

**Town of Somerset
Subdivision Ordinance
2009-2**

Somerset, WI 54025

TABLE OF CONTENTS

1.0 INTRODUCTION	1
A. Purpose, Authority, Jurisdiction and Effective Date	1
1. Purpose.....	1
2. Effective Date, Authority, Jurisdiction	1
B. Applicability and Exemptions	2
1. Compliance and Requirements.....	2
2. Rounding Rule for Calculations.....	3
3. Exemptions.....	3
C. Interpretation	3
1. Abrogation.....	3
2. Liberal Construction.....	3
3. Severability and Non-Liability.....	3
2.0 APPLICATION AND REVIEW FOR CONCEPT PLATS OF MAJOR SUBDIVISIONS	
A. Concept Review	4
1. Standards.....	4
2. Submittal Requirements.....	
3. Concept Review	4
3.0 APPLICATION AND REVIEW OF PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS	
A. Preliminary Plat Application	5
1. Standards.....	5
2. Data On The Plat.....	5
3. Additional Submittals.....	8
B. Additional Application and Review Standards for Conservation Design Development	9
1. Additional Submittal Requirements.....	10
2. Conservation Design Development Site Analysis.....	10
3. Conservation Design Development Yield Plan.....	10
4. Restrictive Agreement on Common Facilities and Common Open Space.....	10
5. Ownership of Common Facilities and Open Space.....	10
6. Maintenance of Common Facilities and Common Open Space.....	10
C. Additional Information	11
1. Concept, Preliminary and Conservation Design Development Review.....	11
D. Review of Preliminary Plats for Major Subdivisions	
1. Submittals.....	11
2. Review Process.....	11
3. Decision.....	12
4.0 APPLICATION AND REVIEW OF FINAL PLATS FOR MAJOR SUBDIVISIONS	
1. Submittals.....	12

2. Standards.....	12
3. Legibility Standards.....	13
4. Approval Process.....	13
5.0 MINOR SUBDIVISIONS	
A. Application and Procedures.....	14
1. Standards.....	14
2. Legibility Standards.....	14
3. Approval Process.....	14
6.0 REPLATS	
A. Application and Procedures.....	15
1. Standards.....	15
7.0 DESIGN STANDARDS FOR MAJOR AND MINOR SUBDIVISIONS	
A. Purpose and Requirements.....	15
1. Purpose.....	15
2. General Design Standards.....	16
B. Roads.....	15
1. Design Objectives and Jurisdiction.....	16
2. Design and Construction Standards.....	17
3. Road Layout Standards.....	24
3. Road Names.....	25
4. Bicycle and Pedestrian Ways.....	25
C. Land Disturbance Restrictions.....	25
1. Standards.....	25
D. Utility Easements.....	26
1. Standards.....	26
E. Stormwater Management and Erosion and Sediment Control Plans.....	26
1. Design Standards.....	26
F. Drainage Easements.....	26
1. Standards.....	26
G. Lots.....	26
1. General Design Standards.....	26
2. Lot Area Standards.....	26
3. Lot Access Standards.....	27
H. Landscape Screening and Buffer Area.....	27
I. Parks and Parkways.....	27
1. Standards.....	27
J. Design Standards For Subdivisions Intended For Commercial or Industrial Use....	28
K. Designated Open Space Design.....	28
1. Applicability.....	28
2. Purpose of a Designated Open Space Design.....	28
3. Site Analysis.....	28
4. Minimum Open Space.....	28
5. Design Standards for Open Space.....	28

6. Designated Open Space Use Examples.....	29
7. Ownership and Maintenance of Common Facilities and Open Space.....	29
L. Conservation Design Development for Major Subdivisions.....	29
1. Applicability.....	29
2. Purpose.....	29
3. Density Standards.....	30
4. Residential Base Density.....	30
5. Residential Gross Density.....	31
6. Prescribed Lot Area.....	31
7. Minimum Common Open Space Area.....	31
8. Design and Dimensional Standards for Cluster Groups.....	31
9. Design Standards for Common Open Space Areas.....	33
10. Landscaping for Conservation Design Development.....	36

8.0 CONSTRUCTION WITHIN SUBDIVISIONS AND FINANCIAL ASSURANCE

A. Construction Initiation.....	36
1. Standard.....	36
B. Required Installations.....	37
1. Standards.....	37
2. Timeframe.....	37
C. Financial Assurance.....	37
1. Purpose.....	37
2. Assurance.....	37
3. Maintenance of Common Facilities and Open Space.....	37
4. Form.....	37
D. Release of Assurance.....	38
1. Decision Process.....	38
2. Partial Approval or Denial.....	39

9.0 DEVELOPER’S AGREEMENT

A. Authority and Purpose.....	39
1. Authority.....	39
2. Purpose.....	39
B. Standards.....	39
1. Process.....	39
2. Requirements.....	39
3. Termination.....	40

10 WAIVER, SETBACK REDUCTION AND ADMINISTRATIVE APPEAL

A. Waiver of Design Standards.....	40
1. Purpose.....	40
2. Application For Waiver.....	40
3. Conditions.....	41
4. Approval Process.....	41
5. Decision.....	41
B. Road Setback Reduction.....	41

11.0 FEES

- A. Standards..... 41**
 - 1. Standard Fees..... 41
 - 2. Extraordinary Fees..... 42
 - 3. Impact Fees..... 42

12.0 VIOLATIONS AND FORFEITURES

- A. Authority..... 42**
 - 1. Standards..... 42
 - 2. Procedures..... 42
 - 3. Forfeitures..... 43

13.0 DEFINITIONS

- A. Purpose..... 43**
 - 1. Interpretation..... 43
- B. Definitions..... 43**

1.0 INTRODUCTION

A. PURPOSE, AUTHORITY, JURISDICTION AND EFFECTIVE DATE

1. STATEMENT OF PURPOSE;

The purpose of this Ordinance is to regulate and control land divisions within the Town of Somerset in order to promote the public health, safety, general welfare, esthetics, environmental quality and to implement the goals, objectives and policies of the adopted Town of Somerset Comprehensive Plan and the Park and Recreation Plan

2. EFFECTIVE DATE, AUTHORITY, JURISDICTION

2.1. Effective Date.

2.1.1. This Ordinance shall be effective on, 2008. This Ordinance shall repeal and replace in its entirety the Town's Subdivision Ordinances as previously approved on 6/4/1976, 3/2/89 and 2/2/2000.

2.2. Authority.

2.2.1. This Ordinance is adopted under the statutory authority granted pursuant to the Village Powers of the Town of Somerset, to Wisconsin Statutes §§ 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45.

2.2.2. Any amendments, repeals or recreations of the statutes relating to this Ordinance are incorporated into this Ordinance by reference as of the effective date of the amendment, repeal or recreation.

2.3. Jurisdiction.

2.3.1. This Ordinance applies to all subdivisions of land which occur or are proposed to occur in the Town of Somerset, St. Croix County, Wisconsin and contains standards for selected aspects of land division. Land in the Town is also under the jurisdiction of the St. Croix County Land Division Ordinance. The County ordinance is more comprehensive in character and addresses aspects of land division that are not addressed in this Ordinance. Land divisions shall comply with both ordinances. The Town Board may disapprove any applications that have not had review and action by appropriate agencies.

2.3.2. The approving authority under this Ordinance shall be the Town Board of the Town of Somerset, after receiving the recommendation of the Town of Somerset Plan Commission.

2.3.3. Approval by the Town Board shall be required prior to the subdivision of a lot, parcel or tract of land in the Town of Somerset where the act of division creates one or more new lots or parcels of less than 35 acres in area unless the subdivision activity falls under one or more exemptions listed in St Croix County Land Division Ordinance section §13.1 B.3.

2.3.4. The town of Somerset has adopted St Croix county zoning and all subdivisions in the town shall be in compliance with county zoning prior to the division of land.

B. APPLICABILITY AND EXEMPTIONS

1. COMPLIANCE AND REQUIREMENTS

a. No person, partnership, corporation or other entity shall subdivide any land in the Town of Somerset subject to this ordinance without complying with all of the following:

- 1 1) Wisconsin Statutes Chapters 236 and 144 and §§ 59.69 and 87.30.
- 2 2) Rules of the Wisconsin Department of Administration (WDOA) that
administers Wisconsin Statutes §§ 236.13(2m), 236.15, 236.16, 236.20 and
236.21(1) and (2).
- 3 3) Rules of Wisconsin Department of Transportation (WDOT) relating to
safety of access and the preservation of the public interest and investment in
the highway system if the land owned or controlled by the subdivider abuts on
a state trunk highway or connecting road (Wisconsin Administrative Code
Trans. 233).
- 4 4) Rules of the Wisconsin Department of Natural Resources (WDNR),
including Wisconsin Statutes Chapter 30 and Wisconsin Administrative Code
NR 102,103,115,116,118 and 151.
- 5 5) All St. Croix County land use regulations, including but not limited to:
6 a) § **17.36** Lower St. Croix Riverway Overlay District.
7 b) § **17.40** Floodplain Overlay District.
8 c) § **17.25** Shoreland Zoning.
9 d) **Chapter 12** Sanitary Ordinance.
10 e) **Chapter 13** Land Division.
11 6) Dedication of lands for roads, highways, parkways, parks, playgrounds,
waterways and public transit facilities. Whenever a parcel of land to be
divided as part of a major subdivision within the jurisdiction of this ordinance
encompasses all or any part of a road, highway, parkway, park, playground,
waterway or public transit facility which has been designated on a duly
adopted town or County comprehensive plan, it shall be made a part of the
subdivision and dedicated in the locations and dimensions indicated in said
plan and as set forth in St Croix County Land Division Ordinance § **13.7 B.1.**
- 12 b. No land shall be subdivided which is found by the Town of Somerset Board to
be inappropriate for use by reason of significant flooding, poor drainage,
unsuitable soil or rock formations, severe erosion potential, unfavorable
topography or any other feature likely to pose a significant threat to the health,
safety or welfare of future residents or landowners in the proposed subdivision or
of the community.
- 13 c. A condominium plat prepared pursuant to Wisconsin Statutes § 703.11, and
14 other applicable statutes, shall be subject to this ordinance. The condominium
15 plat shall be reviewed by the Town board or designee in the same manner as a
subdivision plat, comply with applicable design standards and provide for the
installation of required improvements.

162. **ROUNDING RULE FOR CALCULATIONS**

a. The following rounding rule shall be applied to all calculations of standards and requirements in this ordinance: unless otherwise specifically provided, fractional values of a whole unit are rounded down to the nearest whole unit.

3. Exceptions

1 Refer to St Croix County Land Division Ordinance § **13.1 B3** for exceptions to this ordinance.

17C. **INTERPRETATION**

18

19 **1. ABROGATION**

20 a. It is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any easements, covenants, deed restrictions, agreements, regulations or permits. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

21 **2. LIBERAL CONSTRUCTION**

22 a. The provisions of this ordinance shall be liberally construed in favor of the Town of Somerset and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of Somerset. If there is a conflict between this ordinance and any other ordinance of the Town or St Croix County the provisions of the more restrictive ordinance shall apply.

23 **3. SEVERABILITY AND NON-LIABILITY**

24 a. If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected.

25 b. If any application of this ordinance to a particular [parcel](#) or [lot](#) of land, building, structure, water or air is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other land, building, structure, water or air not specifically included in said judgment.

26 c. The Town of Somerset does not guarantee, warrant or represent that only those areas delineated as floodplains on [plats](#) and [certified survey maps](#) will be subject to periodic inundation. Nor does the Town of Somerset guarantee, warrant or present that the soils shown to be unsuitable for a given land use from tests required by this ordinance are the only unsuitable soils on the parcel. The Town of Somerset asserts that there is no liability on the part of the Town of Somerset or its employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon and conformance with this ordinance.

27 4. Town of Somerset has some requirements above what is listed in St Croix County Land Division Ordinance and are shown in **bold type**.

28
29
30
31

2.0 APPLICATION AND REVIEW OF CONCEPT PLATS OF MAJOR SUBDIVISIONS

32

33 A. CONCEPT REVIEW

1. STANDARDS

a. Before applying for approval of a preliminary [plat](#), the [subdivider](#) or agent shall contact the Town Plan Commission and go through concept review to receive advice and assistance, and review the procedures and requirements of this ordinance, other regulations, and any plans or data which may affect the proposed development

b. The principal function of the concept review is to review the concept of all proposed subdivisions, the characteristics of the [parcel](#) proposed to be subdivided and relevant adjacent land to identify and document suitability questions. Relevant adjacent land for purposes of this review shall generally mean other land within the [watershed](#) and other land between the perimeter edges of the proposed subdivision and the nearest public roads.

2. Submittal Requirements

The subdivider shall submit at a minimum the following items for concept review:

1) A conceptual sketch of any proposed subdivision covering the entire contiguous area owned or controlled by the subdivider.

2) A USGS quadrangle map and St. Croix County soils map for the proposed subdivision and relevant adjacent land.

3) A copy of the recorded deed showing land ownership.

4) Have a written St. Croix County certification of zoning status.

34 **5) The Town Board of Somerset or designee shall require proof by certified mail return receipt that the [subdivider](#) has given written notice of the proposed development including locations of the roads to owners of all lands contiguous to the land division, including those across the road. A copy of this notification must be provided at the time of review.**

35 3. Concept Review

a. As part of the concept review, the proposal may be referred to WDNR or other appropriate state agencies for review and comment.

b. No land alteration activities to prepare the site for development shall occur from the initiation of concept review until the preliminary plat is approved.

c. Concept review procedures shall include a site visit by the Town Board or his/her designee unless waived.

d. Concept review procedures shall be completed within 45 days of submittal of the conceptual sketch plan and descriptive material unless extended by written agreement of the Town Board and subdivider.

e. Once concept review begins, the Town Board of Somerset and/or his/her designee is authorized to gain entry to subject land, premises, water and air for the purpose of:

1) Review of applications and issuance of permits required by this subdivision ordinance, zoning, [shoreland](#), floodplain and sanitary ordinances and any other Town of Somerset or St. Croix County land use ordinance.

- 2) Determining compliance with any permit issued pursuant to any of the subdivision, zoning, shoreland, floodplain and sanitary ordinances and any other St. Croix County land use ordinance.
 - 3) Determining compliance with the provisions of the subdivision, zoning, shoreland, floodplain and sanitary ordinances and any other Town of Somerset or St. Croix County land use ordinance.
 - 4) Determining whether land alterations have occurred or are occurring.
- f. Access shall be allowed during the hours between 8:00 a.m. and 5:00 p.m. or other reasonable times, or any other time authorized by a court. If entry is refused after presentation of proper identification, the application will be denied.
- g. A memorandum on the concept review shall be filed. A copy shall be sent to the applicant and the County of St. Croix. The concept review memorandum shall specifically identify any portions of the proposed subdivision that the Town believes are unsuitable for subdivision or unsuitable for proposed uses.**
- h. Because the project submittal is conceptual, nothing communicated by Town Board of Somerset or designee in the course of the concept review shall be binding on the Town Board of Somerset.**

3.0. APPLICATION AND REVIEW OF PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS

A. Preliminary Plat Application

1. STANDARDS

- a. Preliminary [plat](#) application review begins after the Town of Somerset has received the St. Croix County memorandum on the concept review and a properly completed application is filed and all fees paid. If a preliminary plat and accompanying materials are submitted prior to completion of concept review, the application shall be received, but preliminary plat review shall not commence until completion of the concept review.**
- b. The preliminary plat shall cover the area owned or controlled by the subdivider and proposed for development.
- c. Each preliminary plat shall:
 - 1) Be based upon a boundary survey by a registered land surveyor.
 - 2) Comply with the standards of Wisconsin Administrative Code Chapter A-E7.
 - 3) Be drawn at a scale of not more than 100 feet to one inch.

2. DATA ON THE PLAT

- a. Each preliminary plat shall show the data identified below on its face:
 - 1) A scale drawing of the exterior boundaries of the proposed subdivision referenced to a line established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
 - 36 2) The date, graphic scale and north point.
 - 37 3) The name of the proposed plat, prominently labeled.
 - 38 4) The name and contact information of the [subdivider](#), subdivider's agent, engineers, surveyors, and other contractors/subcontractors.
 - 39 5) The owner of record and the identity of any proposed contract purchaser.

- 40 6) The location of the plat by government [lot](#), quarter-quarter section, section,
township and range and the town, St. Croix County and state of jurisdiction,
noted immediate under the name of the subdivision.
- 41 7) The location of the plat shall be indicated by bearing and distance from a
boundary line of a quarter section in which the subdivision is located.
- 42 8) The monumentation at the ends of the boundary line shall be described and
the bearing and distance between them shown.
- 43 9) The names, locations and right-of-way widths of any existing roads or other
public or private ways, easements, railroad or utility rights-of-way included
within or adjacent to the proposed plat, labeled and underscored with a dotted
or dashed line.
- 44 10) Existing road access restrictions and any existing access control
limitations. These shall be explained within the application material and
noted on the face of the [plat](#).
- 11) All proposed road names, which shall conform to St Croix County Land
Division Ordinance § 13.7 B.4.
- 45 12) Locations and widths for all driveway accesses and roads, and
construction plans and specifications for any proposed roads.
- 46 13) The location of existing property lines, buildings, drives, streams and
watercourses, ponds, lakes, rivers, wetlands, rock outcrops, wooded areas,
historic and archeological features, native prairie remnant and any other
significant limiting features or characteristics within the proposed subdivision.
- 47 14) The water elevations of adjoining lakes, ponds or streams at the date of
the survey, and the [ordinary high water mark](#), typical stream valley cross-
sections, stream channels, flood areas from NFIP maps or other floodplain
zoning maps.
- 48 a) Ordinary high water marks shall be verified by WDNR or a designated
agent.
- 49 15) Wetlands, as defined by Wisconsin Statutes § 23.32, and mapped by
WDNR pursuant to that statute and any other wetlands as identified by a
[professional wetland delineator](#).
- 50 a) All wetland depictions shall be based on field identification and on-site
staking conducted by a professional wetland delineator and reviewed by
the WDNR or a designated agent.
- 51 16) All floodplain boundaries.
- 52 a) Floodplain determination will be required for all drainage areas having
a [watershed](#) greater than one-square mile and in certain drainage areas
having high flow depth as defined by FEMA.
- 53 b) The floodplain shall be identified using the WDNR Floodplain Study
Checklist and shall satisfy all pertinent Wisconsin Administrative Code
NR116 requirements.
- 54 c) The WDNR or a designated agent must approve any maps used in
floodplain boundary determinations.
- 55 17) Private and municipal dumps, underground fuel or petroleum storage
tanks, areas of known groundwater contamination, location of all existing

- wells, including advisory wells, and any WDNR designated Special Deep Casing Well Depth Requirement Areas.
- 56 18) The contours, on an established datum, at vertical intervals of not more
than 2 feet.
- 57 19) The identification, location and dimensions, including acreage, of all
parks, parkways, playgrounds, drainage ways, storm water ponds or other
common areas whether proposed for dedication to the public or remaining
privately owned.
- 58 a) In an accompanying document, the subdivider shall indicate how these
areas are proposed to be owned, managed and maintained.
- 59 20) Dimensions, size and numbers of all [lots](#). Where applicable, size shall be
indicated with inclusion and exclusion of rights-of-way and areas below
the [ordinary high water mark](#) of [navigable waters](#).
- 60 21) A list or depiction showing the following information for each proposed
lot:
- 61 a) Existing and intended land use.
- 62 b) Existing and intended zoning, including overlay districts, i.e. Lower St.
Croix Riverway district.
- 63 c) Required minimum [lot](#) area and lot widths under intended zoning.
- 64 d) [Contiguous buildable area](#). Identified in acres and differentially shaded.
- 65 e) [Lowest Building Opening](#) (L.B.O.) for lots affected by a [High Water
Elevation](#) (H.W.E.), drainage easement or floodplain.
- 66 f) Identification that the ½ acre [contiguous buildable area](#) extends to a
portion of the lot abutting a road with such area being sufficient to carry a
driveway access.
- 67 g) All required setbacks.
- 68 22) Identification of all proposed temporary [outlots](#).
- 69 a) Indicate proposed purpose and proposed ownership and control of each
outlot.
- 70 b) All outlots that have deed restrictions, covenants or conservation
easements shall be referenced on the plat and copies of such draft
documents shall be provided.
- 71 23) The location of any of the following items within 200 feet of the proposed
subdivision:
- 72 a) The location and names of adjacent plats, [certified survey maps](#),
unplatted lands, publicly-owned lands, parks and cemeteries, all labeled
and underscored with a dotted or dashed line.
- 73 b) Existing land use and zoning, including overlay districts, i.e. Lower St.
Croix Riverway district.
- 74 c) Topography, water bodies, [watershed](#) features, floodplains, wetlands,
historic and archeological features and any other limiting features or
characteristics.
- 75 d) Private and municipal dump sites, underground fuel or petroleum
storage tanks or areas of known groundwater contamination.
- 76 e) **Delineate the 1250 foot radius from the perimeter of an identified
private or municipal landfill as per Ordinance 2005-1**

77 24) Two-foot contour mapping on adjacent properties within 100 feet of the
proposed subdivision.

78 25) Additional two-foot contour mapping may be required to evaluate
stormwater management and road connections.

79 **3. ADDITIONAL SUBMITTALS**

80 a. The following additional submittals shall be submitted as part of the
Preliminary Plat Application:

81 1) Construction plans and specifications for any proposed roads.

82 2) Ownership, management and maintenance plans for parks, parkways,
playgrounds, drainageways, stormwater ponds or other common areas whether
proposed for dedication to the public or remaining privately owned.

83 3) A report to address how sensitive areas shall be handled. The report shall
include the following:

84 a) An aerial-photograph overlay map, prepared by a registered land
surveyor, showing sensitive areas found in St Croix County Land Division
Ordinance §§ 13.2 B.2.a.13) through and 20)8)11).

85 b) The data on sensitive areas found in St Croix County Land Division
Ordinance §§ 13.2 B.2.a.13) through and 20)8)11).

86 c) Comments made at concept review.

87 d) Relevant design standards.

88 e) These sensitive areas shall be placed within [lots](#) or common open space,
consistent with the one-half acre or more [contiguous buildable area](#)
standard of St Croix County Land Division Ordinance § 13.7 G.2 and
Common Open Space Requirements for Conservation Design
Development, and subject to conservation easements, deed restrictions or
covenants reviewed by Town of Somerset.

89 **4) Required or proposed deed restrictions, covenants or conservation
easements for lot(s).**

90 **a) Deed restrictions, covenants or conservation easements shall be
enforceable by Town of Somerset and St. Croix County or designee
against all lots within the subdivision.**

91 **b) The Town of Somerset shall review such proposed deed
restrictions, covenants or conservation easements and approve if
acceptable.**

92 **5) Any proposed conservation easement for common open space
protection.**

93 **a) The Town of Somerset shall be a joint holder of and have third-
party enforcement rights in all conservation easements.**

94 6) Grading, stormwater management and erosion and sediment control plans
shall be submitted for all land disturbances and must include [Best
Management Practices](#) in accordance with St Croix County Land Division
Ordinance § 13.7 E.

95 a) Areas proposed for filling and grading within [shoreland](#) jurisdiction and
in close proximity to wetlands and floodplains shall be differentially
shaded.

- 96 7) A draft maintenance plan for all designed stormwater ponds shall be
submitted. The plan shall list all scheduled maintenance activities and the
responsible party or parties.
- 978) Land areas with 12 to 19.9 percent and 20 percent, 25 to 29.9 percent
and/or 30 percent or greater slope shall be differentially shaded and
labeled or otherwise clearly indicated on a separate map with the road
layout, lot lines, and driveway access locations
- 98 9) All sloped areas to be developed, graded or stripped as described in St
Croix County Land Division Ordinance §13.7 C. shall be differentially
shaded on a separate exhibit of the preliminary [plat](#)'s grading plan. The
percentage of disturbance of these slopes shall be calculated and identified
in a table on this exhibit.
- 99 10) Soils denominated in the St. Croix County Soil Survey and are identified
St Croix County Land Division Ordinance §13.2 B3, typically have
bedrock or indicators of seasonal saturation within two to three feet of the
surface and may be areas of concern for the location of on-site wastewater
treatment systems or stormwater retention/detention ponds. If found on
the site, the locations of these soils shall be differentially shaded. St Croix
County may require additional soils information if deemed necessary.
- 0 11) A location on each [lot](#) that will accommodate an on-site wastewater
treatment system and its replacement as indicated by soil borings.
- 0 a) When private on-site wastewater treatment systems serving single lots
are intended, at a minimum, one boring for every three acres throughout
the [plat](#) is required to demonstrate soil suitability.
- 2 b) Soil boring locations in reference to the locations of [contiguous
buildable areas](#) shall be identified on a separate, scaled map, with
cross-reference to test results as reported on a current State soil
evaluation form.
- 3 12) When a common wastewater treatment system is proposed, a complete
site and design evaluation for suitability of state approved common on-site
wastewater treatment systems that serve more than one dwelling shall be
provided. When a common water system is proposed, a complete site and
design evaluation approved by the state shall be provided. A sewer and/or
water supply management plan shall be provided; which estimates service
contract needs, insurance requirements, replacement and other associated
costs and defines the means for funding and enforcing the same on an on-
going basis

1B. ADDITIONAL APPLICATION AND REVIEW STANDARDS FOR CONSERVATION DESIGN DEVELOPMENT

2

31. ADDITIONAL SUBMITTAL REQUIREMENTS

- 4 a. To aid the Town of Somerset or designee and St Croix County in determining
whether the applicant has accomplished the design objectives for Conservation
Design Development (CDD) as described in St Croix County Land Division
Ordinance § 13.7 L.2. and has met the design standards for cluster groups and

common open space in Conservation Design Development as described in St Croix County Land Division Ordinance § 13.7 L.7. and 8. The preliminary [plat](#) application shall include the following information.

- 5 1) All the information required in St Croix County Land Division Ordinance §§ 13.2 B.2. and Section 3.0 A2 and 3 of this ordinance.
- 6 2) Vegetation of the site by general land cover type, including woodland, brush, hedgerows, grasslands, row crop, non-row crop, stand-alone trees with a diameter at 4 ½ feet from the ground of 18 inches or more, native prairie remnants, and other relevant land cover types. Plant community or predominant species present, relative age and general condition shall be described.
- 7 3) A written description of existing wildlife habitat and the likely species of birds, mammals, amphibians, fish, and reptiles present. The presence of rare or endangered species shall be noted.
- 8 4) Visual resources, showing view sheds onto the site from surrounding roads and public areas. Photographs can be used to demonstrate view sheds.

92. CONSERVATION DESIGN DEVELOPMENT SITE ANALYSIS

10 All conservation design development and site analysis shall conform to the requirements found in St Croix County Land Division Ordinance.

113. CONSERVATION DESIGN DEVELOPMENT YIELD PLAN.

12 a. For the purposes of determining the number of allowable dwelling units and related lots for the Conservation Design Development, a yield plan is required. The applicant shall determine the yield plan using the following method, substantiated by sufficient plans and data to verify the calculations.

- 13 1) The yield plan is a concept review sketch drawing of a conventional subdivision using the conventional subdivision and development regulations of the Town of Somerset and St. Croix County as described in St Croix County Land Division Ordinance § 13.2 A. It will include: the sanitary, general zoning, shoreland zoning, floodplain zoning and subdivision ordinances, minimum lot size, suitability of lands for subdivision, prescribed lot area for existing dwellings, [contiguous buildable area](#), approximate building locations, and road layout. For sites that are in the Lower St. Croix Riverway District, the Lower St. Croix Riverway District regulations also apply to the yield plan.
- 14 2) The number of allowable dwelling units and related lots under the conventional subdivision regulations determines the base number of allowable dwelling units and related lots of the Conservation Design Development subdivision.

154. RESTRICTIVE AGREEMENT ON COMMON FACILITIES AND COMMON OPEN SPACE

16 Refer to St Croix County Land Division Ordinance § 13.2 C.4 for the necessary requirements for these agreements.

175. OWNERSHIP OF COMMON FACILITIES AND OPEN SPACE

18 Refer to St Croix County Land Division Ordinance § 13.2 C.5 for the necessary requirements for common facilities and open space.

196. MAINTENANCE OF COMMON FACILITIES AND COMMON OPEN SPACE

20 Refer to St Croix County Land Division Ordinance § 13.2 C.6 for the necessary requirements to maintain common facilities and common open space.

21C. ADDITIONAL INFORMATION

22

23 1. CONCEPT, PRELIMINARY, DESIGNATED OPEN SPACE AND CONSERVATION DESIGN DEVELOPMENT REVIEW

24 a. The Town Board or designee, may require any additional data or detail relevant to review. Descriptive data shall be sufficiently precise to allow the approving authority to determine compliance.

25 b. Existing features shall be shown as such by distinctive underscoring or other identifiers.

26

27D. REVIEW OF PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS

28

29 1. SUBMITTALS

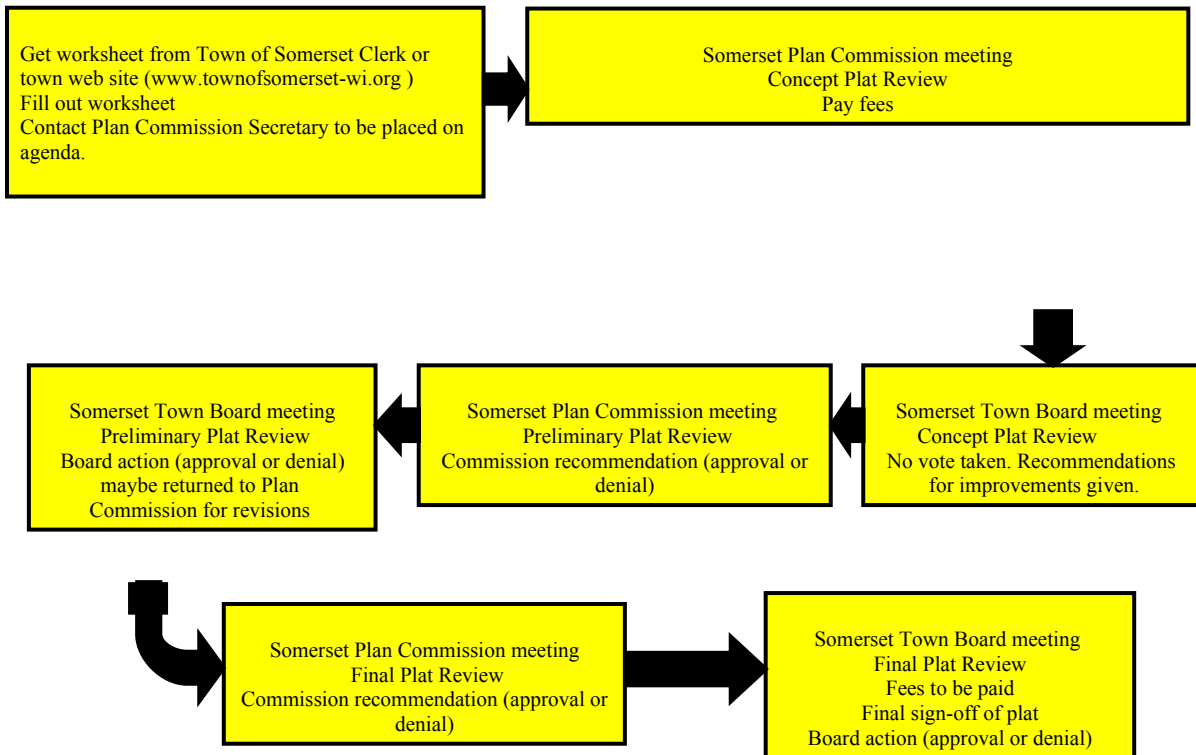
30 a. The subdivider shall submit two legible copies of the preliminary plat for the Town Board of Somerset or designee.

31 b. To be considered a valid submittal, the application shall include a written response from the subdivider to all issues and concerns raised during concept review.

32 2. REVIEW PROCESS (refer to town web site or town clerk for meeting dates)

33

Town of Somerset Major subdivision flow chart



34

35 **3. DECISION**

- 36 a. The preliminary plat shall conform to the standards in this ordinance. Within
90 days from the date of submittal, the Town Board of Somerset or designee shall
approve, approve conditionally, or reject the preliminary plat.
- 37 b. Applicable state agency approvals may be required by the Town Board of
Somerset or designee prior to plat approval.
- 38 c. Action by the Town Board of Somerset or designee may be postponed past the
90 day limit by written agreement between the Town Board of Somerset or
designee and the subdivider, or upon a determination by the Town Board of
Somerset or designee that additional information is required.
- 39 d. Postponements shall not constitute approval.
- 40 e. Plats meeting the statewide definition of subdivision in Wisconsin Statutes §
236.02(12) shall be subject to the provisions of Wisconsin Statutes § 236.11 with
respect to time available for review and approval of the preliminary plat.
- 41 f. The written determination of the Town Board shall be sent to St. Croix County
Town of Somerset Board in the form of meeting minutes.

42

**434.0 APPLICATION AND REVIEW OF FINAL PLATS FOR MAJOR
SUBDIVISIONS**

A. Final Plat Application

44 **1. SUBMITTALS**

- 45 a. The subdivider shall submit two legible copies of the final [plat](#) and
accompanying materials to the Town Board of Somerset or designee and
additional legible copies for each of the agencies referred to in the St Croix
County Land Division Ordinance.

2. STANDARDS

- 46 a. The final plat shall conform to all conditions placed on the preliminary plat.
- 47 b. Final plat layout features shall substantially conform to the approved
preliminary plat.
- 48 c. Final plat depictions of wetlands shall be based upon field identification and
on-site staking conducted by a [professional wetland delineator](#) contracted by the
subdivider and reviewed by the Town Board of Somerset or designee
- 49 d. Final plat descriptions of [contiguous buildable areas](#) shall also be based upon
on-site staking by a registered surveyor if requested by the Town Board of
Somerset or designee for specific lots.
- 50 e. All road names shall be shown on the final plat and shall conform to St Croix
County Land Division Ordinance § **13.7 B.4**.
- 51 f. All easements must be shown on final plat.
- 52 g. A complete soils evaluation shall be done on each lot to determine suitability
for an on-site wastewater treatment system for a dwelling on a single lot, or a
complete site and design evaluation for suitability of state approved common on-
site wastewater treatment systems that serve more than one dwelling.

- 53 h. Soil boring locations in reference to the locations of [contiguous buildable areas](#)
shall be identified on a separate, scaled map with cross-reference to test results as
reported on a current State soil evaluation form.
- 54 i. The subdivider shall submit final versions of all proposed restrictive covenants,
conservation easements or deed restrictions with the final plat.
- 55 j. The subdivider shall submit a final maintenance plan for all designed
stormwater ponds.
- 56 k. The subdivider shall submit a final wastewater treatment system and/or water
supply management plan for all common systems.
- 57 l. The subdivider shall submit record drawings showing substantial conformance
with all improvements on the preliminary plat, including stormwater management
and erosion and sediment control measures as required in to St Croix County
Land Division Ordinance § 13.7 E.

58 **3. LEGIBILITY STANDARDS**

59 Refer to St Croix County Land Division Ordinance for the standards that apply to
the legibility of documents.

60 **4. APPROVAL PROCESS**

- 61 a. If the final plat is not submitted within 24 months of the approval of the
preliminary plat, the Town Board of Somerset or designee may refuse to approve
the final plat based on major land use changes affecting the plat, significant
ordinance revisions or legal implications.
- 62 b. The Town Board of Somerset or designee shall approve, approve conditionally
or reject the plat within 45 days of its submission. Failure of the Town Board of
Somerset or designee to take action on the plat within 45 days shall be deemed
approval. Unless the review time has been extended by written agreement with
the subdivider.
- 63 c. The Town Board of Somerset or designee shall, at the time they approve,
approves conditionally, or reject the [plat](#), give written notice to St. Croix County
of the decision.
- 64 d. If all the conditions are not satisfied within 90 days from the date of any
approval, the final plat approval is void. If the final plat is not recorded within 90
days of satisfaction of conditions, the approval is void. Notice of these deadlines
shall be provided. If the notice is inadvertently omitted, however, the deadlines
shall still be effective.
- 65 e. After the final plat has been approved and required improvements have either
been installed, or an agreement and sureties insuring their installation acceptable
to the Town Board of Somerset or designee have been filed and all conditions
have been satisfied, the Town Chairperson shall certify the approval upon the plat.
- 66 f. The subdivider shall then record the plat and related documents, including
conservation easements, deed restrictions and covenants, with the St. Croix
County Register of Deeds. The subdivider shall provide written notice to the
Town Board that the plat and related documents, including conservation
easements, deed restrictions and covenants, have been recorded.
- 67 g. If the final plat and related documents are not recorded within 90 days of the
date of final plat approval the approval is void. If the applicant fails to record and
there are no changes to the final plat as approved, the Town Board may allow the

applicant to resubmit the final plat upon payment of a resubmittal fee. If there are any changes to the final plat a new concept and preliminary plat application and associated fees must be submitted.

685.0 MINOR SUBDIVISIONS

69

70A. APPLICATION AND PROCEDURES

71

72 1. STANDARDS

- 73 a. [Minor subdivision](#)s shall be processed following the same application and
review procedures of a [major subdivision](#).
- 74 b. The application for a [minor subdivision](#) shall show or identify the original
[parcel](#) of which the proposed subdivision was part of five years prior to the date
of application.
- 75 c. The fact that a proposed division creates four or fewer parcels does not
automatically create eligibility to employ the minor subdivision procedure if prior
or concurrent division of the parcel, that existed five years prior to the date of
application, precludes additional divisions through the minor subdivision
procedure.
- 76 d. Complete minor subdivision applications will not be accepted until one day
after the date of eligibility, which is five years after the recording of an applicable
minor subdivision. For example: A parcel has a minor subdivision recorded on
February 1, 1999 and is eligible for subsequent minor subdivision application on
February 2, 2004.
- 77 e. One existing lot split into two lots is considered to be a one-lot subdivision
relating to eligibility for a minor subdivision.

78 2. LEGIBILITY STANDARDS

79 Refer to St Croix County Land Division Ordinance for the standards that apply to
the legibility of documents.

80 3. APPROVAL PROCESS

- 81 a. A concept review shall be required between the subdivider and Town Board of
Somerset or designee. The Town Board may authorize a waiver of the concept
review conference in full or in part, if no public improvements or stormwater
facilities are required.
- 82 b. A preliminary certified survey map and accompanying application materials
shall be submitted to the Town Board of Somerset or designee for review.
- 83 c. The content of the submittal shall be the same as for a preliminary [plat](#), when
public improvements or stormwater facilities are required. The Town Board of
Somerset or designee may authorize a waiver of a portion of the submittal
requirements when public improvements or stormwater facilities are not required
or the proposed lot contains an existing building site.
- 84 d. The process of review by the Town Board of Somerset or designee shall be the
same as for a preliminary plat. The procedures and standards of § 13.3 and the
standards of Wisconsin Statutes § 236.34 shall apply to a [minor subdivision](#).
- 85 e. A final [certified survey map](#) shall be submitted for each minor subdivision.
- 86 f. The procedures and standards of St Croix County Land Division Ordinance §
13.4 A. shall apply to a [minor subdivision](#), except that the Town Board of

Somerset or designee shall approve, approve conditionally or reject the [certified survey map](#) within 90 days of its submission. Failure of the Town Board of Somerset or designee to take action on the certified survey map within 90 days shall be deemed approval unless other agencies have not responded within the allowable time, there remain unsatisfied objections by other agencies, or unless the review time has been extended by written agreement with the subdivider.

87 g. The form of the certified survey map shall comply with Wisconsin Statutes § 236.34 and shall also contain any additional information required by the Town Board of Somerset or designee at either the preliminary or final review stage.

88 h. If approved, the Town Chairperson shall certify the approval on the final certified survey map.

896.0 REPLATS

90

91A. APPLICATION AND PROCEDURES

92

93 1. STANDARDS

94 Refer to St Croix County Land Division Ordinance § 13.4 A for the standards that apply to replats.

95 7.0 DESIGN STANDARDS FOR MAJOR AND MINOR SUBDIVISIONS

96

97A. PURPOSE AND REQUIREMENTS

98

99 1. PURPOSE

100 Refer to St Croix County Land Division Ordinance § 13.7 A1.

101 2. GENERAL DESIGN STANDARDS

102 Refer to St Croix County Land Division Ordinance § 13.4 A2 for the design standards that apply to subdivisions

103

104B. ROADS

105

1061. DESIGN OBJECTIVES AND JURISDICTION

107a. The road system shall be designed to meet the following objectives: to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population with a simple and logical pattern; to respect natural features and topography; minimize local road maintenance and replacement costs; minimize private roads and private residential driveway accesses to public roads; and to present an attractive appearance.

108b. In the course of a subdivision review, the Town Board of Somerset or designee shall designate roads as arterial, collector, subcollector, or access roads. This decision shall be based upon County or town comprehensive plans or official maps.

109c. The Town Board of Somerset or designee may require any road to be constructed to the boundary of the subdivision.

110d. The Town Board of Somerset or designee may require special setbacks, screening and other buffers along roads and may limit access along such roads.

111e. The road standards in this section for both Conventional Development and Conservation Design Development may be applied to Conservation Design Development as provided for in St Croix County Land Division Ordinance § 13.7 K. The road standards in this section for Conservation Design Development may only be applied to Conservation Design Development.

112f. All road rights-of-way that are included within the design of a subdivision and that serve three or more lots shall be offered for dedication and accepted by the town. The Town Board of Somerset or designee shall approve such designation. Once dedicated, the Town of Somerset may control vegetation within the right-of-way.

113g. The town will agree to accept the responsibility for maintenance of the public road and road-related facilities.

1142. DESIGN AND CONSTRUCTION STANDARDS

115a. The minimum standards in this section shall apply to all roads.

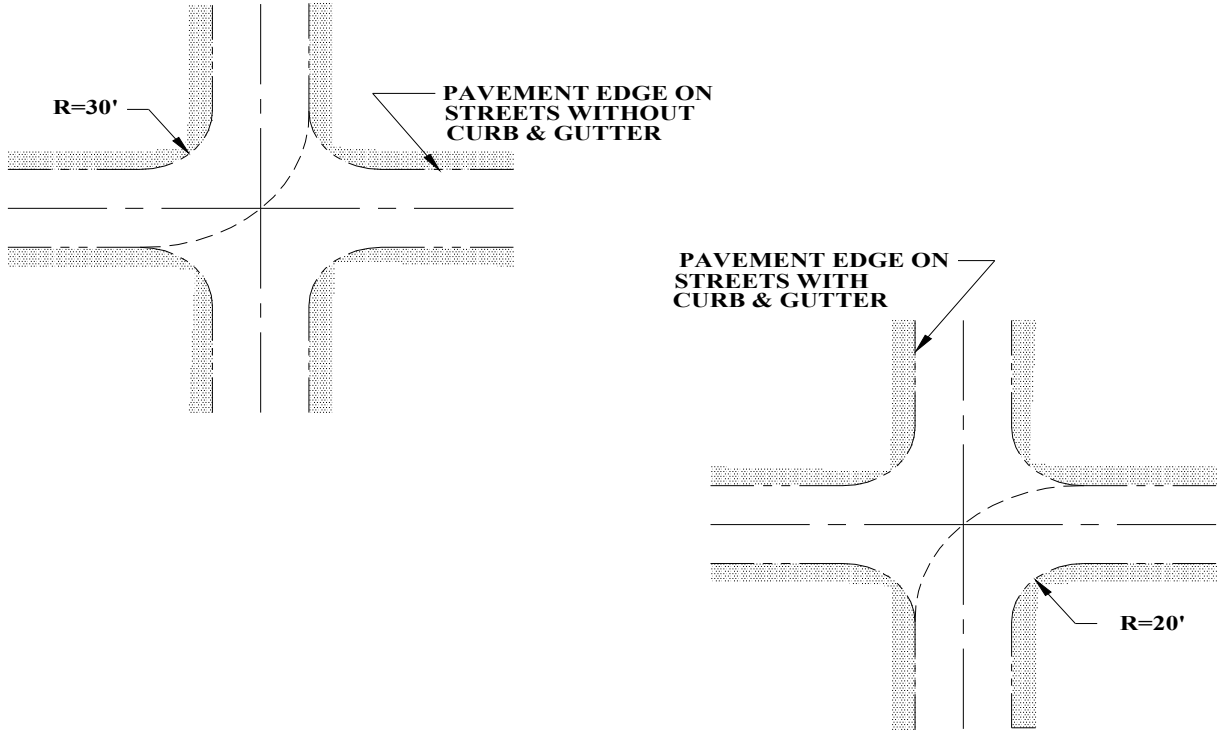
b. Roads shall be designed and constructed in accordance with the minimum standards in the following tables or other standards established by the town:

RURAL ROAD CONSTRUCTION STANDARDS				
ROAD TYPE	Arterial & Collector Roads	Sub collector & Access Roads	Conservation Design Access Road	One-Way Access Road for Conservation Design
Traffic Lanes	2	2	2	1 ¹
R.O.W.	80'	66'	50'	50'
Road Width Before Gravel or Base Course	34'	31'	29'	26'
Road Width after Gravel or Base Course	30'	27'	25'	23'
Road Surface, excluding shoulders	24'	22'	20'	18'
Shoulders, paved or gravel	3'	2'	2'	2'
Pavement Thickness	2 ¼"	2 ¼"	2 ¼"	2 ¼"
Culverts	18" ²	18" ²	18" ²	18" ²
Compacted Sand Sub Base ³	12"	12"	12"	12"
Compacted Base ³				
Crushed Limestone or	6"	6"	6"	6"
Wisconsin Grade #2 Gravel	7"	7"	7"	7"
Shoulder Slopes & Fill Slopes on fills to 3'	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum
Shoulder Slopes & Fill Slopes below top 3'	2:1 maximum	2:1 maximum	2:1 maximum	2:1 maximum
Back Slopes	4:1 desirable, 3:1 average, 2:1 maximum	4:1 desirable, 3:1 average, 2:1 maximum	4:1 desirable, 3:1 average, 2:1 maximum	4:1 desirable, 3:1 average, 2:1 maximum
Minimum Radius of Curvature in ft. from Centerline for Deflections of 7° or More ⁴	300	200	100	100
Maximum Grade ⁴	8%	10%	10%	10%
Maximum Grade within 50' of the Center of an Intersection	2%	2%	2%	2%
Corner Radii ⁴	30'	30'	30'	30'

¹ Counter clockwise movement.

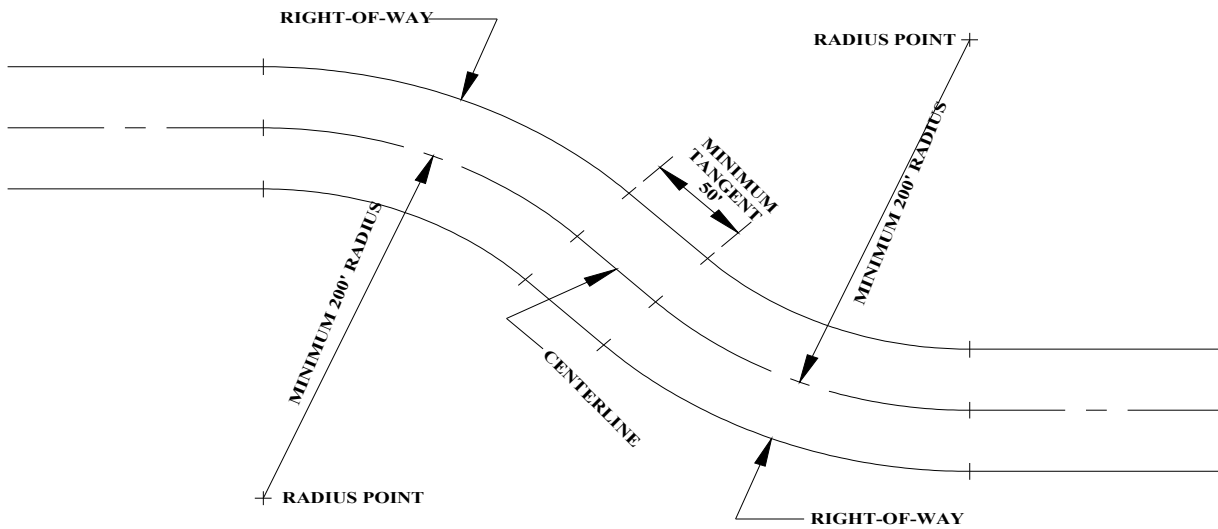
- ² Or as otherwise specified, with a minimum cover of one foot to the top of the sand lift. All culverts shall be galvanized, corrugated steel pipe, pipe arch, plate, or reinforced concrete pipe in conformity with American Association of State Highway Transportation Officials' (AASHTO) specifications.
- ³ Decomposable materials shall not be used in construction.
- ⁴ See diagrams below.

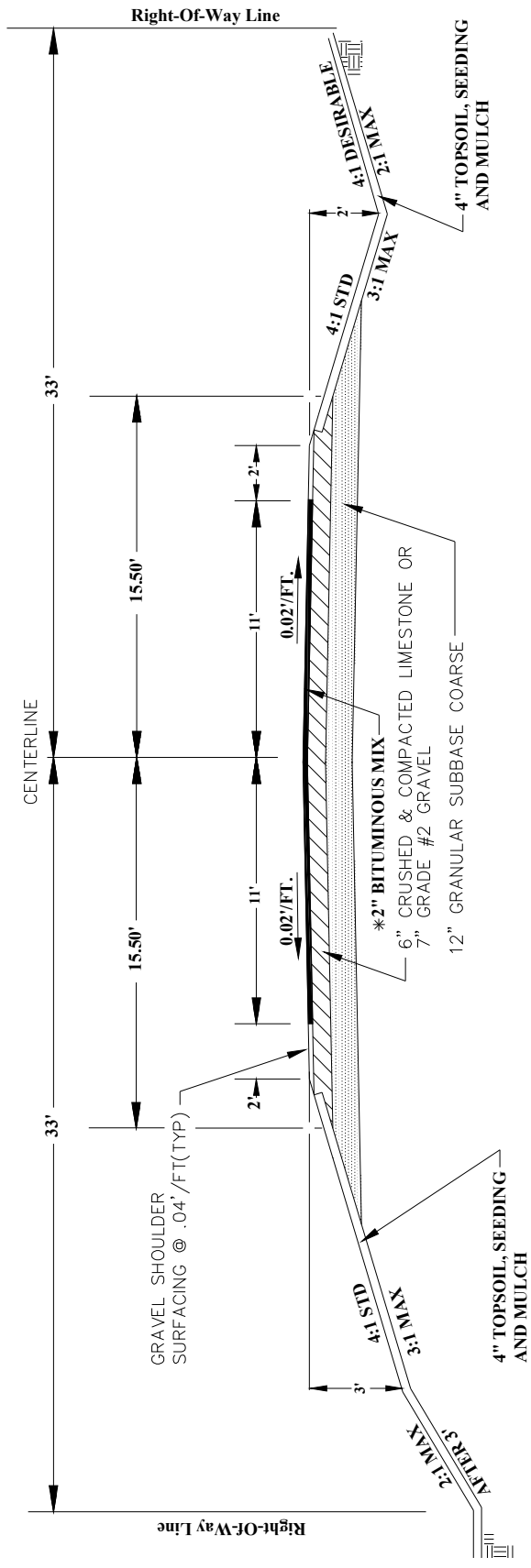
CORNER RADII



116

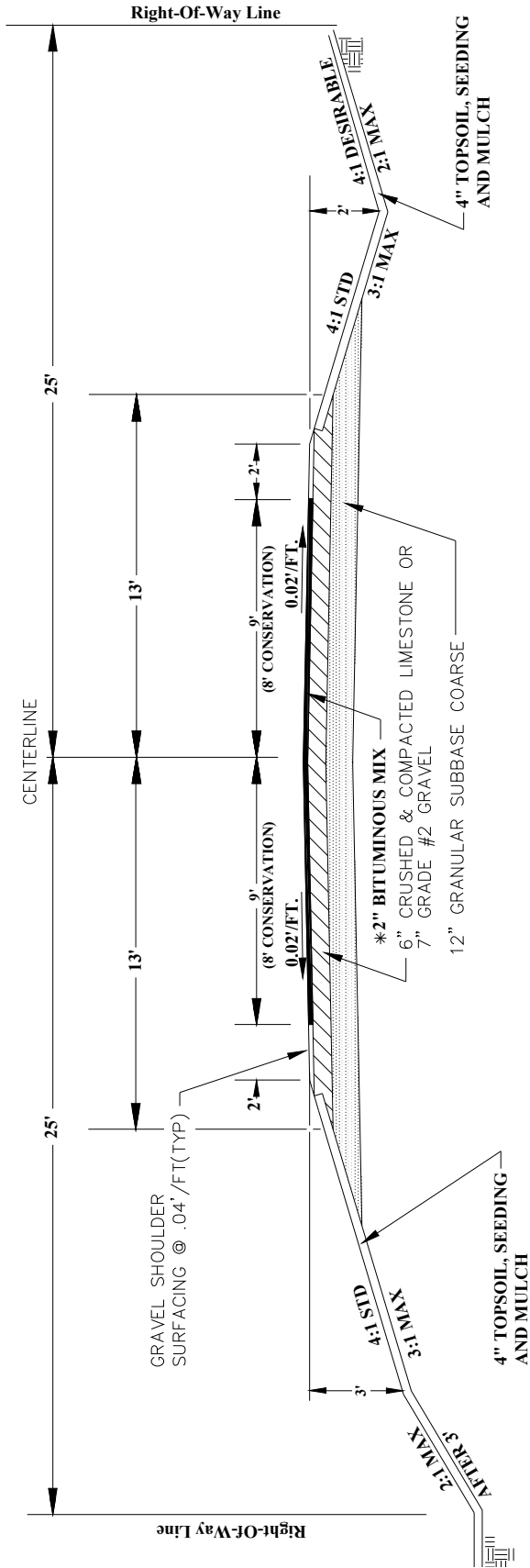
MINIMUM ROAD ALIGNMENT STANDARDS FOR CURVES AND TANGENTS





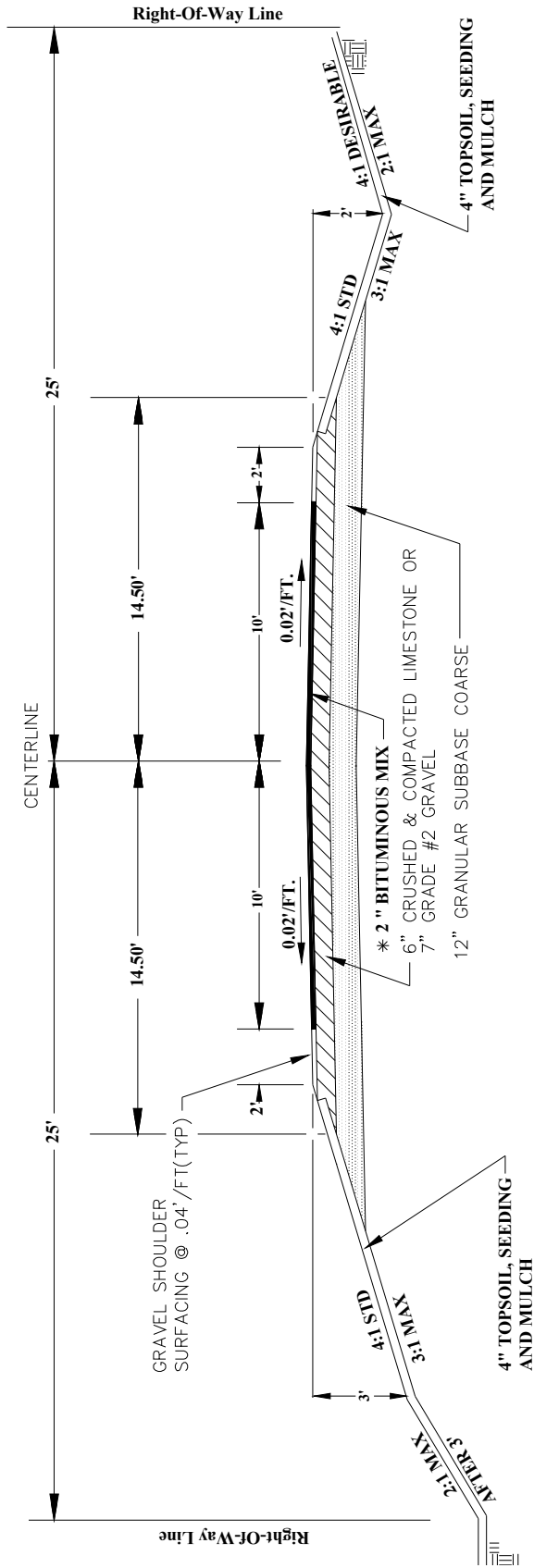
* EXACT PAVEMENT WIDTHS AND THICKNESSES MAY BE ADJUSTED BY SPECIFIC TOWNSHIP STANDARDS.

TYPICAL FINISHED SECTION STANDARD SUBCOLLECTOR AND ACCESS ROADWAY



* EXACT PAVEMENT WIDTHS AND THICKNESSES MAY BE ADJUSTED BY SPECIFIC TOWNSHIP STANDARDS.

TYPICAL FINISHED SECTION ONE WAY ACCESS ROAD & LOOP ROAD



* EXACT PAVEMENT WIDTHS AND THICKNESSES MAY BE ADJUSTED BY SPECIFIC TOWNSHIP STANDARDS.

TYPICAL FINISHED SECTION CONSERVATION DESIGN ACCESS ROAD

RURAL CUL-DE-SAC BULB AND LOOP END STANDARDS				
Standards	Conventional Development		Conservation Design Development	
	Cul-de-sac without Island	Cul-de-sac without Island	Loop Road	
Traffic Lanes	2	1	1	
One-Way Counter Clockwise Movement	NA	Yes	Yes	
Vegetated Center Island¹	No	No	Yes	
R.O.W.	60' radius	50' radius	50' width or 80' radius	
Outside Pavement Radius, edge of pavement or face of curb	49'	35'	63'	
Center Island Radius, edge of pavement or face of curb	NA	NA	47'	
Road Width –Radius- Before Gravel or Base Course	54'	40'	68'	
Road Width –Radius- After Gravel or Base Course	51'	37'	20'	
Road Surface, no curb excluding shoulders	98'	70'	16'	
Shoulders paved or gravel (no shoulder necessary with curb²)	2'	2'	2'	
Culverts	18" ³	18" ³	18" ³	
Pavement Thickness	2 ¼"	2 ¼"	2 ¼"	
Shoulder Slopes & Fill Slopes on fills to 3'	4:1 desirable 3:1 maximum	4:1 desirable 3:1 maximum	4:1 desirable 3:1 maximum	
Shoulder Slopes & Fill Slopes below top 3'	2:1 maximum	2:1 maximum	2:1 maximum	
Back Slopes	4:1 desirable 3:1 average 2:1 maximum	4:1 desirable 3:1 average 2:1 maximum	4:1 desirable 3:1 average 2:1 maximum	
Minimum Radius of Curvature in feet from Centerline for Deflections of 7° or More⁴	NA	NA	100	
Maximum Grade⁴	6%	6%	6%	
Corner Radii⁴	30'	30'	30'	

¹ See Landscape Screening.

² Mountable or surmountable concrete curb optional.

³ Or as otherwise specified, with a minimum cover of one foot to the top of the sand lift. All culverts shall be galvanized, corrugated steel pipe, pipe arch, plate, or reinforced concrete pipe in conformity with American Association of State Highway Transportation Officials' (AASHTO) specifications.

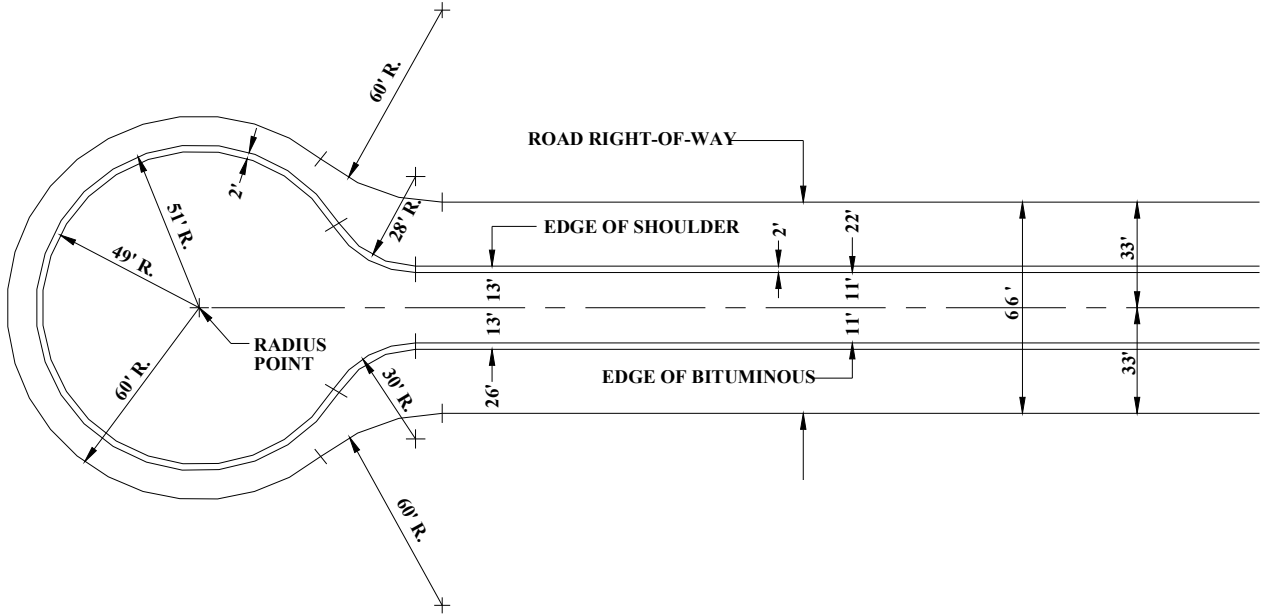
⁴ See diagrams above.

119

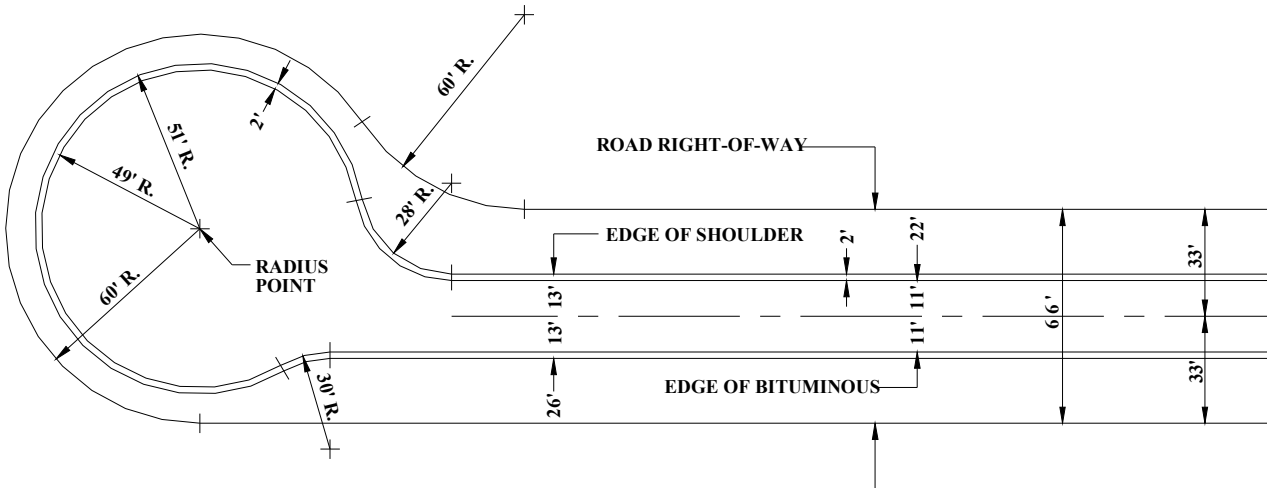
120

121

CONVENTIONAL DEVELOPMENT TYPICAL NON-ISLAND CUL-DE-SAC



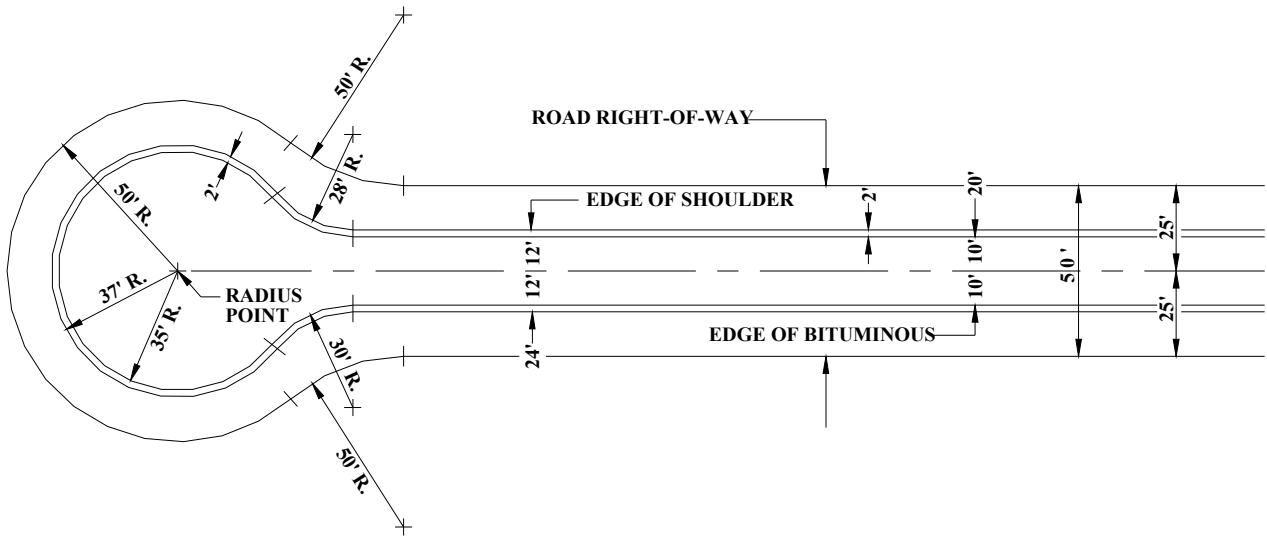
CONVENTIONAL DEVELOPMENT OFFSET NON-ISLAND CUL-DE-SAC



- 123
- 124
- 125
- 126

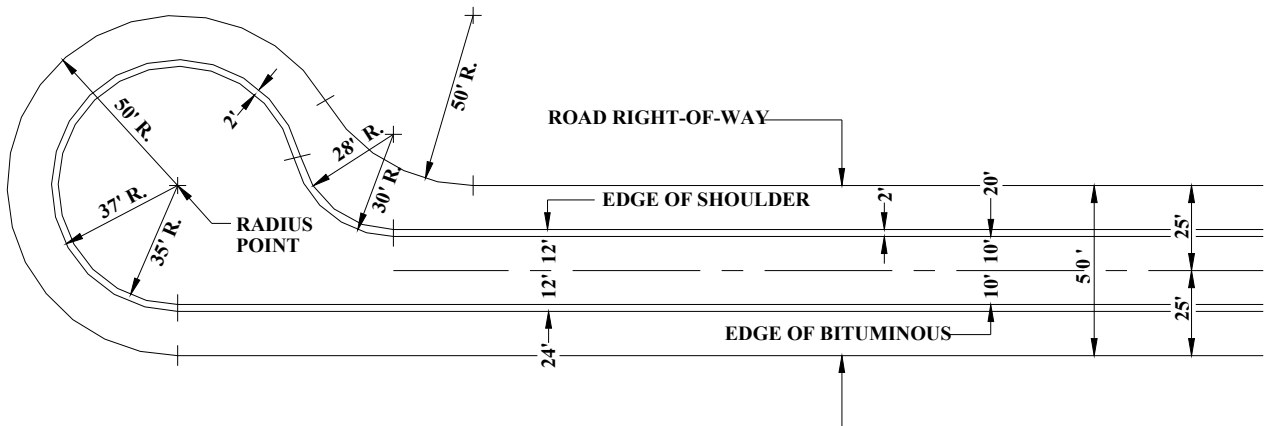
127
128

CONSERVATION DESIGN TYPICAL NON-ISLAND CUL-DE-SAC



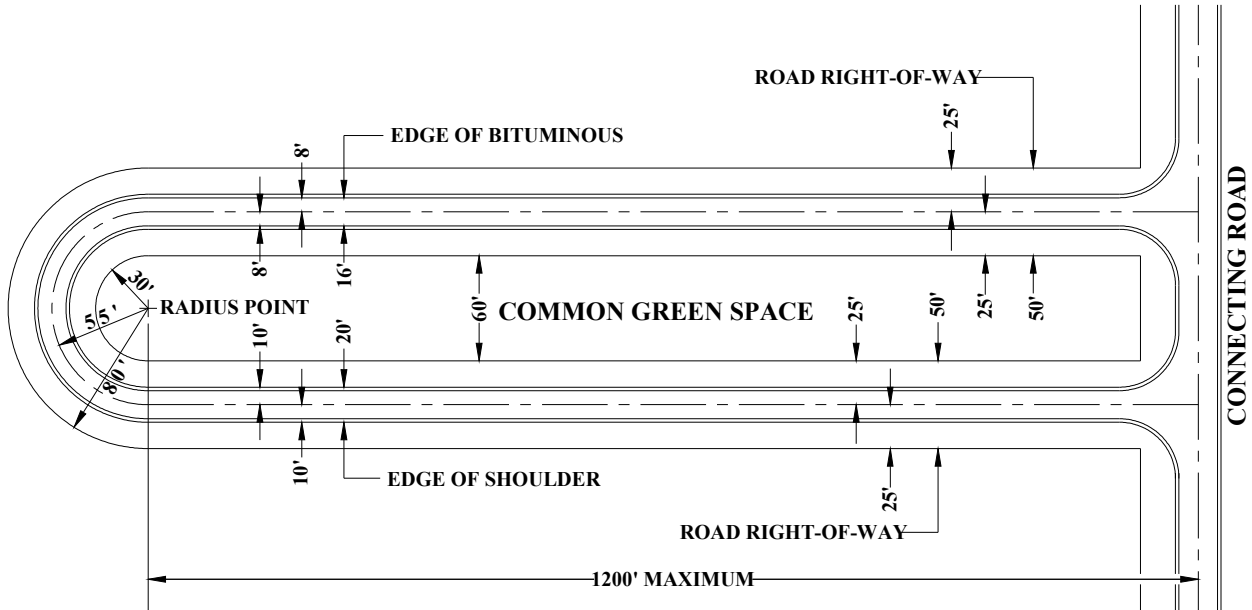
129

CONSERVATION DESIGN TYPICAL NON-ISLAND OFFSET CUL-DE-SAC



130
131
132

CONSERVATION DESIGN LOOP ROAD



3. ROAD LAYOUT STANDARDS

a. The Town of Somerset shall examine the design of roads and driveway accesses to assure that lots are laid out in a way that will produce intersections, grades and other features satisfying the following standards:

- 1) The number of intersections along arterial, collector and subcollector roads shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1000 feet along these roads.
- 2) Road intersection jogs with centerline offsets of less than 150 feet on existing or proposed roads are not allowed.
- 3) Not more than two roads shall intersect at one point.
- 4) The intersection angle of a driveway access to a road, and a road to a road, shall not be less than 75 degrees measured from the centerline of the road or driveway access to the right-of-way of the intersecting road or driveway access.
- 5) The Town of Somerset may require intersection vision clearances.

b. Subdivision roads shall provide connection to existing or planned road extensions and adjacent unplatted property.

c. All road layout design shall be consistent with any applicable policies adopted in the town comprehensive plan or official map.

d. Proposed roads shall extend to the boundary lines of the lot, [parcel](#), or site being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Town of Somerset, such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of adjacent lands or Conservation Design Development.

e. All arterial and collector roads shall be built to the boundary of the subdivision.

f. All road extensions shall be constructed at the time of the development's initial road construction.

g. Temporary termination of roads intended to be extended at a later date shall be accomplished with the construction of a temporary cul-de-sac contained within the road right-of-way

1373. ROAD NAMES

138 Road naming suffix nomenclature shall follow the standards listed in St Croix County Land
Division Ordinance § 13.4 B4.

139

1404. BICYCLE AND PEDESTRIAN WAYS

141 a. Bicycle and pedestrian ways shall meet the following standards:

142 1) A right-of-way width of not less than 20 feet may be required where deemed necessary
by the Town of Somerset to provide adequate bicycle and pedestrian circulation or access to
schools, parks, shopping centers, churches, and other places of public assembly or
transportation facilities.

143 2) The bicycle and pedestrian way will be constructed with 10-12 feet of paved or
limestone surface and a four to five-foot buffer on each side.

144 3) Bicycle and pedestrian ways in wooded and wetland areas shall be so designed and
constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserve
the natural beauty of the area.

C. LAND DISTURBANCE RESTRICTIONS

1. STANDARDS

a. Development shall incorporate [Best Management Practices](#) for erosion and sediment control and stormwater management.

b. Land disturbance shall be minimized wherever practicable so as to avoid excessive grading, the extensive removal of ground cover and tree growth, and general leveling of the topography.

c. On slopes of 20 percent or greater, no disturbance shall be permitted for activities other than public improvements, except to correct a pre-existing erosion problem on slopes up to 35 percent.

d. On slopes of 30 percent or greater, no disturbance shall be permitted for public improvements, except to correct a pre-existing erosion problem on slopes up to 35 percent.

e. The maximum disturbance allowed in slope areas between 12 to 19.9 percent shall be 50 percent of the total slope area of the proposed subdivision between 12 to 19.9 percent.

f. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent.

g. For the purposes of application of these regulations slope shall be measured over a horizontal distance of 50 feet.

- h. All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the State of Wisconsin.
- i. The Town of Somerset or its designee may authorize exceptions to these standards for corrective measures on actively eroding sites.

D. UTILITY EASEMENTS

1. STANDARDS

Refer to St Croix County Land Division Ordinance § 13.7 D for the design standards that apply to utility easements.

E. STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PLANS

1. DESIGN STANDARDS

Refer to St Croix County Land Division Ordinance § 13.4 E for the design standards that apply to storm water management and erosion and sediment control plans

F. DRAINAGE EASEMENTS

1. STANDARDS

Refer to St Croix County Land Division Ordinance § 13.4 F for the design standards that apply to drainage easements.

G. LOTS

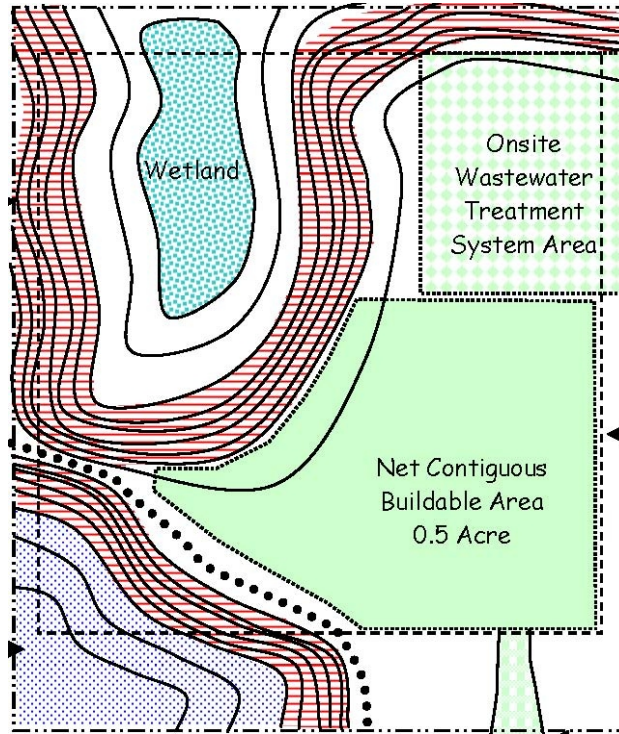
1. GENERAL DESIGN STANDARDS

Refer to St Croix County Land Division Ordinance § 13.4 G1 for the design standards that apply to lots.

2. LOT AREA STANDARDS

- a. Each lot must contain a net [contiguous buildable area](#) of one-half acre or more. Each net contiguous buildable area must be capable of accommodating the building site without disturbing areas of 20 percent and greater slope that existed prior to concept review. Conservation Design Development lots are exempt from contiguous buildable area standards unless onsite wastewater treatment systems are proposed.
- b. Each lot must contain an area suitable for the entire on-site wastewater treatment system and its replacement. The area for the on-site wastewater treatment system must be in addition to the contiguous buildable area under a. above. This standard may be waived for Conservation Design Development with an approved, appropriate common wastewater treatment system plan in the common open space area.
- c. Lot area shall be calculated excluding rights-of-way and lands below the [ordinary high water mark](#).

**Contiguous Buildable Area
Illustrative Diagram**
not to scale



d. Lot area for improvements shall be a minimum 3 acre lot size excluding road right away.

For additional lot standards see St. Croix County Land Division Ordinance 13.7 G2

3. LOT ACCESS STANDARDS

Refer to St Croix County Land Division Ordinance § 13.7 G3 for the design standards that apply to lot access standards.

H. LANDSCAPE SCREENING AND BUFFER AREA

Refer to St Croix County Land Division Ordinance §§13.4 H for the standards that apply to landscape screening and buffer area.

I. PARKS AND PARKWAYS

1. STANDARDS

a. The Town of Somerset may require the subdivision to have parks, parkways or trails and

determine whether such areas are to be shown as lots, or dedicated areas upon a finding that duly adopted regional, County or local plans, or official maps, call for provision of such parks or parkways, or upon a determination that the parks or parkways are reasonably required to serve the needs generated by the subdivision or by subdividing within the area.

b. The Town of Somerset shall designate the site, configuration and shape of parks and parkways within the subdivision.

J. DESIGN STANDARDS FOR SUBDIVISIONS INTENDED FOR COMMERCIAL OR INDUSTRIAL USE

Refer to St Croix County Land Division Ordinance § 13.7 J for the design standards that apply to subdivisions intended for commercial or industrial use.

K. DESIGNATED OPEN SPACE MAJOR SUBDIVISIONS

1. APPLICABILITY

Designated Open Space provides an alternative set of design objectives and standards for [major subdivision](#) for residential development.

2. PURPOSE

Designated Open Space design development provides an alternative set of design objectives and standards for [major subdivision](#) for residential development than either a conventional or Conservation Design Development (CDD), however it does incorporate elements of both.

3. SITE ANALYSIS

Refer to section 3.A 2 and 3 of this ordinance

4. MINIMUM COMMON OPEN SPACE AREA

A. For a Designated Open Space design development:

1. A minimum of 32 percent of the gross land area of the development site shall be dedicated as preserved open space protected by a conservation easement or deed restriction. Of that 32 percent, at least 50 percent of the open space is to be in a contiguous tract and may be contiguous with adjacent tracts where possible.

5. DESIGN STANDARDS FOR COMMON OPEN SPACE AREAS

A. On all sites developed under the Conservation Design Development regulations, the minimum amount of common open space area, as set forth in section 7.K 4, shall be set aside as protected common open space.

B. Common open space examples are listed in section 7.K 6.

C. The developer shall specify how open space will be managed and owned.

D. The lot placements and road design will be a cooperative effort of the developer and the Town of Somerset.

E. Other design requirements of major subdivisions will apply except that the 3 acre lot shall be divided with 2 acre minimum to be inclusive of all structures and the remaining 1 acre dedicated to open space requirements per Section K4 A.1. Road right of way is excluded from the open space requirements.

6. DESIGNATED OPEN SPACE USE EXAMPLES

1) The following are examples for land designated as open space under this article provided they follow St. Croix County Chap 17 Zoning requirements:

- a) Conservation (i.e. woodland, meadow, prairie)
- b) Agricultural, except feedlot
- c) Equestrian
- e) Recreational uses and associated parking intended mainly to serve residents of the development
- e) Non-motorized trails (walking, skiing, cycling, horseback riding)
- f) Picnic areas
- g) Community gardens
- h) Composting (for waste generated by residents of the development)
- i) Turf areas for informal play
- j) Common areas such as greens or squares
- k) Ball fields
- m) Courts (tennis, basketball, etc.)
- n) Swimming pools or beaches
- o) Common buildings
- p) Stormwater Management Facilities
- q) Sewage disposal systems
- r) Essential Services - Utility Substations
- s) Non-commercial golf course

2) The following uses are not allowed in the designated open space:

- a) Motorized trails
- b) Roadway Easements

7. OWNERSHIP AND MAINTENANCE OF COMMON FACILITIES AND OPEN SPACE

Refer to sections **3.0 B.4, 5, 6** and **8.0 C.3**

L. CONSERVATION DESIGN DEVELOPMENT FOR MAJOR SUBDIVISIONS

1. APPLICABILITY

Conservation Design Development (CDD) provides an alternative set of design objectives and standards for [major subdivision](#) for residential development.

2. PURPOSE

a. The purposes of Conservation Design Development (CDD) are as follows:

- 1) The Town of Somerset recognizes the efforts of St. Croix County in this area; however the Town may differ from the county in some areas. The Town of Somerset wants to protect what is above ground as much as possible but has a responsibility to consider the effects of development on the underlying structure of the town especially the aquifer considering the unique soils and rock formations that may not be present in other areas of the county.
- 2) To provide for the unified and planned development of clustered, residential uses which are designed and located to reduce the perceived density of development, while still

providing privacy for dwellings, and incorporate large areas of permanently protected common open space.

3) To allow for the continuation of agricultural uses in those areas best suited for such activities and when adjoining residential uses are compatible with such activities.

4) To maintain and protect Town of Somerset's rural character by preserving one or more of these important landscape elements, including but not limited to those areas containing such unique and environmentally sensitive natural features as woodlands, river and stream corridors, drainageways, wetlands, [closed depressions](#), floodplains, [shorelands](#), prairies, ridgetops, steep slopes, critical species habitat, and productive farmland by setting them aside from development. Such areas contained in primary and secondary environmental corridors, independent environmental resources and potentially productive agricultural land, as identified by the *St. Croix County Development Management Plan, the Town of Somerset Land Use Plan 1998-2018 and Town of Somerset Comprehensive Plan 2003-2028*, are given particular significance for conservation.

5) To connect common open space areas between adjacent properties and create environmental corridors throughout the Town of Somerset, areas contained in primary and secondary environmental corridors, independent environmental resources and potentially productive agricultural land, as identified by the *St. Croix County Development Management Plan, the Town of Somerset Land Use Plan 1998-2018 and Town of Somerset Comprehensive Plan 2003-2028* are of particular significance for conservation.

6) To preserve scenic views and to minimize views of new development from existing homes and roads.

7) To provide greater design flexibility in siting dwellings and other development features than would be permitted by the application of standard use regulations in order to minimize the disturbance of rural landscape elements and sensitive areas, scenic quality, and overall aesthetic value of the landscape.

8) To increase flexibility and efficiency in the siting of services and infrastructure by altering road length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.

9) To create groups of dwellings with direct visual and physical access to common open space.

10) To permit active and passive recreational use of common open space by residents of the developments and/or by the public.

11) To reduce erosion and sedimentation by retaining existing vegetation and minimize development on steep slopes.

12) To permit various means for owning common open space, preserved landscape elements, agricultural land, and to protect such areas from development in perpetuity.

13) To create a stewardship approach to common open space by requiring a land management plan for the common open space.

3. DENSITY STANDARDS

a. The total number of dwelling units that are allowed in a Conservation Design Development is referred to as the Residential Gross Density. See St. Croix County Zoning Ordinance § 17.21 (6).

4. RESIDENTIAL BASE DENSITY

a. The base density or the base number of allowable dwelling units is determined by the yield plan pursuant to St Croix County Land Division Ordinance § 13.2 C.3. Existing dwellings that may or may not be part of a farmstead that will be retained shall be counted toward the base density.

5. RESIDENTIAL GROSS DENSITY

a. The residential gross density, or the total number of dwelling units that are allowed in a Conservation Design Development, is the residential base density plus 10 percent of the number of the number of dwelling units prescribed by the residential base density.

6. PRESCRIBED LOT AREA

a. The lot size allowed under Conservation Design Development (CDD) is called the prescribed lot area.

b. For an existing or new farmstead on a site used for Conservation Design Development, the prescribed lot area shall be large enough to accommodate all structures within a building envelope created by a 100-foot setback from all sides of the lot. For barnyards or buildings that contain or will contain livestock or poultry, the setback shall be increased to 300 feet.

c. The prescribed lot area of new lots shall be that which results from meeting all of the standards and requirements of Conservation Design Development and Chapter 17, St. Croix County Zoning Ordinance. The prescribed lot area cannot be less than 1 acres.

7. MINIMUM COMMON OPEN SPACE AREA

a. For Conservation Design Development, the minimum amount of common open space shall be:

1) In the Town Agricultural Residential District, 65 percent of the total site area excluding existing rights-of-way and utility easements.

b. The required common open space designated in 7. a. above can be reduced by the minimum amount necessary to prevent any allowable lot from being reduced to an area less than 1 acre in the attempt to meet those common open space requirements.

8. DESIGN AND DIMENSIONAL STANDARDS FOR CLUSTER GROUPS

a. All dwelling units shall be in cluster groups.

b. The number of dwelling units in each cluster group shall be determined as follows:

1) For any Conservation Design Developments over 40 acres, each cluster group shall be between 6 and 16 dwelling units.

2) A Conservation Design Development with a total number of 16 dwelling units or less may contain a single cluster group if all other standards in St Croix County Land Division Ordinance § 13.7 K. are met.

3) The number of dwelling units in a cluster group may be decreased or increased and each cluster group may be assembled into smaller or larger groupings, provided that the applicant can demonstrate that such an alternative design is more appropriate for the site, and will meet both the general intent and design objectives of this ordinance and the goals and objectives of the *St. Croix County Development Management Plan the Town of Somerset Land Use Plan 1998-2018 and Town of Somerset Comprehensive Plan 2003-2028*.

c. A plat may contain one or more cluster groups.

- d. All lots in a cluster group shall take access from interior roads
- e. Each cluster group shall be defined by the outer perimeter of contiguous lots or abutting roads and may contain lots, roads, and cluster group interior open space. When the development does not include individual lots, such as a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer to any unit than 75 feet. Need to review further
- f. The outer boundaries of the lot lines of each cluster group shall conform to the separation distances in the following table:

LIMITING FACTOR	SEPARATION DISTANCE
1. From other cluster group outer boundaries	100 feet
2. From existing and proposed rights-of-way of arterial or collector highways or from state designated scenic roads	100 feet
3. From all other existing or proposed external highway or road rights-of-way	50 feet
4. From all subdivision site boundaries	100 feet
5. From cropland or pastureland	100 feet
6. From existing buildings housing livestock or poultry or barnyards	300 feet
7. From wetlands, floodplains, watercourses or drainageways	75 feet
8. From active recreation areas, such as courts, playing fields or pools	100 feet

- g. The dimensional standards specified in St Croix County Land Division Ordinance § 13.7 K.8.f. may be reduced under the following circumstances:
 - 1) The separation distances along existing or proposed arterial roads and site boundaries may be reduced to a minimum of 50 feet only if the applicant can demonstrate that existing vegetation, topography or a combination of these, form an effective visual screen. The Town Board or its designee may accept constructed berms and planted [native vegetation](#) for these reduced separation distances if such items will form an effective visual screen and maintenance is included in the CDD management plan.
 - 2) Separation distances in St Croix County Land Division Ordinance § 13.7 K.8.f. 1-6 and 8 may be reduced up to 50 percent if the applicant can demonstrate that such reduced setbacks are more appropriate for the site concerned and will improve the project’s conformance with the design objectives in St Croix County Land Division Ordinance § 13.7 K.2., the intent of this ordinance, and the goals, objectives and policies of the *St. Croix County Development Management Plan, Plan the Town of Somerset Land Use Plan 1998-2018 and Town of Somerset Comprehensive Plan 2003-2028*.
- h. All separation areas for cluster groups along existing roads shall be landscaped in accordance with St Croix County Land Division Ordinance §§ 13.7 H. and 13.7 K.10.
- i. All cluster groups shall be surrounded by open space.
- j. All lots in a cluster group shall abut common open space to the front or rear. Cluster group internal open space and common open space across from a road shall qualify for this requirement.
- k. Cluster groups shall be defined and separated by common open space in order to provide

direct access to common open space and privacy to individual lots or yard areas. Roads may separate cluster groups if the road right-of-way is designed as a vegetated center median.

l. Cluster groups containing 11 or more dwelling units must provide internal open space at a minimum rate of 2,000 square feet per dwelling unit. Such open space shall meet the following standards:

1) Internal common open space located within cluster groups shall be counted toward meeting the overall minimum common open-space area requirement.

2) The internal open space should be configured as a cul-de-sac island, a loop lane, an island within a larger loop or an “eyebrow” (a semi-circular loop), an island in a center median road, a common green area, or other configurations that yield internal open space within cluster groups. Common green areas surrounded by lots on up to three sides shall be designed as a common space for use by all residents within the cluster group.

3) Internal open space may contain pervious surface parking areas, but these shall not be included in the required minimum 2,000 square feet of internal open space per dwelling unit or minimum common open space area requirement.

m. Cluster groups smaller than 11 dwelling units may contain internal open space that is consistent with St Croix County Land Division Ordinance § 13.7 K.8.1.2). Such internal open space may be included in the minimum common open-space area requirement if it contains at least 2000 square feet. Such internal open space may contain parking areas, but these shall not be included in the minimum common open-space area requirement.

n. Internal open space within cluster groups is not subject to the design standards for common open space areas in St Croix County Land Division Ordinance § 7.0 L.9.

o. In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. When the objective is to preserve productive agricultural land and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that some of the canopy on individual wooded lots is maintained. See St Croix County Land Division Ordinance § 7.0 L.9.b.8).

9. DESIGN STANDARDS FOR COMMON OPEN SPACE AREAS

a. On all sites developed under the Conservation Design Development regulations, the minimum amount of common open space area, as set forth in St Croix County Land Division Ordinance § 13.7 K.7., shall be set aside as protected common open space.

b. Common open space shall comply with the following design standards:

1) The location of common open space shall be consistent with the design objectives in St Croix County Land Division Ordinance § 13.7 K.2., and the goals, objectives and policies of the *St. Croix County Development Management Plan*, *Town of Somerset Comprehensive Plan* and the *Town of Somerset Park and Recreation Plan*.

2) All open space areas shall be part of a larger continuous and integrated open space system. At least 75 percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this section, contiguous shall be defined as either physically touching or located within 100 feet across a public right-of-way, for example, on opposite sides of an internal road.

3) Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in preserving rural character and conserving natural resources in compliance with the intent of this ordinance and consistent with the goals, objectives and policies of the *St. Croix County Development Management Plan*, *Town of Somerset Comprehensive Plan* and the *Town of Somerset Park*

and Recreation Plan.

- a) The protection of primary and secondary environmental corridors, independent natural resources and potentially productive agricultural land as identified in the *St. Croix County Development Management Plan*, *Town of Somerset Comprehensive Plan* and the *Town of Somerset Park and Recreation Plan* is particularly significant.
 - b) It is recognized that there may be different open space preservation objectives that will result in different areas being set aside as open space. Developments designed to preserve rural character values may look much different from developments striving to preserve viable agricultural land.
 - c) Applicants must provide an explanation of the open space objectives achieved with their proposed development.
- 4) Natural features shall generally be maintained in their natural condition. If recommended by a professional with pertinent qualifications, the Town Board or its designee may authorize a modification to improve the natural features' appearance or restore their overall condition and natural processes, in compliance with an approved management plan, as described in St Croix County Land Division Ordinance § 13.2 C.6.a. Permitted modifications may include:
- a) Woodland or forest management.
 - b) Reforestation.
 - c) Meadow or prairie management.
 - d) Wetlands management.
 - e) Streambank protection.
 - f) Establishing native, non-invasive vegetation in buffer areas.
- 5) All wetlands, floodplains, [unique wildlife habitat areas](#), slopes 20 percent or greater, [closed depressions](#) and at least 80 percent of a primary environmental corridor, as identified in the *St. Croix County Development Management Plan*, shall be contained in common open space. The requirement that at least 80 percent of a primary environmental corridor be contained in common open space can be reduced under the following conditions:
- a) The site is predominantly primary environmental corridor and development at the permitted density would not be possible without encroaching further on the primary environmental corridor.
 - b) It can be demonstrated that additional development within the primary environmental corridor meets the overall objectives of this ordinance.
 - c) All wetlands, floodplains, unique wildlife habitat areas, slopes 20 percent or greater and closed depressions remain in common open space.
 - d) Any reduction of a primary environmental corridor included in common open space below 80 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.
- 6) Common boundaries with existing or future open space on adjacent sites shall be maximized.
- 7) In order to preserve scenic views, ridgetops and hilltops should be contained within common open space wherever possible.
- 8) At least 80 percent of the area of existing woodlands shall be contained within common open space; 20 percent of the area of existing woodlands may be used for lots and residential development. This limitation may be exceeded under the following conditions:

- a) The site is primarily wooded, and development at the permitted density would not be possible without encroaching further on the woodlands.
 - b) It can be demonstrated that additional development within the woodlands meets the overall objectives of this ordinance.
 - c) The stated objective is to preserve productive agricultural land.
 - d) Any encroachment on the woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.
- 9) Any development of woodlands 40 acres or larger with at least one-quarter mile of width shall have cluster groups arranged around the periphery of the woodlands to preserve as much of the woodlands interior habitat as possible. The arrangement of the cluster groups around the periphery shall preserve natural undisturbed corridors to the interior.
- 10) No common open space area shall be less than 10,000 square feet in area and not less than 30 feet at its smallest dimension, with the exception of internal open space within cluster groups, as described in St Croix County Land Division Ordinance § 13.7 K.8.1. and m. Open space not meeting this standard shall not be counted toward the total required minimum common open space area.
- 11) Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
- 12) Common open space shall include lands located along existing public roads in order to preserve existing rural landscape character as seen from these roads, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
- 13) To ensure adequate protection of natural and cultural features, no more than 25 percent of common open space shall be used for active recreational purposes.
- 14) When common open space is utilized for some or all of the permitted sewer and water facilities, then an easement shall be granted which describes the right of the individual property owner to have access to the common open space to construct, maintain, gain access and/or replace a private sewer or water facility. Additionally, the restrictive agreement on the common open space utilized for sewer or water facilities will include appropriate limitations to prevent compaction of the soils used for sewage treatment.
- c. Safe and convenient pedestrian access and access for maintenance and emergency purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:
- 1) At least one access point per cluster group shall be provided, having a width equal to or greater than 50 feet within the cluster group.
 - 2) This width may be reduced to no less than 16 feet if the applicant can demonstrate that, due to natural site conditions, meeting the above requirement would run counter to the objectives of this ordinance.
 - 3) This access may be in the form of an easement.
 - 4) Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
- d. The following areas shall not be included in common open space areas:
- 1) Private lot areas.
 - 2) Road and highway rights-of-way, public or private.
 - 3) Railroad and utility rights-of-way, except underground pipeline rights-of-way.

- 4) Parking areas.
- 5) Areas not meeting the requirements of St Croix County Land Division Ordinance § 13.7 K.9.b.10).
- 6) Farmsteads.

10. LANDSCAPING FOR CONSERVATION DESIGN DEVELOPMENT

- a. Preservation of existing [native vegetation](#).
 - 1) For the purpose of conserving native vegetation and in recognition of the time value of existing native vegetation, the preservation of existing native, non-invasive vegetation shall generally be preferred to the installation of new plant material, and the excavation of sites shall be minimized.
 - 2) Within all required separation areas between cluster groups and external roads and site boundaries, existing woodlands and hedgerows shall be retained to the maximum extent possible.
 - 3) Suitable existing native vegetation shall be credited toward the landscaping requirements of this ordinance when it would equal or exceed the desirable visual impact of the new required plant material after two years of growth.
 - 4) All new landscaping to be installed and existing native vegetation to be preserved shall be protected in accordance with the standards specified in this ordinance.
- b. Trees Along Roads.
 - 1) Trees of native species shall be planted along internal roads within cluster groups.
 - 2) Trees may be planted, but are not required, along internal roads passing through common open space.
 - 3) Informal, irregular or natural arrangements are encouraged for trees along roads, to avoid the urban appearance that regular spacing may evoke.
 - 4) Trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the road.
 - 5) Tree plantings shall comply with all applicable regulations in this ordinance.
- c. Buffers
 - 1) Within all required separation areas between external roads and cluster groups, a vegetated buffer area at least 25 feet in width shall be maintained or established. Where no natural trees and shrubs exist, native plant materials shall be planted.
 - 2) Where native vegetated buffers do not exist within separation areas between cluster groups, planted buffers using native species are encouraged, to enhance privacy and a rural appearance between cluster groups.
 - 3) Required buffers around wetlands, all waterbodies and drainageways, and [closed depressions](#) must be naturally vegetated or planted with native plant species appropriate to the surrounding landscape.
 - 4) Buffers consisting of an informal, irregular or natural arrangement of native plant species combined with infrequent or prescriptive mowing are strongly encouraged, to create a low-maintenance, naturalized landscape.

8.0 CONSTRUCTION WITHIN SUBDIVISIONS AND FINANCIAL ASSURANCE

A. CONSTRUCTION INITIATION

1. STANDARD

- a. All land grading, site preparation and improvements required by the approved preliminary plat, shall occur prior to approval of the final plat or final [certified survey map](#).

B. REQUIRED INSTALLATIONS

1. STANDARDS

- a. The subdivider shall have survey monuments installed in accordance with the requirements of Wisconsin Statutes § 236.15 and as may be required by the. Town Board or its designee
- b. The subdivider shall install all required stormwater drainage features as required in the stormwater management plan.
- c. The subdivider shall construct or install all erosion and sediment control measures specified in the erosion and sediment control and stormwater management plan. If the erosion and sediment control features are damaged or altered by any means, the restoration of them shall be the responsibility of the subdivider unless the subdivider has, by written agreement, assigned responsibility for maintenance to the owner of the lot on which the damage or alteration occurred.
- d. Any road intersecting with a public road, and any road serving more than two lots, shall be improved by the subdivider, including necessary bridges, culverts and ditches, to standards established by the town.

2. TIMEFRAME

- a. The installation of the required improvements or removal of existing features and temporary management structures will be identified in the construction plans or a [Developer's Agreement](#).
- b. All required improvements shall be installed and completed in substantial conformance with the approved plans and as specified in the construction plans or a Developer's Agreement within one year following the effective date of the initial financial assurance.
- c. A Developer's Agreement may contain provisions to address the failure to install required improvements within one year, such as penalties and the use of financial assurances to pay those penalties.
- d. If the required improvements are not installed within one year, then the Town Board of Somerset or its designee may subject the subdivider to forfeitures and use the financial assurance to stabilize the site.

C. FINANCIAL ASSURANCE

1. PURPOSE

A financial assurance shall be provided to ensure the proper construction, installation and maintenance of required roads, utilities, stormwater management and erosion and sediment control measures, required landscaping and other improvements, removal of existing features, and temporary erosion and sediment control and stormwater management structures.

2. ASSURANCE

- a. The owner or the subdivider shall be responsible for providing the assurance.
- b. The nature and duration of the assurance shall be structured to achieve installation and maintenance without adding unnecessary costs to the responsible party.
- c. The Town Board or its designee may extend the time allowed for installation of an improvement for which the assurance has been provided.
- d. The assurance shall be required before the construction of required improvements and as a condition of the preliminary subdivision approval.
 - 1) The assurance shall be 125 percent of the estimated cost of installing pavement.

2) The assurance shall be valid until substantial completion of all required improvements and released by the Town Board.

3) The assurance shall be retained upon completion of the required improvements for maintenance purposes.

a) The retained assurance shall be for a period not to exceed 2 years after final acceptance of an improvement to assure erosion control and slopes are stabilized.

3. MAINTENANCE OF COMMON FACILITIES AND OPEN SPACE

a. In the event that the common facilities and open space of a Conservation Design Development are not maintained in reasonable order and condition in accordance with the Management Plan and all applicable laws, rules, and regulations, the Town Board or its designee may serve written notice upon the responsible person or organization and upon the residents and property owners in the development setting forth the reasons constituting the failure to maintain the common facilities and open space in reasonable condition.

b. Such notice shall set forth the nature of the corrections required and the time within which the corrections shall be made.

c. Upon failure to correct within the time specified, the following provisions will apply:

1) The Town Board or its designee may take corrective action in the event a person or organization fails to maintain open space or common facilities according to the Management Plan as outlined in St Croix County Land Division Ordinance § 13.2 C.6.

2) The Town board may take corrective action, in consultation with St. Croix County and bill the town for the work.

3) The town, following Wisconsin Statutes § 66.0703 can levy special charges upon property within the development.

4) Any additional corrective action taken by the Town Board shall be pursuant to St Croix County Land Division Ordinance § 13.12 of this ordinance.

4. FORM

a. The assurance shall be secured.

b. The Town of Somerset Board or Town Board may select from a variety of secure means including, but not limited to, the following:

1) A surety bond from a bonding company authorized to do business in this state.

2) An irrevocable letter of credit from a reputable bank or lending institution acceptable to the Town of Somerset.

3) Cash or an instrument readily convertible into cash.

D. RELEASE OF ASSURANCE

1. DECISION PROCESS

a. Upon substantial completion of all required improvements, the responsible party shall notify the Town of Somerset Board and Town Board of the completion of and cost of the improvements in writing, by certified mail.

b. The Town of Somerset Board, in consultation with appropriate persons, shall inspect the improvements and shall authorize approval, partial approval, or rejection of such improvements.

c. A statement of reasons for rejection and corrective action shall be provided in writing.

d. The responsible party shall correct the condition specified by the stated corrective action within the time stated.

- e. If the corrective action is not completed within the specified time, the Town of Somerset Board or Town Board may utilize the assurance to complete the corrective action.
- f. If the Town Board takes no action to approve, partially approve, or reject the improvements within 60 days of receipt of the notice of substantial completion, the improvements shall be deemed to have been approved, and the responsible party and/or surety, if any, shall be released from the assurance for such improvements, less any amount retained under St Croix County Land Division Ordinance § 13.8 C.2.d. above

2. PARTIAL APPROVAL OR DENIAL

- a. Where partial approval of the improvement is granted, the responsible party shall be released from liability under the assurance to the extent of the approval.
- b. If approval of the improvement is denied, the Town of Somerset Board or Town Board shall utilize the assurance to see that improvements are properly completed.

9.0 DEVELOPER’S AGREEMENT

A. AUTHORITY AND PURPOSE

1. AUTHORITY

- a. The Town Board or its designee may require and enter into agreements, called [Developer’s Agreements](#), concerning the development and use of land within the Town of Somerset with the owner and subdivider of such property, and with the other governmental units with jurisdiction.

2. PURPOSE

- a. Provide a method for the Town Board and owners and subdividers of land to create agreements specific to the land being developed.
- b. Describe in detail the terms, conditions, and other provisions relating to the development including the project timeline.
- c. Include terms, conditions, and other provisions that are mutually agreed to but may not otherwise be specified within this ordinance, provided the public interest is served.
- d. Provide a more certain set of terms and conditions for the development than provided by this ordinance, which simplifies enforceability by the Town Board, other governmental units, and the owner and subdivider of the land.

B. STANDARDS

1. PROCESS

- a. The Developer’s Agreement shall be:
 - 1) Approved by the Town Board or its designee prior to the start of construction.
 - 2) Recorded, by the owner or subdivider in the office of the St. Croix County Register of Deeds within 30 days of its approval and before construction commences.
 - 3) Binding upon and enforceable by Town Board or its designee, the owner and subdivider and all subsequent owners of the property for the term of the agreement.

2. REQUIREMENTS

- a. The [Developer’s Agreement](#) shall be mutually developed by the parties, be in writing, and include:
 - 1) A statement identifying the owner and the subdivider responsible parties to satisfy and/or

enforce the terms of the Developer's Agreement.

2) The names of the parties to the Developer's Agreement.

3) A description of the property being developed.

4) A statement detailing how the Developer's Agreement is consistent with the Town of Somerset's comprehensive development plans.

5) The effective date of the Developer's Agreement.

6) The term of the Developer's Agreement.

7) Identification of and a timeline for the installation of required temporary and permanent improvements.

8) Identification of and a timeline for the removal of existing features and temporary erosion and sediment control and stormwater management structures.

9) Identification of and a timeline for maintenance to be performed.

10) The parties contracted with for the installation and maintenance of improvements.

11) The details of the financial assurance required by this ordinance.

12) A reiteration in full of the provisions of section 3. below.

3. TERMINATION

a. A [Developer's Agreement](#) may be canceled or revised at any time by:

1) The mutual written consent of the parties; or

2) The Town Board or its designee if he/she finds that a hazard or other unexpected situation that threatens the public health, safety or welfare exists on or near the land that was unknown at the time the agreement was adopted, and the owner or subdivider is unable or unwilling to immediately correct the situation.

b. The Town Board or its designee shall notify the other parties in writing that a situation exists that would threaten the public health, safety or welfare if development were to commence or continue and all development activities shall cease.

10.0 WAIVER, SETBACK REDUCTION AND ADMINISTRATIVE APPEAL

1. PURPOSE

a. If a subdivider can clearly demonstrate that one or more unique conditions affecting the land to be divided make the literal application of one or more of the design standards impracticable or unduly burdensome, the Town of Somerset Board may waive such standards as may be reasonable, provided that the waiver is not contrary to the general intent and purposes of this ordinance and the health, safety, general welfare and aesthetics of the neighborhood.

1. APPLICATION FOR WAIVER

b. **An application for a waiver of design standards shall be made by the subdivider on a form provided by the Town of Somerset Clerk.**

c. **It shall be filed with the Town of Somerset Clerk at or before filing the preliminary plat or, if the unique condition is discovered later, at the time of discovery.**

d. **The application shall fully state all facts relied upon to support the waiver and shall include drawings, studies, plans, or other information that will aid the Town of Somerset Plan Commission and Board in reviewing the application.**

e. **The Town of Somerset Plan Commission will schedule a public hearing to review the waiver application.**

2. CONDITIONS

f. **The Town of Somerset Plan Commission and Boards actions shall comply with the following conditions.**

- 1) A waiver shall not violate the general intent and purposes of this ordinance or be detrimental to the health, safety, general welfare or aesthetics of the neighborhood.
- 2) The condition for which a waiver from a design standard is sought must be unique to the property.
- 3) A waiver may not be based on mere inconvenience or financial hardship to the subdivider or a self-created hardship of the subdivider.
- 4) A waiver is necessary for the preservation and enjoyment of substantial property rights possessed by the subdivider.
- 5) A waiver shall provide only the minimum relief necessary to alleviate the hardship.

3. APPROVAL PROCESS

g. **The Town of Somerset Plan Commission will review the application at a public hearing. The Plan Commission will then approve or deny the Wavier application and forward its decision to the Town of Somerset Board.**

h. **The applicant can accept this decision or appeal this decision to the Town of Somerset Board.**

4. DECISION

i. **The Town of Somerset Plan Commission shall approve, deny, or approve with conditions an application for a waiver within 60 days of filing the application with the Town of Somerset Clerk.**

j. **The Town of Somerset Board shall approve, deny, or approve with conditions an any appeal made the of Plan Commissions decision within 60 days.**

k. **If a decision is not made within the 60 days, the waiver shall be deemed approved, unless the time for making a decision is extended in good faith.**

l. **The decision shall be in writing and shall explain the reasons for the decision.**

- 1) **The original decision shall be filed in the Town of Somerset Board's office.**
- 2) **The Town of Somerset Board shall provide the subdivider a copy of the decision within five business days of the decision.**
- 3) **A copy of the decision shall be mailed to the subdivider and St. Croix County Planning and Zoning.**

B. ROAD SETBACK REDUCTION

Refer to the St Croix County Land Division Ordinance §13.10B for proper setbacks.

11.0 FEES

A. STANDARDS

1. STANDARD FEES

a. **Any person applying for a land division shall pay fees to the Town of Somerset for the**

cost of administration, review, inspection, advertising, legal review and processing.

b. Any person requesting a waiver to the standards of this ordinance shall pay a fee to the Town of Somerset for the cost of the hearing, advertising and processing.

c. All fees shall be established by the Town of Somerset Board and listed in a separate ordinance.

2. EXTRAORDINARY FEES

a. The subdivider shall pay a fee equal to the cost to the Town of Somerset of any extraordinary legal, administrative or fiscal work done in connection with the plat or [certified survey map](#).

b. The subdivider may be required to reimburse the Town for the expense of a legal opinion from the Town of Somerset Counsel or outside counsel confirming title or sufficiency of deed restrictions, covenants, conservation easements, condominium instruments, [Developer's Agreements](#) or other documents related to the subdivision.

c. These fees may also include the cost of obtaining professional work or opinions including, but not limited to, engineers, surveyors, foresters, hydro geologists, landscape architects or land planners.

3. IMPACT FEES

a. If the Town of Somerset enacts an ordinance authorizing impact fees, such fees shall be paid according to state statutes.

12.0 VIOLATIONS AND FORFEITURES

A. AUTHORITY

1. STANDARDS

a. Any person, partnership, corporation or other entity that fails to comply with the provisions of this ordinance shall, upon adjudication of violation, be subject to penalties and forfeitures as provided in Wisconsin Statutes §§ 236.30, 236.31, 236.32, 236.335, and 236.35. These sections provide penalties for:

- 4) Improperly recording or causing to be recorded a final plat that does not comply with submittal requirements of Wisconsin Statutes or County regulations.
- 5) Offering for sale lots in a final plat that has not been recorded unless the offer or contract for sale includes language making the sale contingent upon approval of the final plat, and the sale void if the plat is not approved.
- 6) Subdividing lots that fail to conform to Wisconsin Statutes Chapter 236 or any applicable Department of Commerce administrative rules, or this ordinance.
- 7) Selling land which abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing that the road is not a public road and maintenance is not required to be performed by the County or town.

b. Any failure to take action on past violations shall not operate as a waiver of the right to take action on present violations.

2. PROCEDURES

a. The Town of Somerset Board may institute any appropriate action or proceeding against violators of this ordinance as provided by law or this ordinance or commencing a lawsuit seeking forfeitures and/or injunctive relief.

b. In general, the Town of Somerset Board shall use the following, in the order listed, to address violations of this ordinance:

- 1) Issue a notice of violation and order that specifies the corrective action to be taken
- 2) Refer the matter to legal counsel for evaluation and commencement of a lawsuit when the violation merits such action.

c. The Town of Somerset Board is not mandated to follow the order of possible action if, in the Town of Somerset Board's discretion, a situation requires different action.

3. FORFEITURES

- m. Any person, firm or corporation who is adjudicated for violating this ordinance shall pay a forfeiture of not less than \$10 per violation or more than \$1,000 per violation and/or be subject to injunctive relief.
- n. Each day a violation exists is a separate violation.
- o. **Additionally, the person adjudicated for violation of this ordinance shall pay court costs and attorney's fees. The remedies provided herein shall not be exclusive of other remedies.**

13.0 DEFINITIONS

A. PURPOSE

1. INTERPRETATION

a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:

- 1) Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
- 2) The word "shall" is mandatory, not permissive.
- 3) All distances, unless otherwise specified shall be measured horizontally.
- 4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
- 5) All definitions that refer to St. Croix County, WI ordinances shall incorporate any revisions or amendments to ordinance language.
- 5) All definitions other than those referenced below shall be as the normal definition found in a standard dictionary.

B. DEFINITIONS

B. PURPOSE

1. INTERPRETATION

- p. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:
- 1) Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
 - 2) The word “shall” is mandatory, not permissive.
 - 3) All distances, unless otherwise specified shall be measured horizontally.
 - 4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
 - 5) All definitions other than those referenced below shall be as the normal definition found in a standard dictionary.

C. DEFINITIONS

- 1. Best Management Practices (BMPs):** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in stormwater runoff to waters of the state. BMP’s may be utilized for days, weeks, months or years and are removed from the site when no longer needed.
- 2. Bulb of Cul-de-sac:** The arc of the terminating radius, not including the reverse curves onto the tangents of the uniform road width.
- 3. Certified Survey Map (C.S.M.):** A map showing division of land prepared in accordance with Wisconsin Statutes § 236.34 and this ordinance.
- 4. Closed Depression:** A natural geological formation in the earth’s surface characterized by having no direct overland surface water outlet. Closed depressions commonly found in St. Croix County have developed through two distinct geological processes, karst development and glaciation. Sinkholes and enlarged bedrock fractures are examples of closed depressions found in karst while kettles or kettleholes are typical of glacial formed closed depressions. Refer to Closed Depression Map of St. Croix County, WI. 1991.
- 5. Contiguous Buildable Area:** The area of a lot for structures exclusive of wetlands, floodplains, [shoreland](#) setbacks, ponds, lakes, drainageways, road rights-of way, easements, applicable structure setbacks, slopes of 25 percent and greater and other sensitive areas.
- 6. Critical 100-Year Storm Event:** The 100-year back-to-back storm event or the 10-day snowmelt event, whichever is more restrictive.
- 7. Developer’s Agreement:** An agreement between Town of Somerset, alone or with other governmental units with jurisdiction, and the owners or subdividers of property within the Town regarding the subdivision and subsequent development and use of said property.
- 8. Extraterritorial Plat Approval Jurisdiction:** The unincorporated area within 3 miles of the corporate limits of a city of the first, second or third class if the city has a subdivision ordinance or official map, or within 1-1/2 miles of the corporate limits of a city of the fourth class or a village if the city or village has a subdivision ordinance or official map.

- 9. High Water Elevation (H.W.E.):** The H.W.E. shall be calculated, assuming developed conditions, using the [Critical 100-Year Storm Event](#) for [closed depressions](#) and stormwater ponds.
- 10. Homeowners Association:** An association of homeowners in a particular subdivision, planned unit development (PUD), condominium or other development organized to manage the common area of the development, provide community facilities and services for the common enjoyment of the residents, and/or to enforce the association rules, regulations and/or restrictive covenants, which rules, regulations and/or restrictive covenants shall be recorded. Each lot or homeowner in the development shall be a member of the association subject to a proportionate charge for the expenses of the association.
- 11. Land Divisions:** A subdivision, [minor subdivision](#), [major subdivision](#), re-subdivision, replat, or [parcel](#) add-on.
- 12. Lot:** A [parcel](#) of land numbered in sequence with other parcels shown on a plat or [certified survey map](#).
- 13. Lowest Building Opening (L.B.O.):** The lowest window, door or other inlet elevation at which water may enter a building.
- 14. Major Subdivision:** A subdivision resulting in the creation of five or more lots from a [parcel](#) that existed 5 years prior to the date of the application.
- 15. Minor Subdivision:** A subdivision resulting in the creation of four or less [lots](#) from a [parcel](#) that existed 5 years prior to the date of application.
- 16. Native Vegetation:** Those species of vegetation that occurred naturally in pre-settlement Wisconsin. Refer to the Original 1830's Vegetation Map of Wisconsin.
- 17. Navigable Waters:** All natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are determined to be navigable under Wisconsin Statutes § 30.10.
- 18. Ordinary High Water Mark:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.
- 19. Outlot:** A [lot](#) remnant or [parcel](#) of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.
- 20. Parcel:** Contiguous land under single ownership, not separated by public roads or railroad rights-of-way. Creation of private or public roads after April 19, 1991, does not create separate parcels eligible for treatment under the [minor subdivision](#) provisions of this ordinance.
- 21. Plat:** A map of a [major subdivision](#) prepared in accordance with Wisconsin Statutes § 236 and this ordinance.

- 22. Professional Wetland Delineator:** A Professional Wetland Scientist (PWS), Wetland Professional In Training (WPIT), or a Licensed Soil Scientist or Professional Engineer with demonstrated experience and training in the procedures and methodology outlined in the 1987 Army Corps of Engineers Manual for Wetland Delineation.
- 23. Rare, Threatened or Endangered Species:** Species and natural communities that are listed as Endangered or Threatened /or have a State Rank of S1, S2 or S3 on the Wisconsin Natural Heritage Inventory.
- a. **Endangered:** Any species whose continued existence as a viable component of this state's wild animal or wild plant population is determined by the Wisconsin Department of Natural Resources to be in jeopardy on the basis of scientific evidence.
 - b. **Threatened:** Any species that appears likely to become, within the foreseeable future, on the basis of scientific evidence endangered as determined by the Wisconsin Department of Natural Resources or the U.S. Department of Interior.
 - c. **Rare:** Those species about which some problem of abundance or distribution is suspected but not yet proved. The main purpose of this category is to focus attention on certain species before they become threatened or endangered.
- 24. Road:** A public way for vehicular traffic, this term includes highways.
- 25. Road Classification System:** Roads are classified based on many factors, including speed and volume of traffic. Road classifications fall into a four-category hierarchy. The classifications, in descending order are arterial, collector, subcollector and access roads (see diagram below). The Wisconsin Department of Transportation (WisDOT) and the St. Croix County Highway Department determine arterial and major and minor collector road status on their respective systems and the current functional classification will be used. The St. Croix County Planning and Zoning Department, in conjunction with the appropriate municipal jurisdiction, determines subcollector and access roads. Classifications are shown on the St. Croix County Official Functional Classification Road Map. Residential roads may fall into any of these classifications except arterial. The functional descriptions of each of these classifications follow:
- a. **Arterials:** Provide for rapid speed and movement of high volumes of traffic between areas. An arterial road should have no private accesses on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways. There are two types of arterials, principal arterials and minor arterials. Principal arterials are those highway corridors that have trip length and travel density characteristics of an interstate or interregional nature. Principal arterials, in general, serve all urban areas greater than 5,000 population and may include: interstate highways, freeways, expressways, four-lane divided highways and two-lane highways. Minor arterials are those highways, which in combination with principal arterials, serve cities, communities and other major traffic generators providing intra-regional and inter-area travels. Minor arterials may include four-lane divided highways, two-lane highways and county trunk highways.

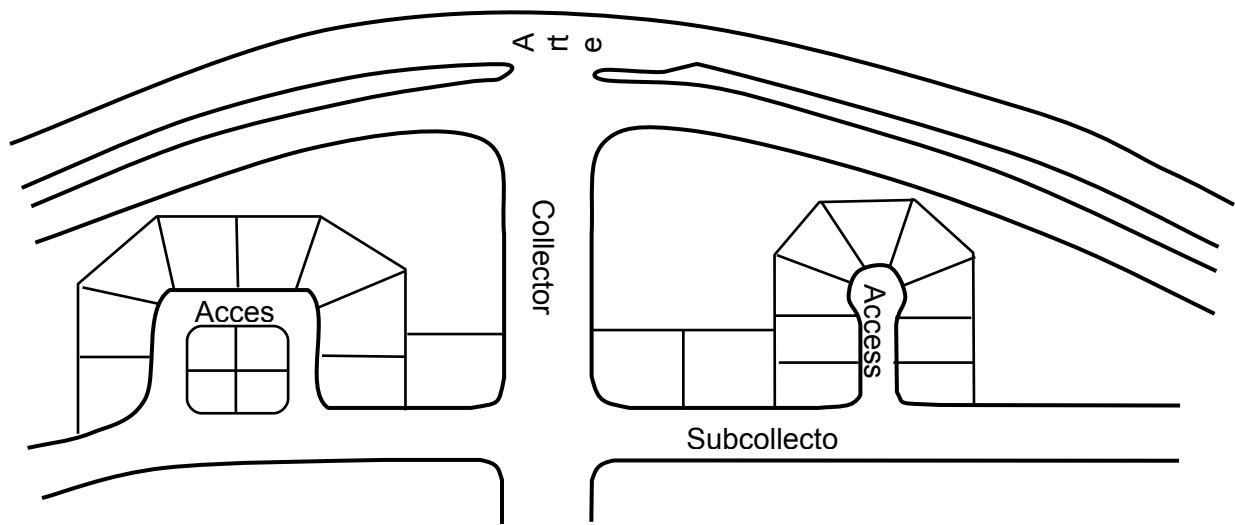
b. **Collectors:** Provide for moderate speed and movement of medium volumes of traffic and distribute traffic from arterial roads. There are two types of collector roads, major collectors and minor collectors. As the principal road within residential or commercial areas, these collectors carry relatively high traffic volumes and convey traffic from arterial roads to lower-order roads. A collector's function is to promote the free flow of traffic; as such, the roads should not have parking or private residential access. A collector's secondary function is to serve abutting land uses. Major collectors provide service to moderate sized communities and other intra-area traffic generators and link those generators to larger population centers and higher function highways. Minor collectors provide service to all remaining smaller communities and tie local traffic generators with the rural surrounding area. Minor collectors are spaced consistent with population density so as to collect traffic and bring all developed areas within a reasonable distance of a higher-order road.

c. **Subcollectors:** Connect with access roads and convey traffic to major and minor collectors. Like an access road, a subcollector provides frontage and access to residential [lots](#) but also carries some through traffic to access roads. A subcollector is a relatively low-speed, low-volume road. Subcollectors include all roads not identified as major or minor arterials, major or minor collectors or access roads. Generally, subcollectors are all town roads in the original town road grid system and town roads identified as through roads or subcollectors on a town comprehensive plan or official map. Some roads in a subdivision may be subcollectors instead of access roads if the two ends of the road extend beyond the boundary of the subdivision and one end of the road eventually connects to another subcollector or higher order road.

d. **Access Roads:** Roads designed to conduct traffic between individual [parcels](#) or [lots](#) and higher order roads. Access roads provide for low-speeds and low volumes of traffic and convey traffic to subcollector, collector and arterial roads. As the lowest-order road in the hierarchy, the access road usually carries little through traffic and includes short roads, cul-de-sacs, and courts. Access roads include local roads within conventional subdivisions, local roads within Conservation Design Development subdivisions, cul-de-sacs, loop roads, lakeshore roads that existed prior to 1974,.

1. **Cul-de-sac:** Roads closed at one end with turn-arounds, not platted for extension.
2. **Loop:** Short, one-way through roads that turn back to the originating road.
3. **Temporary Dead-end:** Roads that terminate in a "T" turn-around and are platted for future extension.

Functional Classification System Diagram



- 26. Shoreland:** Lands within the following distances from the [ordinary high water mark of navigable waters](#): 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- 27. State Subdivision:** The division of a [lot, parcel](#) or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area, or where the act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area by successive division within a period of 5 years.
- 28. Subdivider:** Any person, partnership, corporation, or other entity creating a subdivision.
- 29. Subdivision:** A division of a [lot, parcel](#) or tract of land by the owner or the owner's agent for the purpose of transfer of ownership or building development where the act of division creates or results in one or more parcels or building sites of less than 35 acres in area. A subdivision can be created by the following means:
- Recording a [plat](#) or [certified survey map](#).
 - Recording any other document or instrument that creates a parcel not previously created pursuant to this ordinance or its predecessor.
 - Foreclosure of a mortgage or a land contract if the foreclosure creates and/or conveys a parcel not previously created pursuant to this ordinance or its predecessor. This subsection is not to be construed as endorsing a policy encouraging rezoning or subdividing of a parcel as a prerequisite to obtaining a mortgage when inconsistent or incompatible with surrounding zoning or uses.

30. Unique Wildlife Habitat Areas: Aquatic and/or terrestrial communities that:

- a. Are composed of physical attributes and/or vegetation that are not common in St. Croix County and that therefore support species or certain life functions of species that are not supported in other locations of the County;
- b. Are specific locations known to support endangered, threatened or rare species or communities; or,
- c. Serve as linkages to important habitat in adjoining areas.

31. Watershed: The land area that drains to a common point.

Section 14 SEVERABILITY: The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Somerset would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section 15 EFFECTIVE DATE. This ordinance shall become effective on September 10, 2009 upon passage and publication.

Adopted this 2nd day of September, 2009.

_____, Ed Schachtner, Chairman

_____, Shane Demulling, Supervisor

_____, Douglas Plourde, Supervisor

_____, Larry Rauch, Supervisor

_____, Lenny Germain, Supervisor

Attest: _____, Jeri Koester, Clerk/Treasurer