examine the plan for conformity with all ordinances, administrative rules and regulations and for compliance with the town comprehensive plan, and such person mentioned will report the findings to the plan commission.
- (6) *Plan commission approval.* The town plan commission shall recommend approval, conditional approval or rejection of the proposed plan to the town board after a professional engineer, a planner or another person charged with the responsibility to review plats approves the proposed plan. If approval or conditional approval is recommended, the plan shall be referred to the town board for consideration. The town board, upon receiving a timely request from the applicant, shall then approve, conditionally approve, or reject the plan. If the plan is rejected, the conditions of rejection shall be endorsed thereon or attached thereto. If the plan is resubmitted by the applicant and unless time is extended by written agreement between the applicant and the town board, failure of the town board to complete the action therein required within 90 days constitutes an approval of the plan.
- (7) *Waiver.* Unless a waiver is granted by the town board as authorized by chapter 30, article II, anyone proposing to create a subdivision or land development activity in the town shall enter into a development agreement with the town.

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- (8) *Final plan approval.* Approval or conditional approval of a plan entitles the final plan to approval, provided that the final plan conforms substantially to the original plan recommended by the plan commission, including any conditions of that recommendation as outlined in the development agreement, and conforms to any applicable town plans and applicable ordinances. If the final plan is not submitted within 36 months of the last approval of the plan, any approving authority may refuse to approve the final plan regardless of prior action taken on the plan or may extend the time for submission of the final plan.
- (c) *Construction.*
- (1) No land grading or site preparation, alteration of drainageways, waterways or water features, or commencing the construction of any roads, ditches, ponds, swales, drainageways or the like, shall occur prior to town board approval of the preliminary plat or preliminary certified survey map and a signed development agreement if required by the town board.
 - (2) Before preliminary plan approval can be given, an engineered road plan for the subdivision must be submitted to the town board.
 - (3) No building permit shall be issued for any lot until all the requirements of this article have been satisfied, with the exception of driveway installations, which must first receive preliminary approval for the driveway permit, which is conditional on the final driveway permit installation receiving approval.
- (d) *Procedures for town board review and approval of final subdivision plans.*
- (1) The applicant shall prepare and submit ten copies of the final plan to the town clerk within 36 months of the plan commission's or the town board's last action and at least ten working days prior to the meeting of the town board at which action is desired.
 - (2) The town clerk shall forward copies of the final plan to the town board. The town board shall examine it for conformity with the plan commission's recommendation and any conditions, with the requirements of this article, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it.
 - (3) A professional engineer, planner or another person charged with the responsibility to review plats shall provide the town board with conclusions as to whether the final plan conforms substantially to the preliminary plan approved by the plan commission. Any conditions of that approval, and any applicable town plans and applicable ordinances are considered before recommending approval of the final plan. If the final plan is not submitted within 36 months of the last action, the town board may reject the final plan regardless of any prior action or may extend the time for submission of the final plan.
 - (4) The town board shall approve, conditionally approve, or shall reject the plan. If rejected, the town board shall indicate the reasons for any rejection of the plan. One copy of the plan shall then be returned to the applicant, the surveyor, or engineer with the date and action endorsed thereon. The conditions or requirements of rejection, or conditional approval, shall be endorsed thereon or attached thereto.
 - (5) The final plan may, if permitted by the town board, include only that portion of the approved plan which the applicant proposes to record at the time.
 - (6) Before work begins on the project, a bond or letter of credit, in favor of the town, in the amount established in the schedule of fees and penalties for proposed town roads or private roads must be presented to the town board. The developer may construct the project in such phases as is approved and may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required shall be limited to the phase of the project that is currently being constructed. The subdivider is not to be required to provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements. Such bond or letter of credit shall remain in force until the road has passed the final

inspection. The amount of the bond or letter of credit may be reduced, by vote of the town board, as portions of the road construction are completed.

- (7) The applicant shall file a certified copy of the final plan with the town clerk within ten days after it has been recorded.
- (8) Building permits and/or driveway permits shall be denied for any lots adjoining a newly constructed town road or private road that is not in compliance with the town road standards and requirements.

(e) *Appeals.*

- (1) If the plan commission was acting at the request of the town board, the following recommendation of the plan commission may be appealed to the town board:
 - a. Requirement of a plan in connection with the road.
 - b. Determination that the site land is unsuitable for a road.
- (2) A written notice of appeal must be filed with the town clerk within 14 calendar days of the date when notice of the action of the plan commission appealed from is presented to the applicant.
- (3) The notice of appeal shall state the action of the plan commission appealed from, shall specify the reasons stated by the plan commission for taking such actions, shall specify the reasons why the applicant believes said action was inappropriate, and shall state the names and addresses of the owners of all properties adjacent to the proposed land division or subdivision.
- (4) The town clerk shall file the notice of appeal with the town board and shall schedule the appeal for consideration by the town board at a meeting, open to the public, within 45 days of the filing of the notice of appeal. The town clerk shall send notice of the time scheduled for the consideration of the appeal to the applicant and to all property owners adjacent to the proposed land division or subdivision at least ten days prior to the hearing of appeal.
- (5) Within 30 days of the appeal hearing, the town board shall affirm, modify, or reverse the action of the plan commission or shall refer the matter back to the plan commission for further consideration. Notice of the decision of the town board shall be sent to the applicant and the plan commission.
- (6) The provisions of Wis. Stats. ch. 68 shall not be applicable to any determination made pursuant to the provisions of this article.
- (7) Any person aggrieved by an objection to a plan or a failure to approve a plan may, after review by the town board, appeal therefrom, as provided in Wis. Stats. §§ 236.13(5) and 62.23(7)(e)(10)–(15).

(f) *Standards.* The following standards are set by the town board and established by licensed professional engineers for the construction of the proposed roads in compliance with good practice, general construction and safety. Current town road standards will apply to all roads whether they are to be town roads or private roads.

- (1) *Width.* The minimum width for any road right-of-way shall not be less than 66 feet wide and shall include a Class 5 gravel roadway of not less than 30 feet in width, of which 22 feet shall be paved with not less than three inches of compacted blacktop of quality as approved by the state for a town road, and with four-foot, compacted gravel shoulders on each side.
- (2) *Grade.* Grades of roads shall be approved by the town board before construction.
- (3) *Ditching.* Ditching of the roadway shall be complete and have proper elevation to provide for the removal of water. Where it becomes necessary to make a lateral trench leading from the main ditch, the additional land necessary for the removal of accumulated water shall be provided and deeded over to the town along with the necessary land for the road. The additional land conveyed to the town for drainage shall be under the supervision of the town board at all times.

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- (4) *Base course.* The base course shall be of a quality and composition suitable for the location. In low or swampy areas, the base course shall have a sandy composition to provide necessary drainage of the roadbed. Any muck holes encountered before and during construction of the roadbed shall be removed and filled with a sandy lift to provide a solid base of at least a 12-inch sand lift.
- (5) *Surface course.* The surface course shall consist of the state Class 2 gravel of a quality and composition suitable for traffic loads. The amount of gravel necessary for acceptance shall be at least 3,820 cubic yards per mile, which compressed will be approximately six inches, then surfaced with asphalt.
- (6) *Top course.* The top course shall consist of three inches of asphalt which cannot be applied until compaction of the surface course has been tested or has rested for a 12-month period.
- (7) *Culverts.*
- a. Any culverts necessary for proper drainage shall be provided and installed at the applicant's or developer's expense and shall not be installed until elevation and location is approved by the town board. The minimum length of any culvert installed in the roadbed shall be 36 feet. However, the diameter and length of such culvert will be subject to the approval of the town board after the amount of flowage is determined. Any secondary culverts installed in any lateral trenches will be of a size and length as determined by the town board.
 - b. If at any time it is decided by the town board, that the construction of a culvert or bridge would be of such a size and cost that it would create a hardship to the owner of the land required to build such culvert or bridge, the town board shall proceed to accept the road, complete as required by the above rules and regulations, except the approach as defined in section 34-1. The approach will be accepted incomplete with the reservation that the town will bill back to the owner a portion of the cost of construction of bridge or culvert. The town will then proceed to build such culvert or bridge and approach with the help of bridge aid, if available. The balance of cost and construction not covered by aid will be charged to the owner of the land abutting the road, which cost shall be added to the tax roll if not paid within 90 days with interest of 1½ percent per month.
 - c. It is not the intent of this section to discriminate or favor any individual but rather to aid in construction so as to reduce the cost of construction in areas where nature has created extreme road building conditions.
- (g) *Inspection.*
- (1) All town roads and private roads must be inspected and certified by the town board, or the town board's designate, which may include the hiring of an engineer, before and during the construction of the road.
 - (2) A road construction inspection fee in the amount established by the schedule of fees and penalties must be paid to the town at the time of preliminary plat approval. Any additional inspections required will be charged to the developer at the rate established in the schedule of fees and penalties.
 - (3) The required meeting and inspections are as follows:
 - a. Preconstruction meeting.
 - b. An initial inspection of the site of the proposed road consisting of, but not limited to:
 1. Centerline staking.
 2. Right-of-way width.
 3. Layout conformity with the plan.
 4. Verification of posting of securities.

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- c. An inspection of the road rough-in prior to the application of gravel consisting of, but not limited to:
 - 1. Base course.
 - 2. Laying of culverts.
 - 3. Ditches.
 - 4. Erosion measures.
 - 5. Ponding and drainage easements.
 - 6. Curves.
 - 7. Road continuation.
 - 8. Intersections.
 - 9. Visibility and safety.
 - 10. Dead-ends, hammerheads, and culs-de-sac.
 - d. An inspection of the compacted gravel surface prior to the application of blacktop, consisting of, but not limited to:
 - 1. Gravel thickness.
 - 2. Gravel quality.
 - 3. Gravel width.
 - 4. Ditches seeded and mulched.
 - e. A final inspection upon completion of the road for acceptance or rejection of the road as the case may be. If the road is rejected, corrections shall be made as recommended by the town board before final inspection can be made again. The final inspection shall consist of, but may not be limited to:
 - 1. Application of blacktop.
 - 2. Width of blacktop.
 - 3. Shouldering.
 - f. The town board will endeavor to cause requested road inspections to be performed within two business weekdays following the business weekday of request.
- (h) *Town board acceptance.* Once a proposed town road has passed final inspection, the town board may consider acceptance of the road through the following procedure:
- (1) A written request must be submitted to the town requesting the town board accept, by resolution, the road.
 - (2) Upon receipt of the written request, a title search and request for lien waivers will be initiated by the town at the cost of the requestor.
 - (3) Upon receipt of clear title search and lien waivers, the town clerk will draft a resolution of acceptance of the road and present the resolution to the town board at the next regular monthly meeting.
 - (4) If the resolution for acceptance of the road is approved by a majority of the town board at a duly called and noticed meeting, the road will be recorded as an accepted town road.
 - (5) Written requests to change private roads to town roads will require a road inspection and possible engineering study.
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(Prior Code, § 8.03; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 6-11-2007; Ord. of 7-14-2008; Ord. of 8-8-2011; Ord. of 11-7-2017; Ord. of 5-1-2018; Ord. of 10-4-2021; Ord. of 1-3-2022; Ord. No. 22-01-03, § 8.03, 3-7-2022)

Sec. 34-4. Road standards.

(a) *Grades.*

- (1) Unless necessitated by exceptional topography, subject to the approval of the town board, the maximum centerline grade of any street or public way shall not exceed the following:
 - a. Arterial streets: six percent.
 - b. Collector streets: eight percent.
 - c. Minor streets, alleys and frontage streets: ten percent.
 - d. Pedestrian ways: 12 percent, unless steps of acceptable design are provided.
- (2) The grade of any street shall not exceed 12 percent or be less than one-half percent. Street grades shall be established wherever practicable so as to avoid excessive grading, removal of ground cover and tree growth and general leveling of the topography.

(b) *Curves.* When a continuous street centerline deflects at any one point by more than ten percent, a circular curve shall be introduced having a radius of curvature on such centerline of not less than the following:

- (1) Arterial streets and highways: 500 feet.
- (2) Collector streets: 300 feet.
- (3) Minor streets: 100 feet.

(c) *Continuation.* Streets shall be laid out to provide for continuation wherever topographic and other physical conditions permit.

(d) *Number of intersections.* The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.

(e) *Frontage road required.* Where a subdivision abuts or contains an existing or proposed arterial highway, the town board may require a frontage road, with a 66-foot right-of-way, contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

(f) *Reverse curves.* A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.

(g) *Visibility and safety.* Streets shall afford maximum visibility and safety and shall intersect at right angles.

(h) *Dedication.* Dedication of half-width streets shall be prohibited.

(i) *Dead-end roads, hammerheads and culs-de-sac.* Dead-end streets, hammerheads or culs-de-sac shall have a minimum right-of-way width of 66 feet. Cul-de-sac shall terminate with a turnaround having an outside roadway diameter of at least 80 feet and a street property line of 100 feet.

(j) *Lot lines to be perpendicular.* Wherever possible, lot lines shall be perpendicular to the street line and to the tangent at the lot corner or curved streets.

(k) *Lots.* Lots shall follow, rather than cross, municipal boundary lines whenever practicable.

(l) *Turning/bypass lanes.* Turning lanes or bypass lanes may be required depending upon traffic conditions.

(Prior Code, § 8.04; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 6-11-2007; Ord. of 7-14-2008; Ord. of 8-8-2011; Ord. of 11-7-2017; Ord. of 5-1-2018; Ord. of 10-4-2021; Ord. of 1-3-2022; Ord. No. 22-01-03, § 8.04, 3-7-2022)

Sec. 34-5. Driveways.

- (a) *Exemptions.* Driveways which enter onto a state or county road or private road are exempt from this section.
- (b) *Minimum requirements.* All new driveways proposed to be installed, or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures which enters an existing or proposed town road, shall be subject to an inspection fee as established in the schedule of fees and penalties, to be paid to the town, prior to the start of any construction of a new driveway, and prior to the county issuing a sewer permit or a land use permit. An approved preliminary driveway permit shall be issued by the town, which is conditional on the final driveway permit installation receiving approval, before any such permit can be issued. The applicant who may be the owner, agent, or contractor shall submit a location construction plan showing specifications, including grade, slope, width, and length of the driveway and erosion control procedures.
 - (1) Preliminary authorization for a driveway is subject to the approval of an official from the town board or public works, and when so approved, the official shall notify the county zoning office.
 - (2) Evidence of an existing driveway shall be either the clear indication of a driveway being in place on the 1997 aerial photo or a statement from the town board that an approved driveway is in place. If there is a dispute on the adequacy of an alleged existing driveway, the decision of the town board will be the deciding factor.
- (c) *Number.* A maximum of one driveway per residential lot shall be allowed unless the lot is served by two roads, in which case a second driveway may be allowed on the adjoining road at the discretion of the town board.
- (d) *Separation of driveways.* All new driveways on through roads must be at least 150 feet, center to center, from any other existing or planned driveway or intersection, wherever topographic and other physical conditions permit.
- (e) *Specifications.* All driveways shall be constructed in accordance with these specifications, and any other requirements as may be set forth by the town plan commission and/or the town board. The maintenance of the driveway and culvert shall be the responsibility of the applicant and/or property owner.
 - (1) The application for a culvert must be completed with the town public works or a town board member. If a culvert is needed:
 - a. The culvert must have a diameter sufficient to accommodate the ditch and water runoff.
 - b. The culvert must be a minimum of 24 feet in length.
 - c. The culvert must be constructed of a galvanized steel, concrete, or corrugated polyethylene culvert pipe which shall conform to AASHTO M 294 Type S, having a corrugated outer wall and a smooth inner liner.
 - d. The road surface over the culvert must have a minimum width of 22 feet.
 - e. The top of the culvert must be at least four inches below the top of the driveway surface for galvanized steel or concrete culverts or 12 inches deep for corrugated polyethylene culverts.
 - (2) The driveway road surface must be a minimum of 12 feet in width.
 - (3) The driveway clearance width must be a minimum of 24 feet.
 - (4) The driveway height clearance free of trees and wires must be a minimum of 18 feet.
 - (5) The driveway must meet the public road at a 90-degree angle.
 - (6) Wherever practicable, the driveway must slope away from the public road at an angle of not less than one percent or more than six percent to prevent erosion onto the public road.

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- (7) On hillsides, the driveway must be graded, with a crown, at least 22 feet back from the public road.
 - (8) The driveway bed must be of suitable material to support the projected traffic.
 - (9) Driveway entrances must be kept clear of brush, shrubbery, or large boulders, back at least 33 feet from the centerline of the public road.
 - (10) Driveway easements shall have a minimum width of 20 feet.
- (f) *Application and approval.*
- (1) Every effort will be made by the town to assist with the application, inspection and both preliminary and final approvals of driveways within 48 hours. The county zoning office will not issue any permits until an authorized representative of the town has signed the preliminary approval section of the driveway permit application.
 - (2) If an official from the town board or public works is not able to determine if a driveway request meets town specifications, the town board shall be the final approving authority for driveway applications. Deviation from the specifications required by this section may be approved by the town board in extenuating circumstances.

(Prior Code, § 8.05; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 6-11-2007; Ord. of 7-14-2008; Ord. of 8-8-2011; Ord. of 11-7-2017; Ord. of 5-1-2018; Ord. of 10-4-2021; Ord. of 1-3-2022; Ord. No. 22-01-03, § 8.05, 3-7-2022)

Sec. 34-6. Penalty.

Any person, partnership, or corporation or other entity found in violation of any provision of this article or any order, rule or regulation made hereunder shall be subject to a penalty as detailed in the town schedule of fees and penalties.

(Prior Code, § 8.07; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 6-11-2007; Ord. of 7-14-2008; Ord. of 8-8-2011; Ord. of 11-7-2017; Ord. of 5-1-2018; Ord. of 10-4-2021; Ord. of 1-3-2022; Ord. No. 22-01-03, § 8.07, 3-7-2022)

Sec. 34-7. Conflicts with statute.

To the extent that this article contains time limits, deadlines, notice requirements, or other provisions that are more restrictive than time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Wis. Stats. ch. 236, the time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Wis. Stats. ch. 236, shall apply.

(Prior Code, § 8.08; Ord. of 3-8-1999; Ord. of 5-12-2003; Ord. of 6-11-2007; Ord. of 7-14-2008; Ord. of 8-8-2011; Ord. of 11-7-2017; Ord. of 5-1-2018; Ord. of 10-4-2021; Ord. of 1-3-2022; Ord. No. 22-01-03, § 8.08, 3-7-2022)

Sec. 34-8. Snow and debris removal from public roads and road rights-of-way.

The purpose of this section is to promote safe roadways for town residents and prevent damage to town equipment.

- (1) *Authority.* The town board has village powers under Wis. Stats. § 60.10(2)(c), that grants general police powers as set forth in Wis. Stats. § 61.34(1), to regulate certain uses, activities, businesses and operations that may affect the streets and highways in the town.
- (2) *General requirement.* The town hereby requires the snow and debris to be removed from public roads, the road shoulder, and the road right-of-way as needed.
- (3) *Specific requirements and restrictions.*

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- a. Snow may not be deposited on any public road or road shoulder to the near ditch line, or be deposited on any highway in any way that violates Wis. Stats. ch. 86 (2007—2008).
 - b. Brush, garbage, or other debris may not be deposited on any public road, road shoulder, or road right-of-way.
 - c. Any snow, brush, garbage, or debris that is deposited on any public road or road shoulder due to the clearing of snow, brush, or other debris from private lands must be immediately removed, and the road or road shoulder must be repaired to the condition it was before the snow or debris was deposited.
- (4) *Notice of violation.* Any person found to be in violation of this section shall be given written notice by the town and shall be subject to the following penalties:
- a. Penalties as prescribed in the town schedule of fees and penalties.
 - b. If town personnel and equipment are required to remove snow or other debris from the road surface, shoulder, or right-of-way, the responsible party and/or property owner will be charged the amount provided for in the schedule of fees and penalties.
 - c. Charges for police, fire, or other required services at the invoiced amount.
 - d. Resulting cost, including actual and related expenses, for damages to equipment will be billed to the responsible party.

(Ord. No. 18-04-04, §§ I—V, 5-1-2018)

Secs. 34-9—34-36. Reserved.

ARTICLE II. MAILBOXES

Sec. 34-37. Purpose

The purpose of this article is to regulate and control new and replacement mailbox post installations within the town in order to promote public health, safety, general welfare, convenient mail delivery, and to accommodate snow removal and road maintenance. This can be accomplished by requiring proper placement of all new and replacement mailbox posts using the standards set forth in section 34-39.

(Ord. No. 23-01-01, § I, 4-10-2023)

Sec. 34-38. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mailbox means a receptacle that complies with current United States Postal Service standards.

(Ord. No. 23-01-01, § II, 4-10-2023)

Sec. 34-39. Mailbox standards.

As of the effective date of the ordinance from which this article is derived, the placement and replacement of mailboxes shall meet the following standards:

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- (1) The bottom of the mailbox shall be 41 to 45 inches from the road surface.
 - (2) There shall be 40 inches of minimum clearance from the road surface under the lateral support, and there shall be no bracing under the lateral support on the roadside of the post.
 - (3) The front of the mailbox shall be set back zero to 12 inches from the shoulder and shall not be closer than 24 inches to the edge of the road surface.
 - (4) The post shall be set back a minimum of 36 inches from the front of the mailbox.
 - (5) The ideal distance from road center to the post is 17 feet, and the post shall not be closer than five feet from the road edge.
 - (6) Wood posts or similar material shall not be larger than four inches by four inches.
 - (7) Steel posts or similar material shall not be larger than a two-inch diameter standard pipe.
 - (8) Telephone/power poles, heavy metal posts, concrete posts, antique farm equipment, or other similar items are prohibited from being used as mailbox posts.
 - (9) Mailboxes shall not be closer than 150 feet to another mailbox, and if mailboxes need to be closer than 150 feet, they shall share a support.
 - (10) Mailbox supports shall be designed so that, if struck, it will bend or fall away from the striking vehicle to prevent severe damage to the vehicle or injury to the traveling public.
 - (11) All mailboxes shall be located as per the local postmaster general.
 - (12) Mailboxes shall not be located within the circle of a cul-de-sac; they shall be placed along the straight portion of the road immediately preceding or immediately following the cul-de-sac as determined by the local postmaster general.
 - (13) Any newspaper boxes shall be attached to the mailbox support, not on a separate post, maintaining 40 inches, minimum clearance measured from the road surface.

(Ord. No. 23-01-01, § III, 4-10-2023)

Sec. 34-40. Mailbox recommendations.

At this time, the town is not regulating the size or type of mailbox, so long as it is approved by the postmaster general. Nonetheless, the town suggests the following:

- (1) Plastic mailboxes can become brittle in the winter.
- (2) Certain color mailboxes are harder to see than others at certain times of the year, such as white in the winter against the snow.
- (3) Oversized mailboxes may collapse from the weight of the snow.
- (4) Decorative mailboxes, such as fish, dogs, tractors, etc., are more prone to damage.

(Ord. No. 23-01-01, § IV, 4-10-2023)

Sec. 34-41. Permit required.

Prior to installation of any mailbox, a person must obtain a mailbox permit, which needs to be approved by the town's public works department who will inspect the location and type of mailbox. There will be a charge for the purchase of a swinging-arm mailbox per the schedule of fees and penalties.

(Ord. No. 23-01-01, § V, 4-10-2023)

Sec. 34-42. Sale and installation of mailboxes by town.

The town will sell and install a swinging-arm mailbox post that meets the requirement of the article for a fee amount as noted in the schedule of fees and penalties. Contact the town clerk to order one.

(Ord. No. 23-01-01, § VI, 4-10-2023)

Sec. 34-43. Alteration and relocation of mailboxes.

For purposes of public safety, the town may require a resident to alter, replace, or relocate mailboxes and mailbox supports to meet the requirements of this article.

(Ord. No. 23-01-01, § VII, 4-10-2023)

Sec. 34-44. Town responsibilities for damage.

- (a) The town will not be responsible for repair or replacement of mailboxes not meeting the standards of this article if or when such mailboxes are damaged in the course of lawful and necessary town activities.
- (b) Claims for damaged mailboxes and/or posts that occur as a result of town action must be made in writing to the town clerk within seven days of the alleged event. If a mailbox is accidentally significantly damaged and deemed inoperable in the process of removing snow, mowing the right-of-way, graveling the shoulder, or any other act of maintaining the right of way, the town will provide a swinging-arm mailbox post and/or mailbox or reimburse owner for same. In no instance is the town responsible for replacing mailboxes or posts of like kind; the town shall only be responsible for replacing such damaged mailbox with a swinging-arm mailbox post and standard mailbox or the equivalent retail value thereof.
- (c) If the town accepts responsibility to repair the mailbox, the public works department will temporarily repair or provide for a temporary mailbox within 48 hours of receipt of notice and acknowledgement that the town is responsible for the damage. Permanent mailbox repairs will be made in the spring when the frost has left the ground. As an example, if the snowplow blade strikes a mailbox, the town will replace it; however, if snow exiting a snowplow blade knocks a post over due to a rotted or weakened post, the town will not be responsible for its replacement. Keeping snow and ice away from the front of the mailbox will help the plows safely remove snow.

(Ord. No. 23-01-01, § VIII, 4-10-2023)

Sec. 34-45. Violation and penalties.

A person who fails to comply with the provisions in this article may be subject to a fine and may be ordered to remove and replace such person's mailbox to meet the provisions of this article at the violator's expense.

(Ord. No. 23-01-01, § IX, 4-10-2023)