

Chapter 7 – Subdivision Design and Improvements

7.1 GENERAL

7.1.1 Applicability

The regulations of this chapter apply to all land divisions in Dodge County except those lands within incorporated municipalities, including, but not limited to, Major Subdivisions, Minor Land Divisions, replats, any other divisions of land for any purpose within Dodge County, and the preparation of plat maps and certified survey maps and other maps provided for by Wis. Stat. Chapter 236. All subdivisions and land divisions and any part thereof lying within the unincorporated parts of the County shall be made and all plat maps and certified survey maps shall be prepared and presented for approval as provided for in this Code. This chapter also expressly applies to the review and approval of a condominium instrument under Subsection 2.3.15..

7.1.2 Purpose and Intent

The purpose of this chapter is to regulate and control the division of land in Dodge County, except those lands within incorporated municipalities, in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the County. It is the specific intent of this chapter to regulate the division of land so as to:

7.1.2.A Obtain the wise use, conservation, protection, and proper development of the County's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

7.1.2.B Lessen congestion in the streets and highways;

7.1.2.C Further the orderly layout and appropriate use of land;

7.1.2.D Secure safety from fire, panic and other dangers;

7.1.2.E Provide adequate light and air;

7.1.2.F Prevent the overcrowding of land;

7.1.2.G Avoid undue concentration of population;

7.1.2.H Facilitate adequate provision for housing, transportation, water, sewerage, schools, parks, playgrounds, and other public requirements.

7.1.2.I Secure safety from flooding, water pollution, disease and other hazards;

7.1.2.J Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;

7.1.2.K Control erosion, sedimentation, and other pollution of surface and subsurface waters;

7.1.2.L Preserve natural vegetation and cover and promote the natural beauty of the County;

7.1.2.M Restrict building sites on floodplains, wetlands, areas covered by poor soils or in other areas poorly suited for development;

7.1.2.N Facilitate the further division of larger tracts into smaller parcels of land;

7.1.2.O Ensure adequate legal description and proper survey monumentation of subdivided land;

7.1.2.P Implement those municipal, County, watershed, or regional comprehensive plans or their components adopted by the County, and in general to facilitate enforcement of County development standards as set forth in the adopted County comprehensive plan, adopted plan components, and this Code.

7.1.3 Exemptions

The regulations of this chapter shall not apply to any of the following:

7.1.3.A Creation or realignment of a public right-of-way by a public agency.

7.1.3.B Creation or realignment of leases or easements.

7.1.3.C Adjustment of the boundary line or the transfer of land between 2 adjoining property owners that does not result in the creation of any additional parcels or reduce any lot below specified minimum lot size required by this Code or other applicable regulations.

7.1.3.D Carrying out an order of any court or dividing land as a result of an operation of law.

7.1.3.E Creation of a lien, mortgage, deed of trust, or any other security instrument.

7.1.3.F Creation of a security or unit of interest in any investment trust regulated under the laws of Wisconsin or any other interest in an investment entity.

7.1.3.G Conveying an interest in oil, gas, minerals, or building materials that is severed from the surface ownership of real property.

7.1.4 Standard Drawings and Standard Specifications

All improvements and construction shall conform to all applicable standards and specifications of this Code.

7.1.5 Compliance

No person, firm, or corporation shall divide any land located within the jurisdictional limits of this Code which results in a Major Subdivision, Minor Land Division, or a replat as defined herein; and no such Major Subdivision, Minor Land Division, or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with the purpose and intent of this chapter, all requirements of this chapter, and:

7.1.5.A Provisions of Wis. Stat. Chapter 236;

7.1.5.B Chapter 8, Development Standards, of this Code;

7.1.5.C Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made;

7.1.5.D Rules of the Wisconsin Department of Transportation, Division of Highways, relating to safety of access and the preservation of the public interest and investment in the highway systems if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street;

7.1.5.E Rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection, setting water quality standards, preventing and abating pollution, and regulating development within floodplain and shoreland areas;

7.1.5.F Comprehensive plans or components of such plans prepared by state, regional, County, or municipal agencies duly adopted by the County Board of Supervisors; and

7.1.5.G All applicable federal, state, County, and local regulations, including zoning, sanitary, subdivision, building, and official mapping ordinances.

7.1.6 Suitability of the Land for Subdividing

No land shall be subdivided that is found to be unsuitable for its proposed use by the Committee or the Land Use Administrator for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the County. The Committee or the Land Use Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Committee or the Land Use Administrator may affirm, modify, or withdraw its determination of unsuitability. See also Section 8.4.5, "Natural Hazard Areas."

7.1.7 Development Agreements

In connection with any Major Subdivision approval, the Committee shall be authorized to enter into a Development Agreement with the applicant. Development Agreements may include provisions clarifying duties to construct specific improvements, the phasing of construction, the timing, location and financing of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods of not more than 10 years, assurances that adequate public facilities (including roads, water, sewer, fire protection and emergency medical services) will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public or the environment.

If the subdivider's project will be constructed in phases, the amount of any surety bond or other security shall be limited to the phase currently being constructed. The governing body may not require the subdivider to provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

7.1.8 Cooperative Exercise

Any city, village, town, county, or regional planning commission may, pursuant to Wis. Stat. Section 66.30, agree with any other city, village, town, county, or regional planning commission for the cooperative exercise of the authority to approve or review plats.

7.1.9 Land Dedication and Fees-in-Lieu

7.1.9.A Public Ways

Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway, or other public way which has been designated in the comprehensive plan or comprehensive plan component of Dodge County, the public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on the plan or plan component and as set forth in Section 7.6.

7.1.9.B Parks, Recreation and Open Space

7.1.9.B.1 Where a tract of land to be subdivided for residential development contains land indicated in whole or in part as a site for a public park, recreation area, or open space in the Dodge County Park, Outdoor Recreation and Open Space Plan, the land shall be dedicated to the County if the County desires to acquire the land. The amount of land dedicated for parks or recreation purposes under this section shall be in an amount equal to one-tenth of an acre of land for every 10 dwelling units. However, where the Dodge County Park, Outdoor Recreation and Open Space Plan calls for a larger tract of land than would be set aside if the above standard was applied, the subdivider shall reserve the excess land for acquisition by the County for a period not to exceed 3 years. Land to be dedicated or reserved for public acquisition for parks, recreation and open space shall be retained in its natural condition unless otherwise directed by the Committee.

7.1.9.B.2 Where a development abuts a public use area such as a park, lake, stream, hunting grounds, or public recreational area, the subdivider, at the option of the Committee, shall provide a pedestrian access easement not less than 20 feet wide connecting such public area with a public street. If it is deemed to be in the public interest by the Committee to reserve additional area for public access, the subdivider shall reserve for acquisition by the County a tract of land adjacent to a public use area or elsewhere at the request of the Committee. Such tract shall be reserved for a period of 3 years from the date of recordation of the plat or Certified Survey Map and, if not acquired within that time, it shall be released for disposal by the owner. Land so reserved must be shown on

the Final Plat or on the Certified Survey Map. The reservation period shall not be extended unless arranged otherwise with the subdivider.

7.1.9.B.3 No building development is permitted on sites reserved for public acquisition during the period of reservation.

7.1.9.C Fee-in-Lieu of Required Dedication of Parks and Recreation Lands

7.1.9.C.1 General

Where the application of the standards for dedication of lands would result in a site too small to be usable as determined by the Committee, or if the applicable plan calls for such site to be located elsewhere, or if a suitable site cannot be properly located in the development as determined by the Committee, payment of a fee-in-lieu of dedication of land shall be required for each new dwelling unit created, pursuant to this section. The determination regarding whether there is to be a dedication of land or a fee rests with the Committee.

7.1.9.C.2 Exemptions and Waivers

A parcel of land of 35 acres or more that is used for agricultural purposes and will continue to be used as such for a period of at least 5 years by the owner or buyer is exempt from the park fee. Parcels to be used for non-residential purposes are also exempt. If the town where a parcel is located has adopted a land division ordinance and collects a park and recreation fee, then the fee requirement in this Code shall be waived.

7.1.9.C.3 Amount of Payment

The amount of the payment shall be the product of:

7.1.9.C.3.a The amount of land to be dedicated, as required by Section 7.1.9(B) above; and

7.1.9.C.3.b The number of residential dwelling units proposed.

7.1.9.C.4 Time of Payment

The fee shall be paid prior to approval of the Certified Survey Map or the Final Plat for each phase (Block of Lots) of development.

7.1.9.C.5 Use of Funds

All payments shall be placed in a separate non-lapsing fund with the County to be used exclusively for the acquisition and development of land and for capital improvements for the County parks and County recreation programs.

7.1.9.D Design Standards for Dedicated Public Lands

The following specifications shall apply to public lands dedicated for parks and recreation purposes under the provisions of this section.

7.1.9.D.1 Contiguity

The dedicated land shall form a single parcel of land, except where the Committee determines that 2 parcels or more would be in the public interest and determines that a connecting path or strip of land is in the public interest; such path shall not be less than 20 feet wide.

7.1.9.D.2 Shape

If the dedicated land is to be used for recreational activities, the shape of the dedicated parcel of land shall be appropriate for such activities.

7.1.9.D.3 Location

Dedicated land shall be located so as to serve the recreation and open space needs of the subdivision for which the dedication was made.

7.1.9.D.4 Access

Public access to the dedicated land shall be provided either by a joining street frontage or public easement to the dedicated parcel. The easement shall be at least 20 feet wide so that maintenance equipment will have reasonably convenient access to the land.

7.1.9.D.5 Usableness

Dedicated land shall be useable for recreation. Wetlands may be considered useable for recreational purposes. Where the Committee determines that recreational needs are being adequately met, either by other dedicated parcels of land or existing recreational facilities, then land that is not useable for recreation may be dedicated as open space.

7.1.9.D.6 Plans

Municipal and County plans shall be taken into consideration when evaluating land proposals for dedication.

7.1.10 Improvements

Before final approval of any plat located within the County's jurisdiction, the subdivider shall install street and utility improvements as provided in this chapter. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the County agreeing to install the required improvements and shall file with the contract a bond meeting the approval of the County Corporation Counsel or a certified check in an amount equal to 125 percent of the estimated cost of the improvements, the estimate to be made by the Committee, as a guarantee that such improvements will be completed by the subdivider or his subcontractor not later than one year from the date of recording of the plat, and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

7.1.10.A Contractors and Subcontractors

Contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way shall be subject to the approval of the appropriate jurisdiction.

7.1.10.B Governmental Units

Governmental units to which these bond and contract provisions apply may file, in lieu of the contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

7.1.10.C Survey Monuments

Before final approval of any plat within the County's jurisdiction, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes.

7.1.10.D Compliance with Local Requirements

Before final approval by the County, the subdivider of land in unincorporated areas shall give evidence that he has complied or will comply with all street and utility improvement requirements of the town in which the land being platted is located and of the municipality if the land being platted is within the extraterritorial plat approval jurisdiction of a municipality.

7.1.11 Construction

7.1.11.A Commencement

No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat has been approved.

7.1.11.B Permits

No Land Use or Conditional Use Permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.

7.1.11.C Plans

The following plans and accompanying construction specifications may be required by the Committee before construction or installation of improvements is authorized:

7.1.11.C.1 Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

7.1.11.C.2 Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

7.1.11.C.3 Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

7.1.11.C.4 Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

7.1.11.C.5 Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.

7.1.11.C.6 Planting plans showing the locations, age, caliper, species, and time of planting of any required grasses, vines, shrubs and trees.

7.1.11.C.7 Additional special plans or information as required.

7.1.11.D Inspection

The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the municipality to provide for adequate inspection. Authorized inspectors shall inspect and approve all completed work and shall submit inspection reports to the Land Use Administrator. All such reports shall be approved prior to approval of the Final Plat or release of the sureties.

7.2 BLOCKS

7.2.1 General

The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control, and safety of street traffic; and the limitations and opportunities of topography.

7.2.2 Length

Blocks in residential areas shall not generally be less than 600 feet nor more than 1500 feet in length unless otherwise dictated by exceptional topography or other limiting factors.

7.2.3 Pedestrian Ways

Pedestrian ways of not less than 10 feet in width may be required between rear lot lines where deemed necessary by the Committee to provide safe and convenient pedestrian circulation between individual lots, streams, lakeshores, parklands, or other public areas, or may be required near the center and entirely across any block over 900 feet in length where deemed necessary by the Committee to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.

7.2.4 Width

Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street parking and loading required by the use contemplated and the area zoning restrictions.

7.2.5 Utility Easements

All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles. See also Section 7.7.5, "Easements."

7.3 LOTS

7.3.1 General

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. Applicants shall refer to the development standards of Chapter 8 and shall apply them in the layout of subdivisions in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

7.3.2 Lot Area and Dimensions

Area and dimension of lots shall conform to the requirements of the underlying zoning district, and in areas not served by sewer shall, in addition, conform to the requirements of the State Department of Commerce. In areas where County zoning is not in force, the minimum size for lots not served by public sewer shall be 40,000 square feet excluding street rights-of-way with 125 feet of width at the building setback line, and, for lots served by public sewer, 10,000 square feet excluding street rights-of-way with 80 feet of width at the building setback line.

7.3.3 Side Lot Lines

Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

7.3.4 Double Frontage and Reverse Frontage Lots

Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

7.3.5 Access

Every lot shall front or abut on a public street for a distance of at least 20 feet.

7.3.6 Depth

Lots shall have a minimum average depth of 100 feet. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street parking and loading required by the use contemplated and the area zoning restrictions.

7.3.7 Width

The minimum lot width for lots not served by public sewer shall be 125 feet of width at the building setback line, and, for lots served by public sewer, shall be 80 feet of width at the building setback line.

7.3.8 Corner Lots

Corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets.

7.3.9 Lands Lying Between the Meander Line

Lands lying between the meander line, established in accordance with Section 236.20 (2) (g) of the Wisconsin Statutes, and the water's edge, and any otherwise unplatted lands which lie between a proposed subdivision and the water's edge shall be included as parts of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in Section 236.16 (4) of the Wisconsin Statutes.

7.4 GRADING AND SURFACING

7.4.1 Grading

7.4.1.A Cut and filled lands shall be graded to a maximum slope of 1:4, or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

7.4.1.B After the installation of temporary block corner monuments by the subdivider and approval of street grades by the municipality, the subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Committee. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.

7.4.1.C Where electric and communications facilities are to be installed underground, the utility easements shall be graded to within 6 inches of final grade by the subdivider, prior to the installation of such facilities. Earth fill piles, mounds of dirt, or construction materials shall not be stored on such easements.

7.4.2 Surfacing

After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or comprehensive plan components of the County. The surfacing shall be done in accordance with plans and standard specifications approved by the Committee.

7.5 MONUMENTS

7.5.1 Compliance with State Statutes Required

The subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stat. Section 236.15.

7.5.2 Waiver

The Committee may waive the placing of monuments required under Wis. Stat. Section 236.15 (b), (c), and (d) for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

7.6 STREETS

7.6.1 Street Arrangement

In any new subdivision the street layout shall conform to the arrangement, width, and location indicated on the Comprehensive Plan or Comprehensive Plan component of Dodge County. The street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, topography, bearing capacity and erosion potential of the soil, such natural features as streams and tree growth, public convenience and safety, the proposed use of the land to be served by such streets, anticipated traffic volume, and the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

7.6.1.A Arterial Streets

Arterial streets shall be arranged to provide ready access to centers of employment, governmental activity, shopping centers, recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways insofar as practicable, and shall be continuous and in alignment with existing or planned streets with which they are to connect.

7.6.1.B Collector Streets

Collector streets shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to mass transportation systems

and special traffic generators such as schools, churches, shopping, and other concentrations of population and to the arterial streets into which they feed.

7.6.1.C Minor Streets

Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

7.6.1.D Relation to Soil and Water Resources

Street, block, and lot layouts shall be adjusted to the capacity of the soil and water resources and shall be designed to least disturb the existing terrain, flora, fauna, and water regimen and to meet all of the use, site, sanitary, floodplain, and shoreland regulations of this Code.

7.6.1.E Proposed Streets

Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Committee, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent tracts.

7.6.1.F Arterial Street and Highway Protection

7.6.1.F.1 Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access, and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.

7.6.1.F.2 In addition, to ensure public safety, the Committee shall have the authority to impose limits on the number of roads and driveways accessing County highways, to impose distance limits for any driveways near County highway intersections, and to require that driveways onto County highways are spaced appropriately. A Dodge County Highway access permit shall be obtained from the Dodge County Highway Department, where applicable, prior to the approval of a minor land division letter of intent, a preliminary plat, a final plat or a certified survey map, and prior to the issuance of a conditional use permit or a land use permit by this Department.

7.6.1.F.3 Driveway access permits shall be required from the appropriate jurisdiction, where applicable, prior to granting tentative approval of a minor land division letter of intent, preliminary plat approval, or the issuance of a conditional use permit or land use permit.

7.6.1.G Stream or Lake Shores

Stream or lake shores shall have 66 feet of public access platted to the low water mark at intervals of no more than one-half mile, or as agreed to or otherwise provided in Wis. Stat. Section 236.16 (3).

7.6.1.H Reserve Strips

Reserve strips shall not be allowed on any plat to control access to streets or alleys, except where control of such strips is placed with the appropriate jurisdiction.

7.6.1.I Means of Access

A means of access shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Committee. Dead-end alleys shall not be approved, and alleys shall not connect to a major arterial or collector highway.

7.6.1.J Street Names

Street names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.

7.6.1.K Street Lamps

The subdivider shall install hooded street lamps along all streets proposed to be dedicated, of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Committee. The owners within the subdivision shall be required to pay for the maintenance of the street lamps and the cost of the electricity.

7.6.1.L Street Signs

The subdivider shall install, at the intersection of all streets proposed to be dedicated, a street sign of a design specified by the responsible municipality.

7.6.1.M Island Plats

Where a subdivision is proposed on an island, roadways serving vehicle traffic are not required. Islands are hereby defined to be bodies of land surrounded by a permanent body of water and in no way connected to other land bodies by access suitable for vehicle traffic.

7.6.2 Limited Access Highway and Railroad Right-of-Way Treatment

Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

7.6.2.A Residential Development

When residential lots within the proposed subdivision back upon right-of-way of an existing or proposed limited access highway or railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon is prohibited."

7.6.2.B Commercial and Industrial Development

Commercial and industrial districts shall have provided on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad, but not less than 150 feet, for the appropriate use of the land between such streets and highway or railroad.

7.6.2.C Streets Parallel to a Limited Access Highway

Streets parallel to a limited access highway or railroad right-of-way, when intersecting an arterial or collector street which crosses the railroad or highway, shall be located at a minimum distance of 250 feet from the highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

7.6.2.D Minor Streets

Minor streets immediately adjacent and parallel to arterial streets and highways and to railroad rights-of-way shall be avoided.

7.6.2.E Sales of Land Abutting Private Way

No person shall sell any parcel of land if it abuts on a road which has not been accepted as a public road.

7.6.3 Street Design Standards

The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, or neighborhood development plan, or, if no width is specified therein, the minimum widths shall be as shown in Tables 7.6.3-1 and 7.6.3-2. These widths generally exceed the minimum town road design standards set forth in section 86.26 of the Wisconsin Statutes. Both urban and rural arterial street sections are for standard arterial streets only. Cross sections for freeways, expressways, and parkways shall be based upon detailed engineering studies. The Committee may require the subdivider to conform to urban section standards if the average lot width in the proposed subdivision is less than 150 feet (measured at the front or street setback line). If the average lot width is in excess of 150 feet the subdivider may conform to the rural street section standards.

Table 7.6.3-1: Urban Street Section - Minimum Widths

Type of Street or Way	R.O.W. Width To Be Reserved	R.O.W. Width To Be Dedicated	Pavement Width (Face of Curb to Face of Curb)
Arterial Streets	120 feet	120 feet	Dual 36 feet (24 foot median)
Collector Streets	80 feet	80 feet	48 feet
Minor Streets (1,000 feet or more)	70 feet	70 feet	40 feet
Minor Streets (less than 1,000 feet in length), Cul-de-sacs, and Frontage Streets	60 feet	60 feet	38 feet
Alleys	25 feet	25 feet	20 feet
Pedestrian Way	10 feet	10 feet	5 feet

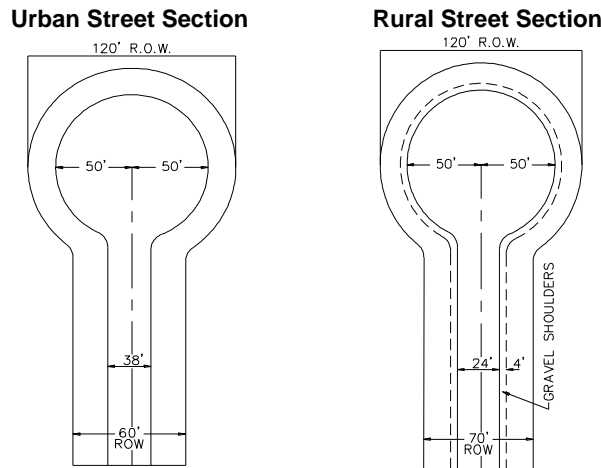
Table 7.6.3-2: Rural Street Section - Minimum Widths

Type of Street or Way	R.O.W. Width To Be Reserved	R.O.W. Width To Be Dedicated	Pavement Width
Arterial Street	120 feet	120 feet	Dual 24 feet, two 5-foot outside shoulders, 4-foot inside shoulders (20 foot median)
Collector Streets	80 feet	80 feet	24 feet, two 5-foot outside shoulders
Minor Streets	66 feet	66 feet	24 feet, two 4-foot outside shoulders

7.6.3.A Cul-de-Sac-Streets

Cul-de-sac streets designed to have an end permanently closed shall not exceed 500 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 50 feet.

**Diagram 7.6.3-1
Cul-de-Sac Island Detail**



7.6.3.B Street Grades

7.6.3.B.1 Unless necessitated by exceptional topography subject to the approval of the Committee, the maximum centerline grade of any street or public way shall not exceed the following:

7.6.3.B.1.a Arterial streets: 6 percent.

7.6.3.B.1.b Collector streets: 8 percent.

7.6.3.B.1.c Minor streets, alleys, and frontage streets: 10 percent.

7.6.3.B.1.d Pedestrian ways: 12 percent, unless steps of acceptable design are provided. If the pedestrian way must comply with the Americans with Disabilities Act, the maximum grade shall be no more than 8 percent.

7.6.3.B.1.e The grade of any street shall in no case exceed 12 percent or be less than 0.5 percent.

7.6.3.B.2 Intersections must be approached on all sides by grades not to exceed 4 percent for a distance of at least 50 feet, unless exceptional topography would prohibit these grades.

7.6.3.B.3 If a proposed street is to enter an arterial and it is deemed a hazardous entrance by the appropriate jurisdiction, the subdivider shall correct the potential hazard through an agreement with the governing body or relocate the proposed entrance to a more suitable location.

7.6.3.B.4 Street grades shall be established wherever practicable so as to avoid excessive grading, the uncontrolled removal of ground cover and tree growth, and general leveling of the topography.

7.6.3.C Radii of Curvature

7.6.3.C.1 When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on the centerline of not less than the following:

7.6.3.C.1.a Arterial streets and highways: 500 feet.

7.6.3.C.1.b Collector streets: 300 feet.

7.6.3.C.1.c Minor streets: 100 feet.

7.6.3.C.2 A tangent at least 500 feet in length shall be provided between reverse curves on arterial and collector streets.

7.6.3.D Half Streets

Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half-streets shall be avoided where possible.

7.6.3.E Rural Street Sections

When permanent rural street sections have been approved by the Committee the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Committee.

7.6.4 Street Intersections

Streets shall intersect each other at right angles if topography and other limiting factors of good design permit.

7.6.4.A Number of Streets

The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than 2.

7.6.4.B Number of Intersections

The number of intersections along major streets and highways shall be held to a minimum.

7.6.4.B.1 Minor and collector streets may not empty into state and federal highways at intervals less than 1,300 feet and into arterials less than 1,000 feet. They shall be in alignment with existing and planned streets entering the highways from the opposite side. Street connections with state or federal highways require the approval of the Wisconsin Department of Transportation.

7.6.4.B.2 Street connections with county highways require the approval of the Dodge County Highway Department. For street connections with county highways, at intersections on minor and collector streets which are not in alignment, the distance between streets opening up on opposite or the same sides of any existing or proposed streets shall meet the minimum spacing requirements of Chapter 7.08(3) of the Dodge County, Wisconsin Code of Ordinances

Note: Chapter 7.08(3)(e) Dodge County Wisconsin Code of Ordinances

7. A new road, in addition to the spacing requirements to adjacent driveway access point in 6. Above, must be at least
1,000 feet for Rural CTH
500 feet for Semi-urban CTH
400 feet for Urban CTH
250 feet for Local CTH

From the nearest adjacent road which enters onto the same side of the CTH in questions. Where possible, roads should not be staggered, creating "T" intersections, but connect with another road on the other side of the highway.

7.6.4.B.3 Street connections with town roads require the approval of the applicable town.

7.6.4.C Minor Streets

Minor streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within 600 feet of each other, measured along the centerline of the arterial or collector street, then the adjointment across the major or collector street shall be continuous.

7.6.4.D Vision Clearance Triangles

Vision clearance triangles shall be required at the intersection of all streets, roads, and highways. See Section 5.7.7.

7.6.5 Sidewalks, Pedestrian Connections, and Trails

7.6.5.A General

To the maximum extent feasible, all subdivisions shall provide pedestrian linkages, including bikeways, to parks, schools, adjacent developments, and existing and proposed trails as depicted in the Dodge County Park, Outdoor Recreation and Open Space Plan.

7.6.5.B Site Amenities

Major Subdivision plans shall include site amenities that enhance pedestrian safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include, but are not limited to, bike racks, drinking fountains, canopies, and benches.

7.6.5.C Sidewalks

7.6.5.C.1 The subdivider shall construct a concrete sidewalk on one side of all frontage streets and both sides of all other streets within the subdivision. The Committee may allow the construction of a concrete sidewalk on only one side of minor streets that serve lots having an average width of 100 feet or more fronting on the street. It may also waive the construction of sidewalks where rural road sections have been approved by the Committee and on all collector and minor streets that serve lots having an average width of 150 feet or more fronting on the

street. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Committee.

7.6.5.C.2 Wider than standard sidewalks may be required by the Committee in the vicinity of schools, commercial areas, and other places of public assemblage; and the Committee may require the construction of sidewalks in locations other than required under the preceding provisions of this section if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

7.7 UTILITIES AND EASEMENTS

7.7.1 Water Service

7.7.1.A General Requirement

No Final Plat shall be approved by the Committee unless or until a practical water supply system is available for the lots within that subdivision. Water service that is provided to every lot or parcel by a community or collective water supply and distribution system is encouraged. Efficient expansion of existing service areas is also favored. Water supplies shall be treated, as necessary, by methods acceptable to the Wisconsin Department of Natural Resources.

7.7.1.B Costs

The subdivider shall assume the cost of installing all water mains 6 inches in diameter or less in size. If greater than 6-inch diameter water mains are required, the excess cost of such mains over and above the cost of a 6-inch main shall be borne by the applicable town or special district.

7.7.1.C Development Standards

Any water supply system for a proposed Major Subdivision or Minor Land Divisions shall meet the following conditions and requirements:

7.7.1.C.1 There shall be sufficient water quantity, quality, dependability, and pressure to provide an appropriate supply of water for the type of subdivision proposed, as determined by the review of an applicant's water supply plan and/or other documents submitted to the Plat Review Officer.

7.7.1.C.2 When any point of the perimeter of a proposed subdivision is within one-half mile of a centralized water supply system and extension of such system is available to serve the proposed subdivision, all lots in the subdivision shall connect to such system. This provision shall apply to all phases of a multi-phase development, if any portion of the multi-phase development is within one-half mile of a centralized water supply system. The determination of whether a project shall be treated as independent or part of a multi-phase development shall be made by the Committee, who shall consider the following factors in making their decision:

7.7.1.C.2.a Whether the proposed project has been described in the past as part of a multi-phase development;

7.7.1.C.2.b Whether the proposed project requires the construction of access or infrastructure in contiguous land or future developments in order to achieve full compliance with the requirements of this Code; and

7.7.1.C.2.c Whether access to and/or through the proposed project is designed in such a manner as to provide access to future development on other parcels.

7.7.1.C.3 When all points on the perimeter of a proposed subdivision are located more than one-half mile from a centralized water supply system, the subdivision shall require by deed restriction or otherwise in a manner satisfactory to the Committee, as a condition of sale of each lot within the proposed subdivision, that on-site water supply systems shall be installed by the purchaser of the lot at the time of the construction of the principal building and before it is occupied.

7.7.1.C.4 All proposed Major Subdivisions or Minor Land Divisions within the Residential, Commercial, or Industrial zoning districts are required to connect to a centralized water supply system, if such a system is available.

7.7.1.C.5 Where County, town, or municipal plans indicate that the construction or extension of a centralized water supply system may serve a proposed subdivision within 5 years, the Committee shall require the installation of capped water mains and house connections.

7.7.1.C.6 Centralized water treatment and distribution systems shall be sized hydraulically to meet the initial and future demands of the proposed subdivision, and over-sizing of lines may be required for likely extensions. Such systems shall be sized hydraulically for maximum day plus fire demands or peak hour, whichever is greater. Maximum day demand shall be assumed to be as 3 times average day demand and maximum hour demand shall be assumed to be 6 times average day demand. In addition, new centralized water systems shall be designed with sufficient treatment and storage capacity to serve the specified maximum hour demands for a period of 6 hours or a maximum day demand plus the required fire demand for the specified duration. In addition, proposed centralized water supply systems shall be required to meet such other design and construction characteristics as the Committee may, from time to time, establish and as have been established by any water and sanitation district or water district in which the proposed subdivision would be located.

7.7.1.C.7 Applicants proposing subdivisions that would utilize existing centralized water treatment and distribution systems shall provide, prior to approval of a Preliminary Plat, evidence in writing of the willingness of the owner of the system to provide potable water in a quantity, quality and pressure, on an uninterrupted basis, adequate to serve the present and future needs of the proposed subdivision.

7.7.1.C.8 The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Committee.

7.7.1.D Private Water Supply Systems

Applicants proposing subdivisions that would not utilize existing centralized water treatment and distribution systems shall provide evidence from a reputable laboratory that the water available to the proposed subdivision meets all applicable state and federal drinking water standards or that it can and will be subject to established water treatment methods that will allow it to meet such standards.

7.7.2 Sanitary Sewage Disposal Systems

7.7.2.A General Requirements

7.7.2.A.1 No division of land shall be approved by the Committee or the Land Use Administrator unless or until an approved method of sanitary sewage disposal, other than a holding tank, is available for the lots within that subdivision or land division. Sewage disposal facilities that are provided for all lots within a Major Subdivision by a community or centralized sewage disposal system, and efficient expansion of existing service areas, are encouraged.

7.7.2.A.2 All premises intended for human occupation or occupancy shall be provided with a public sewer, private sewage system, or other approved method of sewage disposal.

7.7.2.A.3 All provisions of Chapter Comm. 81 through 85, Wisconsin Administrative Code, as they presently exist or as they may be hereafter amended are hereby adopted by reference and made part of this Code.

7.7.2.B Costs

The subdivider shall assume the cost of installing all sanitary sewers 8 inches in diameter or less in size. If greater than 8-inch diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost borne by the municipality or sewer district responsible for the sewage system.

7.7.2.C Development Standards

Any sanitary sewage disposal system for a proposed Major Subdivision or Minor Land Division shall meet the following conditions and requirements:

7.7.2.C.1 When any point of the perimeter of a proposed Major Subdivision or Minor Land Division is within one-half mile of a centralized sanitary sewer system and an extension of such system is available to serve the proposed subdivision, all lots in the subdivision shall connect to such system. This provision shall apply to all phases of a multi-phase development, if any portion of the multi-phase development is within one-half mile of a centralized sanitary sewer system. The determination of whether a project shall be treated as independent or part of a multi-phase development shall be made by the Committee, who shall consider the following factors in making their decision:

7.7.2.C.1.a Whether the proposed project has been described in the past as part of a multi-phase development;

7.7.2.C.1.b Whether the proposed project requires the construction of access or infrastructure in contiguous land or future developments in order to achieve full compliance with the requirements of this Code; and

7.7.2.C.1.c Whether access to and/or through the proposed project is designed in such a manner as to provide access to future development on other parcels.

7.7.2.C.2 All proposed Major Subdivisions or Minor Land Divisions within the Residential, Commercial, or Industrial zoning districts are required to connect to a centralized sanitary sewer system, if and when such a system is available.

7.7.2.C.3 Public sewage collection, treatment, and disposal facilities shall be required in subdivisions with a net density greater than one dwelling unit per one-half acre of residential land, and may be required by the Committee in other subdivisions where soil tests reveal soil or other conditions unsuitable for on-site individual sewage disposal systems.

7.7.2.C.4 Where County, town, or municipal plans indicate that the construction or extension of sewage collection lines may serve a proposed subdivision within 5 years, the Committee shall require the installation of capped sanitary sewer mains and house connections in addition to the installation of temporary on-lot sewage disposal systems.

7.7.2.C.5 All proposed subdivisions that do not meet the above criteria shall provide on-lot disposal systems prior to approval of a final plat. Whenever on-lot sewage disposal systems are proposed, the subdivider shall require by deed restrictions or otherwise in a manner satisfactory to the Committee as a condition of sale of each lot within such subdivision that on-lot sewage disposal facilities be installed by the purchaser of the lot at the time that the principal building is constructed and before it be occupied. Such on-lot sewage disposal systems shall comply with the sewage disposal system requirements contained in this Code and with all other County and Wisconsin statutes governing the construction of such systems.

7.7.2.C.6 No sewer system shall be approved that will, or may have significant potential to, contaminate wells located adjacent to or within 50 feet of the subdivision or development.

7.7.3 Electric and Street Lighting Systems

The subdivider shall install such electric service and distribution system and such street lighting as shall be determined by the Committee in accordance with the following standards:

7.7.3.A Electrical service shall be in place to all lots within the subdivision prior to Final Plat approval.

7.7.3.B Each lot within the subdivision shall have electrical service available.

7.7.3.C Electrical lines shall be installed underground, unless the applicant or utility can demonstrate that undergrounding is not feasible.

7.7.3.D Street lighting shall comply with Section 7.6.1(K) of this Code.

7.7.3.E Street lamp poles shall be of a design compatible with the neighborhood and type of development proposed.

7.7.3.F Electrical distribution lines shall be installed in a manner so as to ensure that electrical service will be available to all phases of the plat and to adjacent lands where development may occur.

7.7.4 Underground Utilities

7.7.4.A Telephone lines, electric lines, cable television lines, telecommunications lines, and other similar utility services shall be placed underground unless the applicant or utility can demonstrate that undergrounding is not feasible. The subdivider shall be responsible for complying with the requirements of this section and shall make the necessary arrangements, including any construction or installation charges, with each of the serving utilities for the installation of such facilities, and shall be subject to all other applicable County, town, and State regulations.

7.7.4.B Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting and other facilities necessarily appurtenant to such underground utilities may be placed above ground. Electric transmission and distribution feeder lines, communication long distance trunk and feeder lines, and necessary appurtenances thereto may be placed above ground. Such facilities shall be placed within easements or public streets, as herein provided, or upon private easements or rights-of-way provided for particular facilities.

7.7.4.C The provisions of this section shall not apply to existing facilities or subdivisions platted prior to the adoption of this Code.

7.7.5 Easements

7.7.5.A Utility Easements

The Committee may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits; storm and sanitary sewers; and gas, water and other utility lines.

7.7.3.B Drainage Easements

Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate easement shall be provided as may be required by the Committee. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Committee, and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval of the Committee. See also Section 7.9, "Stormwater Management and Soil Erosion Control."

7.8 CURBS AND GUTTERS

After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Committee. This requirement may be waived where rural road sections have been approved by the Committee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

7.9 STORMWATER MANAGEMENT / SOIL EROSION CONTROL

7.9.1 Purpose and Intent; County Jurisdiction

The purpose of this section is to set forth requirements for land development and land disturbing activities to minimize sedimentation, water pollution, flooding, and related property and environmental damage caused by soil erosion and uncontrolled stormwater runoff during and after construction, in order to diminish the threats to public health, safety, welfare, and the natural resources of Dodge County. This section is intended to regulate construction site erosion and stormwater management under the authority granted in Wis. Stat. Section 59.693. This section is intended to regulate land disturbing activities throughout the county associated with a major subdivision, minor land division or a condominium development project. In addition, this section is also intended to regulate land disturbing activities on lands within Towns that have adopted the Dodge County Land Use Code and on those lands within the unincorporated areas of the County that lie within the following distances from the ordinary highwater mark of navigable waters as defined in Wis. Stat. Chapter 144.26(2)(d): 1,000 feet from a lake, pond, or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater whether or not the activity is associated with a subdivision development project. The location of the stormwater management and erosion control provisions within this chapter shall not in anyway limit its jurisdiction to areas within subdivisions. This section is not intended to limit activity or land divisions otherwise permitted under this Code.

7.9.2 Applicability, Exemptions, and Waivers

7.9.2.A Construction Site Erosion Control

Unless otherwise exempted or waived, erosion control plan approval under Section 7.9.3 shall be required, and all construction site erosion control provisions of Section 7.9.5 shall apply, to all land disturbing activity, whether or not the activity is associated with a subdivision, that meet any of the following criteria:

7.9.2.A.1 Disturbs 2,000 square feet or more of total land surface area;

7.9.2.A.2 Involves excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material;

7.9.2.A.3 Disturbs 100 lineal feet of road ditch, grass waterway, or other land area where surface drainage flows in a defined open channel; including the placement, repair, or removal of any underground pipe, utility, or other facility within the cross-section of the channel at flow capacity;

7.9.2.A.4 Involves excavation or filling, or a combination of excavation and filling, on slopes of 12 percent or greater; or

7.9.2.A.5 Other land disturbing activities, including the installation of access drives, that the Committee determines to have a high risk of soil erosion or water pollution, or that may have a significant adverse impact on environmentally sensitive areas.

7.9.2.B Stormwater Management

Unless otherwise exempted or waived, stormwater management plan approval under Section 7.9.3 shall be required, and all stormwater management provisions of Section 7.9.6 shall apply, to all land development activity, whether or not the activity is associated with a subdivision, that meet any of the following criteria:

7.9.2.B.1 Divides an existing parcel into 5 separate parcels of 5 acres each or less in total area within a common plan of development;

7.9.2.B.2 Involves the construction of any new public or private roads;

7.9.2.B.3 Results in the addition of impervious surfaces of 20,000 square feet or greater in total area, including smaller individual sites that are part of a common plan of development; or

7.9.2.B.4 Other land development activities, including access drives, that the Land Use Administrator determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact an environmentally sensitive area.

7.9.2.C Exemptions

7.9.2.C.1 The following sites shall be exempt from all of the requirements of this section, provided all such exempt activities are undertaken in a manner that presents no significant erosion or sedimentation hazard:

7.9.2.C.1.a All activities directly relating to the planting, growing, and harvesting of agricultural crops.

7.9.2.C.1.b Land disturbing activities exclusively subject to federal or State approval and enforcement, except as may voluntarily become subject to this Code through adopted memorandums of understanding or other, similar cooperative mechanisms.

7.9.2.C.1.c Usual and customary site investigation and surveying activities undertaken prior to submittal of an application for preliminary subdivision approval, provided such activity shall not disturb more than 5,000 square feet of land area.

7.9.2.C.2 The construction of one- and two-family residential buildings on lots outside subdivisions, except those on slopes of 12 percent or greater, those sites with soil depths to bedrock of 60 inches or less, and sites with high water table shall be exempt from the construction site erosion control provisions of this section only.

7.9.2.C.3 Any proposal that is designed and/or certified by the Land Conservation Department as part of a soil conservation or water pollution control project shall comply with all of the requirements of this section, but may be exempted from obtaining a permit, providing a financial guarantee, or paying a fee.

7.9.2.C.4 Any road construction or other land disturbing or land development activity by the County, or any municipality within the County shall comply with all of the requirements of this section, but shall be exempted from any fees and financial guarantee requirements.

7.9.2.D Waivers

7.9.2.D.1 The Land Use Administrator shall waive any or all of the requirements of this section if the Land Use Administrator determines that:

7.9.2.D.1.a The site or activity in question will have no appreciable off-site impact; or

7.9.2.D.1.b Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant.

7.9.2.D.1.c The specific requirement is not necessary for a particular site to ensure compliance with the erosion and stormwater management requirements of Subsections 7.9.5 and 7.9.6.

7.9.2.D.2 Any waiver granted shall comply with the general requirements under Subsection 7.9.5(A) relating to construction site erosion control and under Subsection 7.9.6(A) relating to stormwater management.

7.9.3 Erosion Control and Stormwater Management Plans

7.9.3.A General

For properties for which erosion control or stormwater management plans are required, no construction or land-disturbing activity of any kind shall begin until issuance of the required Land Use Permit.

7.9.3.B Authorization for Entry Onto Site

The applicant shall submit a completed application on a form provided by the Land Use Administrator. By submitting an application, the applicant is authorizing the Land Use Administrator to enter upon the site to obtain information needed to administer this section.

7.9.3.C Technical Standards

All erosion control and stormwater management plans and best management practice designs prepared under this subsection shall comply with the technical standards and specifications described in Section 7.9.7.

7.9.3.D Application Requirements

To request a Land Use Permit, the following information shall be submitted to the Land Use Administrator:

7.9.3.D.1 A completed application form;

7.9.3.D.2 The applicable fee(s);

7.9.3.D.3 An erosion control plan in accordance with Subsection 7.9.5 for those land disturbing activities that meet any of the applicability criteria in Subsection 7.9.2(A); and

7.9.3.D.4 A stormwater management plan in accordance with Subsection 7.9.6 for those land development activities that meet any of the applicability criteria of Subsection 7.9.2.(B); or the documentation required under Subsection 7.9.6(B) related to a regional stormwater management plan.

7.9.4 Plan Review Procedures

7.9.4.A Applications for Less Than One Acre of Disturbed Area

7.9.4.A.1 The procedures under this subsection shall apply to applications which meet all of the following criteria:

7.9.4.A.1.a Meet one of the applicability criteria under Subsection 7.9.2(A) relating to construction site erosion control;

7.9.4.A.1.b Disturb less than one acre in total land surface area; and

7.9.4.A.1.c Do not meet any of the applicability criteria under Subsection 7.9.2(B) relating to stormwater management.

7.9.4.A.2 Within 20 working days of receipt of a completed application form, fee, and final erosion control plan, the Land Use Administrator shall:

7.9.4.A.2.a Determine if the requirements of this section have been met, including Subsection 7.9.5(D)(1) relating to the requirements of a final erosion control plan;

7.9.4.A.2.b Determine if more information or additional review is needed; and

7.9.4.A.2.c Notify the applicant in writing of the results of these determinations.

7.9.4.A.3 The Land Use Administrator may request comments from the Land Conservation Department and other agencies or units of government within the 20-day review period. If this is done, the Land Use Administrator shall notify the applicant that additional comments are being requested and shall have 20 working days from the receipt of those comments to notify the applicant of the results of the review.

7.9.4.A.4 If all of the applicable requirements of this section have been met, the Land Use Administrator shall issue a Land Use Permit or schedule the application for review by the Committee. If the requirements of this section have not been met, the Land Use Administrator shall notify the applicant of the changes necessary to meet the requirements.

7.9.4.A.5 For any resubmittal of plans and supporting information by the applicant, the Land Use Administrator shall have 20 working days from the date of receipt to review the resubmitted information in accordance with this subsection.

7.9.4.A.6 If the Land Use Administrator fails to act within the timelines stated in this subsection, the submitted documents shall be deemed approved.

7.9.4.B All Other Applications

7.9.4.B.1 The procedures under this subsection shall apply to all applications that meet at least one of the applicability criteria under Section 7.9.2, but do not meet all of the criteria under Subsection 7.9.4(A) for erosion control plans for less than one acre.

7.9.4.B.2 Within 20 working days of receipt of a completed application form, fee, and applicable erosion control and/or stormwater management plan(s), the Land Use Administrator shall:

7.9.4.B.2.a Determine if the requirements of this section have been met, including Subsection 7.9.5(D)(2) and/or Subsection 7.9.6(D)(7) relating to the required contents of final erosion control and stormwater management plans; and

7.9.4.B.2.b In all other respects, the procedures established in Section 7.9.4(A)(2) shall be followed.

7.9.5 Erosion Control Plan Requirements

7.9.5.A General Requirement

An erosion control plan shall ensure, to the maximum extent feasible, that soil erosion, siltation, sedimentation and other off-site impacts from land disturbing activities are minimized.

7.9.5.B Guiding Principles

To satisfy the requirements of this section, all proposed land disturbing activities shall, to the extent practical:

7.9.5.B.1 Be planned and implemented in a manner that best fits the terrain of the site, avoiding steep slopes and other environmentally sensitive areas;

7.9.5.B.2 Minimize the loss of trees and other natural vegetation and the size of the disturbed area;

7.9.5.B.3 Minimize, through project phasing and proper construction sequencing, the time the disturbed soil surface is exposed; and

7.9.5.B.4 Emphasize the use of erosion control measures that prevent soil detachment and erosion rather than trying to intercept its transport or repair damage done.

7.9.5.C Specific Requirements

The following minimum requirements shall be met on all sites subject to the requirements of this section and shall be addressed in the erosion control plan submitted by the applicant, if applicable. The Land Use Administrator is authorized to exceed the minimum requirements stated below for any site determined to have a high risk of soil erosion or significant impact on an environmentally sensitive area.

7.9.5.C.1 Access Drives and Tracking

Each site shall have a stable access drive(s) and parking area(s) of sufficient dimensions and design to prevent erosion of the drive and soil from being tracked or washed onto public or private roadways. All non-paved access drives shall be designed so that stormwater runoff from adjacent areas does not flow down the drive surface. Culverts shall be sized for calculated peak flows produced by the 10-year, 24-hour design storm and shall meet all other State and local requirements relating to road access.

7.9.5.C.2 Diversion of Upslope Runoff

Any site with significant runoff from upslope-land area, rooftops, or other surfaces that drains across the proposed land disturbance shall be diverted around the disturbed area if possible. Any diversion of upslope runoff shall be done in a manner that prevents erosion of the flow path and the outlet.

7.9.5.C.3 Cut and Fill Slopes

Any cuts and fills shall be planned and constructed to minimize the length and steepness of slope, and stabilized in accordance with the technical standards of Section 7.9.7.

7.9.5.C.4 Open Channels

Any open channels shall be designed and constructed to carry the calculated peak flows for a 10-year, 24-hour design storm, and stabilized in accordance with the technical standards of Section 7.9.7.

7.9.5.C.5 Inlet Protection

All inlets to storm drains, culverts, and other stormwater conveyance systems shall be protected from siltation until final site stabilization.

7.9.5.C.6 Outlet Protection

All outlets for site dewatering and stormwater conveyance systems, including pipe or open channels entering a stormwater management facility, shall be protected from erosion through channel lining or other stabilization measures.

7.9.5.C.7 Site Erosion Control

Measures shall be taken, using temporary best management practices approved for overland and channel flow conditions, to minimize sediment leaving the site during the construction phase, such as: diversions, silt fence, straw bales, downspout extenders, sediment traps, etc. All temporary best management practices shall be maintained until the site is stabilized.

7.9.5.C.8 Dirt and Dust

To the maximum extent feasible, all appropriate measures shall be taken to keep dirt and dust from being transported off-site onto public rights-of-way.

7.9.5.C.9 Site Dewatering

Water pumped from the site shall be treated by sediment basins or other approved measures to prevent soil erosion and water pollution.

7.9.5.C.10 Waste and Material Disposal

All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of and not allowed to be carried off-site by runoff or wind.

7.9.5.C.11 Topsoil

Enough topsoil from the disturbed area must be saved to ensure that a minimum of 4 inches is reapplied for all areas to be seeded or sodded. If adequate topsoil does not exist on the site to meet this requirement, it shall be imported.

7.9.5.C.12 Soil Stockpiles

Soil stockpiles shall be located no closer than 75 feet from lakes, streams, wetlands, ditches, drainage ways, curbs/gutters or other stormwater conveyance system, unless otherwise approved by the Land Use Administrator. Measures shall be taken to minimize erosion and runoff from any soil stockpiles that will likely remain for more than 5 working days. Any soil stockpile that remains for more than 30 days shall be covered or treated with stabilization practices such as temporary or permanent seeding and mulching.

7.9.5.C.13 Sediment Cleanup

All off-site sediment deposits occurring as a result of construction work or a storm event shall be cleaned up by the end of each day. Flushing shall not be allowed.

7.9.5.C.14 Final Site Stabilization and Re-vegetation

All disturbed areas shall be treated with stabilization measures such as seeding, mulching, erosion netting, matting, sodding, etc. within 3 working days of final grading. Large sites shall be treated in stages as final grading is completed in each stage. Any soil erosion that occurs after final grading and/or the application of stabilization measures must be repaired and the stabilization work redone. Permanent re-vegetation of the site, including, at a minimum, seeding and mulching, shall be required within 14 days of project/construction completion.

7.9.5.C.15 Temporary Site Stabilization

For any disturbed area that remains inactive for greater than 7 working days, or where grading work extends beyond the permanent seeding deadlines established by the Committee, the Land Use Administrator may require the site to be treated with temporary stabilization measures such as temporary seeding and/or mulching in addition to other erosion control measures as part of an approved erosion control plan.

7.9.5.C.16 Removal of Practices

When the disturbed area has been stabilized by permanent vegetation or other means, temporary best management practices such as silt fences, straw bales and sediment traps shall be removed and these areas stabilized.

7.9.5.D Erosion Control Plan Contents

7.9.5.D.1 Sites of Less than One Acre of Total Disturbance

The following shall be the minimum requirements for items to be included in an erosion control plan:

7.9.5.D.1.a A scaled drawing of the site with a north arrow, delineation of the proposed land disturbance, existing and proposed buildings, roads, access drives, property boundaries, drainage ways, water bodies, trees, culverts, and other structures within 50 feet of the proposed land disturbance;

7.9.5.D.1.b The direction and steepness of slopes before and after the proposed land disturbance;

7.9.5.D.1.c A description and location of all temporary best management practices proposed to be used to minimize off-site impacts during the construction phase;

7.9.5.D.1.d A description and location of all permanent best management practices proposed to be used to stabilize the site within 3 days following construction; and

7.9.5.D.1.e The name, address and day time phone number of the person(s) charged with installing and maintaining all best management practices and thus subject to the enforcement provisions of Chapter 11 of this Code.

7.9.5.D.1.f Other information determined to be necessary by the Land Use Administrator to ensure compliance with the requirements of this section.

7.9.5.D.2 Sites of One Acre or Greater in Total Disturbance

The following shall be the minimum requirements for items to be included in an erosion control plan:

7.9.5.D.2.a Existing Site Map and Data

A map and supporting data of existing site conditions at a scale of one inch equals no more than 100 feet showing the following items on the site and within 50 feet in each direction of the site:

7.9.5.D.2.a.i Ownership boundaries and other references that will accurately identify site location;

7.9.5.D.2.a.ii Site topography at a contour interval not to exceed 2 feet;

7.9.5.D.2.a.iii Location and name, if applicable, of all lakes, streams and other water bodies as defined on a 7.5 minute topographic map published by the U.S. Geological Survey;

7.9.5.D.2.a.iv Location and name, if applicable, of all other channels, ditches, and other water courses or areas of channelized flow;

7.9.5.D.2.a.v Location and name, if applicable, of all wetlands, as defined on the official wetland zoning maps at the Planning and Development Department and as defined under federal jurisdiction and definition;

7.9.5.D.2.a.vi Boundaries of shoreland zones, 100-year floodplains, flood fringes and floodways, as defined on the official shoreland and floodplain zoning maps at the Planning and Development Department;

7.9.5.D.2.a.vii Boundaries and soil symbol for each soil mapping unit, as published in the Soil Survey of Dodge County. This item may be on a separate map at smaller scale showing key locations of proposed land disturbing or land development activity;

7.9.5.D.2.a.viii Location and description of trees and other vegetative cover types;

7.9.5.D.2.a.ix Location, dimensions and contributing watershed area delineations and flow calculations for all existing stormwater drainage systems and natural flow paths or channels entering and/or leaving the site;

7.9.5.D.2.a.x Locations and dimensions of any buildings, roads, parking areas, fence lines, access lanes, rock outcrops, tile drains, utilities and other physical features or structures;

7.9.5.D.2.a.xi Location and support documentation for any well currently located on the site and/or delineation of any regulatory setback distances of other wells, as stated in Wisconsin Administrative Code NR 811 and 812;

7.9.5.D.2.a.xii Locations and dimensions of any easements, right-of-ways, building setbacks or other restrictions;

7.9.5.D.2.a.xiii Location of environmentally sensitive area boundaries, as defined by the Environmental Protection Overlay District; and

7.9.5.D.2.a.xiv Any other existing site information that the Land Use Administrator determines to be necessary to ensure compliance with the requirements of this section.

7.9.5.D.2.b Site Development Plan

A site development plan, using the same map scale as the existing site map, shall include the following map items and supporting documentation:

7.9.5.D.2.b.i Locations and dimensions of all proposed land development and land disturbing activities, including proposed cuts, fills and 2 foot contours of final grade;

7.9.5.D.2.b.ii Locations and dimensions of all temporary soil stockpiles, the estimated length of time they will exist and any applicable erosion control method;

7.9.5.D.2.b.iii Locations and dimensions of all temporary best management practices necessary to meet the requirements of this Code;

7.9.5.D.2.b.iv Location, dimensions, supporting flow calculations and stabilization plans for the proposed construction or the modification of any open channels;

7.9.5.D.2.b.v A construction schedule, including the sequence and anticipated starting and completion date for each construction step and the installation of best management practices needed to meet the requirements of this Code;

7.9.5.D.2.b.vi Description of maintenance responsibilities for temporary best management practices;

7.9.5.D.2.b.vii The name(s) and daytime phone number(s) of the person(s) charged with the responsibility of installing and maintaining all best management practices. All persons so designated shall be subject to the enforcement provisions of Chapter 11 should they fail to ensure compliance with this section.

7.9.5.D.2.b.viii Location and description of individual trees greater than 6 inches in diameter at 4 feet above existing mean ground level, that are proposed to be lost and plans for replacement;

7.9.5.D.2.b.ix Description of site re-vegetation and stabilization plans, including seeding mixtures, fertilizer, rates of application, time schedule and maintenance responsibilities until the grass and/or other plants are well established;

7.9.5.D.2.b.x Detailed drawings, including profiles, cross sections, and other information determined to be necessary by the Land Use Administrator to ensure compliance with the requirements of this section; and

7.9.5.D.2.b.xi Certification, from a professional engineer registered in the State of Wisconsin, that all computations and designs included in the final erosion control plan have been reviewed and approved as being in accordance with the requirements of this section. Identification information of the engineer must also be included for contact during the plan review process.

7.9.6 Stormwater Management Plan Requirements

7.9.6.A General Requirements

A stormwater management plan prepared in accordance with this section shall maintain, as nearly as practical, the site's natural drainage patterns and assumed pre-development annual runoff volumes and peak flows. In addition, measures shall be taken to prevent or minimize the pollution of surface waters and groundwater resources, damage to downstream property and local flooding as a result of permanent stormwater discharges from the proposed land development.

7.9.6.B Exception - Regional Stormwater Management Plans

7.9.6.B.1 In lieu of submitting a stormwater management plan for an individual site, an applicant may submit documentation of the following:

7.9.6.B.1.a A regional stormwater management plan that includes the entire area of the proposed land development activity, and is prepared in accordance with the general requirements of 7.9.6(A) and the regional stormwater management planning guidelines adopted by the Committee;

7.9.6.B.1.b Certification, by a professional engineer registered in the State of Wisconsin, that any stormwater management practice(s) planned to treat the runoff from the area of the proposed land development as part of a regional stormwater management plan, has been constructed in accordance with the technical standards and specifications under Section 7.9.7, if applicable; and

7.9.6.B.1.c Documentation that there is an entity with the legal obligation for operation and maintenance of the stormwater management facility.

7.9.6.B.2 Upon determination by the Land Use Administrator that all of the conditions of Subsection 7.9.6(B)(1) have been met, the application shall be deemed as meeting the stormwater management planning requirements of this section.

7.9.6.C Guiding Principles

To satisfy the requirements of this section, all proposed land development activities shall, to the extent practical:

7.9.6.C.1 Be planned and implemented in a manner that best fits the terrain of the site, avoiding steep slopes and other environmentally sensitive areas;

7.9.6.C.2 Preserve natural drainage patterns, trees and other vegetative cover;

7.9.6.C.3 Reserve natural depressions, groundwater recharge areas, and the infiltration capacity of native soils;

7.9.6.C.4 Utilize natural or constructed vegetated swales for stormwater conveyance and attenuation;

7.9.6.C.5 Minimize impervious surfaces and have them drain to vegetated areas; and

7.9.6.C.6 Reserve adequately sized areas to allow for detention of flows and treatment of pollutants from stormwater before being discharged from the site.

7.9.6.D Specific Requirements and Performance Standards

Except where provided for under Subsection 7.9.6(B), all land development activities subject to the provisions of this subsection shall provide on-site stormwater management practices and facilities and meet the following minimum requirements:

7.9.6.D.1 Stormwater Quantity

The post-development volume and peak flow discharge rates of stormwater runoff shall not exceed the calculated pre-development discharge rates for both the 2 year, 24-hour and the 10 year, 24-hour design storms in accordance with the standards in Subsection 7.9.7(1).

7.9.6.D.2 Stormwater Quality

Stormwater runoff shall be treated to remove, on an average annual basis, a minimum of 80 percent of the total estimated suspended solids load. To achieve this level of control, stormwater best management practices shall be designed to accommodate, at a minimum, the runoff volume resulting from 1.5 inches of rainfall over a 4 hour period. Any best management practice that relies on ponding runoff and settling the suspended solids shall be designed for particles which are 5 microns or larger in size.

7.9.6.D.3 Protection of Wetlands

Stormwater discharges shall minimize the hydrologic changes and pollutant loadings to wetlands, to the extent practical, in order to preserve their functional values. All discharges to wetlands shall require the same protection as Subsections (1) and (2), unless otherwise approved by the Land Use Administrator and in accordance with technical guidelines approved by the Committee.

7.9.6.D.4 Protection of Groundwater

7.9.6.D.4.a Stormwater discharges shall prevent the introduction of pollutants in the groundwater at concentrations that may exceed groundwater preventive action limits or enforcement standards established by the Department of Natural Resources in Wisconsin Administrative Code NR 140. Pretreatment shall be provided for all stormwater management facilities that may, in the opinion of the Land Use Administrator, violate this subsection.

7.9.6.D.4.b Stormwater structures shall not be installed that meet the definition of an injection well under Wisconsin Administrative Code NR 812.05.

7.9.6.D.4.c Stormwater ponds and infiltration devices shall not be located closer to water supply wells than allowed by the Department of Natural Resources in Wisconsin Administrative Code NR 811 and NR 812.

7.9.6.D.4.d If a wellhead protection plan has been approved for any area included in the proposed land development, the Land Use Administrator shall consult with the appropriate authority to ensure compliance with any recommendations or regulations contained in that plan.

7.9.6.D.5 Flooding

All stormwater management facilities shall have the capacity to safely handle the calculated peak flow rates for a 100-year, 24-hour design storm without structural failure, bank erosion, loss of freeboard or other problems. At a minimum, an emergency spillway must be provided to carry these flows. Additional control measures may be required if the Land Use Administrator determines that the proposed land development activity has a high risk of creating or compounding downstream flooding or chronic wetness problems.

7.9.6.D.6 Soil Investigations

Soil profile investigations shall be conducted at each site proposed for the construction of a stormwater management facility. Each excavation shall extend a minimum of 3 feet below the proposed bottom of the facility or any component of the facility, such as infiltration trenches. An adequate number of excavations shall be conducted to examine all soil types present in the immediate area of the proposed facility. Each soil investigation site shall be located on the site development plan, under Subsection 7.9.6(D) along with the elevation, to the nearest tenth of a foot, of the original ground surface. A soil tester, certified in the State of Wisconsin, is required to log the soil profile and groundwater elevation(s). The Land Use Administrator may require an inspection of the soil profile.

7.9.6.D.7 Stormwater Management Plan Contents

The following shall be the minimum requirements for items to be included in a stormwater management plan:

7.9.6.D.7.a Existing Site Map and Data

The requirements for the existing site map and data are listed under Subsection 7.9.5(D)(2)(a).

7.9.6.D.7.b Site Development Plan

A site development plan, using the same map scale as the existing site map, shall include the following map items and supporting documentation:

7.9.6.D.7.b.i Locations and dimensions of all proposed land development activities, including proposed cuts, fills and 2 foot contours;

7.9.6.D.7.b.ii Delineation and labeling of all proposed impervious areas and accompanying area computations;

7.9.6.D.7.b.iii Location of all proposed stormwater conveyance systems and grade stabilization structures, including grade lines, cross-sections, flow/velocity computations based on a 10-year 24-hour design storm, and the delineation of proposed subwatersheds for each reach. For watershed areas that extend outside of the boundaries of the site map, other scaled maps may be used;

7.9.6.D.7.b.iv Location of all proposed stormwater management facilities, including plan views, cross-sections, profiles, inlet/outlet and other detail drawings and supporting flow computations;

7.9.6.D.7.b.v Summary of hydrologic and hydraulic computations prepared to meet the requirements of Subsection 7.9.6(D) and for the design of all stormwater management facilities. All major assumptions used in developing input parameters shall be clearly stated, and all geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s);

7.9.6.D.7.b.vi Results of investigations of soils and groundwater required under Subsection 7.9.6(D)(6), including location and elevation of each investigation site, for the placement and design of stormwater management facilities;

7.9.6.D.7.b.vii Location(s) and dimensions of all proposed easements or other methods used to ensure the preservation of flow paths and adequate access for maintenance purposes;

7.9.6.D.7.b.viii Certification, from a professional engineer registered in the State of Wisconsin, that all calculations and designs included in the stormwater management plan have been reviewed and approved as being in accordance with the requirements of this section.

7.9.6.D.7.b.ix Identification information for the contact person during the plan review process, the construction supervisor, and the engineer that will certify construction of all stormwater management facilities;

7.9.6.D.7.b.x For sites where changes are proposed in stormwater flow paths, or where proposed stormwater discharges may otherwise have a significant negative impact on downstream property owner(s), the Land Use Administrator may require the applicant to obtain written authorization or complete other legal arrangements with the affected property owner(s) and shall require the recording of all flowage easements; and

7.9.6.D.7.b.xi Other items deemed necessary by the Land Use Administrator to ensure compliance with the requirements of this section.

7.9.7 Technical Standards and Specifications

7.9.7.A Hydrologic and Hydraulic Computations

7.9.7.A.1 All computations of runoff volumes and peak flow rates used in the development of erosion control and stormwater management plans in accordance with this section shall be based on the principles of Technical Release 55 (TR-55), "Urban Hydrology for Small Watersheds," published by the Natural Resources Conservation Service (NRCS), United States Department of Agriculture, June 1986 revision. The design storms for Dodge County that are needed to determine compliance with this section are as follows:

Table 7.9.7-1: Storm Events

24-Hour Storm Event	
2 year	2.8 inches
5 year	3.5 inches
10 year	4.0 inches
25 year	4.6 inches

7.9.7.A.2

7.9.7.A.3 All computations of pre-development conditions as required under Subsection 7.9.6(D)(1) shall use those TR-55 runoff curve numbers assigned for a "good" level of land management for each land cover type. For lands where the pre-development land use was cropland, the following TR-55 curve number values shall be used:

7.9.7.A.3.a Soil Hydrologic Group	A	B	C	D
7.9.7.A.3.b NRCS Runoff Curve Number	54	68	76	80

7.9.7.A.4 All velocity and peak flow computations for open channels and storm sewer pipe flows shall be based on Mannings Formula.

7.9.7.A.5 Flow routing, culvert design and other related hydraulic computations used to design stormwater management facilities shall be based on standard applicable engineering formulas.

7.9.7.B Best Management Practice Design Standards

The design of all best management practices used to meet the requirements of this section shall comply with the following technical standards:

7.9.7.B.1 The Wisconsin Construction Site Best Management Practice Handbook, published by the Wisconsin Department of Natural Resources;

7.9.7.B.2 Chapter IV of the Field Office Technical Guide, published by the United States Department of Agriculture, Natural Resource Conservation Service; and

7.9.7.B.3 Other technical standards adopted by the Committee.

7.9.7.C Construction Specifications

The construction or installation of all best management practices and other structures shall comply with all the construction specifications adopted by the Committee, including standard seeding or sodding deadlines for site stabilization.

7.9.7.D Availability

Copies of all technical standards and specifications adopted by the Committee shall be available for review and distribution through the Planning and Development Department. Fees may be charged for copies of these items in accordance with the fee schedule.

7.9.7.E Future Revisions or Updates

The technical standards and specifications referenced in this section are made a part of this section and shall be updated periodically in order to keep current with field experiences, research, technological advances, and the development of related technical standards by other agencies and units of government. Any future revision or update of the technical standards or specifications incorporated herein are also made part of this section unless otherwise acted upon by the Committee.

7.9.8 Nonconforming Lots

All legal existing nonconforming lots shall be subject to the applicable nonconforming lot provisions set forth in Chapter 10.5 of this Code.