

CHAPTER 15

ONEIDA COUNTY

SUBDIVISION CONTROL ORDINANCE

EFFECTIVE DATE: JULY 1, 2010
(Ord. Amend. #1-2009 – Res. #18-2010)

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GENERAL PROVISIONS

15.01 Title and Statutory Authority.

1. Title. Chapter 15 of the General Code of Oneida County, Wisconsin – “Oneida County Subdivision Control Ordinance” (herein referred to as “this chapter”)
2. Authority. These regulations are adopted under the authority granted by §§59.69, 144.26, 281.31, and Ch. 236, Wis. Stats.

15.02 Purpose. The purpose of this Ordinance is to regulate the subdivision of land to promote public health, safety and general welfare; to further the orderly layout and use of land, to facilitate adequate provision for water, sewerage and other public requirements; to provide for property ingress and egress; and to promote proper monumenting of land subdivided and conveyancing by accurate legal description. The approvals to be obtained by the subdivider as required in this chapter are based on requirements designed to accomplish the aforesaid purposes.

15.03 Abrogation and Greater Restrictions. It is not the intent of this chapter to repeal, modify, abrogate, annul, impair or interfere with existing easements, covenants, deed restrictions, other ordinances or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

15.04 Interpretation. In the interpretation and application of this chapter, provisions shall be held to be the minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

15.05 Severability and Non-Liability.

1. If any section, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
2. The County does not guarantee, warrant or represent that only those areas designated as floodplains will be subject to periodic inundation and thereby asserts that there is no liability on the part of the County, its agencies or employees for sanitation and water supply problems or structural damages that may occur as a result of reliance upon and conformance with this chapter.

15.06 Conflict of Ordinance, Effect or Partial Validity.

1. In any case where a provision of this chapter is found to be in conflict with a

provision of any county or local government body, zoning, building, fire safety or health ordinance existing on the effective date of this chapter, the provisions that establish the higher standard for the protection of public health, safety and general welfare shall prevail.

2. In any case where a provision of this chapter is found to be in conflict with a provision of any other County or local governing body ordinance existing on the effective date of this chapter, which establishes a lower standard for the protection of the public health, safety and general welfare, the provisions of this chapter shall be deemed to prevail and such other ordinances are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

15.07 Effective Date. This chapter shall be effective after adoption by the County Board and publication or posting as provided by law (July 1, 2010).

15.08 County Planning Agency. The county planning agency is the Oneida County Planning and Zoning Committee.

15.09 Jurisdiction. The provisions of this chapter apply to all lands within Oneida County, except within the corporate limits of any incorporated area. Where a duly adopted town subdivision ordinance is more restrictive than this chapter, the town is ultimately responsible to enforce its own more restrictive ordinance requirements.

15.10 Land Divisions Governed by this Chapter.

1. This chapter shall apply to:
 - A. The act of division of a lot, parcel, or tract by the owner thereof or his/her agent where the act of division creates one or more new lots, parcels, or tracts smaller in area than herein provided.
 - B. The sale or exchange of parcels of land between owners of adjoining property if the parcels are reduced below the minimum sizes required by this code or other applicable laws and ordinances.
2. This chapter shall not apply to:
 - A. Transfers of interest in land by will or pursuant to court order. (§236.45(2), Wis. Stats.)
 - B. Leases for a term not to exceed 10 years, mortgages, or easements. (§236.45(2), Wis. Stats.)
 - C. The sale or exchange of parcels of land between owners of adjoining

property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Code or other applicable laws and ordinances, (§236.45(2), Wis. Stats.). The sale or exchange must be reviewed by the Department for the purpose of verifying that additional lots are not thereby created and the lots resulting there from are not reduced below the minimum sizes required by law.

- D. Assessor's plats made under §70.27, Wis. Stats.
- E. The re-survey of an existing parcel which does not result in a division as defined in ch. 15.10 (1) (A).
- F. Parcels of property put into Managed Forest Crop and Managed Forest Law pursuant to §77, Wis. Stats., provided the non-Managed Forest Law property remains in the same ownership as the Managed Forest Law property.
- G. Cemetery plats made under §157.07, Wis. Stats.

15.11 Compliance. No person shall divide any land located within the jurisdiction limits of these regulations contrary to the provision of this chapter, Chapters 9, 13, and 20 of the General Code of Oneida County, Wisconsin Statutes, or Wisconsin Administrative Code. No such subdivisions shall be entitled to record and no road shall be laid out or improvements made to land without compliance with all requirements of this chapter.

15.12 Land Suitability.

1. No land shall be divided which is determined by the County Zoning Director, his or her designee, or Committee, to be unsuitable for its proposed use for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, known contaminated water supply, or any other feature(s) or circumstances to be harmful to the health, safety or general welfare of the future residents of the land division or of the community.
2. Lands deemed unsuitable may, with the approval of the Committee, be divided and designated as an outlot as defined in ch. 15.33 (Definitions). It must be designated as an outlot on the face of the plat or certified survey map. Furthermore, it must be noted on the face of the plat or certified survey map it is unsuitable for habitable structures, sanitary facilities or other development uses.

15.13 Classification of Land Divisions. Any contiguous parcel or tract which is owned, controlled or managed as a single entity shall be treated as a single parcel or tract for the purpose of this ordinance unless it is bisected by an existing easement road greater than 20 feet in width, existing dedicated street, existing

public road, or a meandered or un-meandered lake. An un-meandered or intermittent stream, creek, or drainage ditch does not bisect a parcel. The Director shall determine whether the proposed land division satisfies the above definition and this determination shall be subject to review by the Committee. Land divisions are classified under this chapter as either:

1. Access & Utility Review Subdivision. Any division of land resulting in a parcel greater than ten (10) acres in size will be reviewed for access to a town, county, state or federal road or highway as well as applicable utilities.
2. Minor Subdivision. A minor subdivision shall include the creation of one (1) but not more than eight (8) parcels, lots, or building sites which are ten (10) acres or less in size within any five (5) year period.
3. County and Town Subdivision. A county subdivision shall include the creation of nine (9) or more parcels, lots, or building sites which are ten (10) acres or less in size within any five (5) year time period.
4. State Subdivision. Land divisions meeting the definitions of state subdivisions are subject to mandatory State review under §236, Wis. Stats., as well as county review under this chapter.

PROCEDURES FOR APPLICATION AND REVIEW OF LAND DIVISIONS

15.14 Pre-Application Consultation. Prior to submitting an application for County approval of a land division, it is recommended that the applicant or agent meet with the Director. At this meeting, the applicant should inform the Director of the location and nature of the proposed project. Based upon this information, the Director shall explain to the applicant:

1. Whether the proposal will require State and/or County reviews.
2. Which standards of this chapter and §236, Wis. Stats., will apply to the land division.
3. The procedure to follow to submit a land division for review.

15.15 Application and Review of Access and Utility Review Subdivisions.

1. One copy of an application prepared on a form provided by the Department, review fee, and a sketch of reasonable accuracy showing: the boundaries of the property to be divided and the proposed layout of the access to each parcel including any driveways, frontage roads, or private roads to be developed, and the proposed provision of utilities, including any easement to each parcel, shall be submitted to the Director.

2. The Director may send any such application to state agencies for advisory review and comments upon a determination that such a referral could yield information that might be useful in the review process.
3. Where the Director finds that the county requires additional information relative to a particular problem posed by the proposed subdivision, (s)he shall have the authority to request such information in writing from the subdivider.
4. The application shall be reviewed by the County Highway Commissioner and the WI Department of Transportation (DOT) for subdivisions abutting a County or State highway. A copy of the application shall be forwarded to the Highway Commissioner by the Director at the time of application for review and comment. If, within thirty (30) days, the proposed access has not been approved or denied by the Highway Commissioner, the application may be reviewed pursuant to ch. 15.15(6). When access is being requested onto a state or federal highway, the provisions of TRANS 233, Wisconsin Administrative Code, shall be complied with.
5. Copies to Utility Providers. The subdivider shall provide a copy of the proposed division to all utility providers (i.e. electric, natural gas, telephone, cable television, telecommunications, water and/or sewer) so that they may identify appropriate locations for facilities and easements for consideration on the division.
6. The Director shall transmit a copy of the application and sketch map to the Land Information office for road naming or addressing review, and the town chairperson of the town where the property is located for review of compliance with town ordinances. The Land Information office and the town shall provide a response within forty five (45) days of the Director's transmittal. Within ninety (90) days of the date a complete application is submitted, the Director or designees shall approve, conditionally approve, or disapprove the application. Where the Director finds an application requires additional review in regard to County or Town policy, the Director will notify the applicant and may place it on the agenda of the Committee for review.
 - A. The disapproval of an access and utility review application may be appealed within thirty (30) days, from the date of the Directors letter, to the Committee upon written request. The Director shall place the application on the Committee agenda and submit a copy of the agenda to any government, agencies or utilities that are deemed to have an interest in the proposed division.
 - B. The Committee shall, within forty five (45) days of submission of appeal request, review the application and map and approve, approve conditionally, or disapprove the application and map based upon a

determination of conformity or nonconformity with the standards. A letter setting forth the conditions of approval or the reasons for denial shall be sent to the subdivider.

- C. The action of the Committee on the appeal request shall be stated in writing in the minutes of the Committee meeting and those minutes, or an extract thereof shall be mailed to the applicant. Failure of the Committee to act within forty five (45) days of the date of submission of appeal request or within a time as extended by agreement with the subdivider shall constitute an approval.

15.16 Application and Review of Minor Subdivisions.

1. Minor subdivision shall be created by use of one or more certified survey maps (CSM) per §236.34(1), Wis. Stats (as amended). One copy of an application form provided by the Department, review fee, preliminary map, and after final approval, the original CSM(s) shall be submitted to the Director.
2. The CSM shall comply with the requirements of §236.34, Wis. Stats., and the preliminary map and application shall also include the following requirements:
 - A. Proposed division showing with reasonable accuracy the lot layout at a sufficient scale and date of preparation.
 - B. Names and addresses of the landowner and proposed purchaser (if known), parcel identification number and zoning district designation of the parcels to be divided/created, as well as density calculations.
 - C. Location of existing buildings and structures, adjoining public or private streets and highways, parks, cemeteries, and subdivisions.
 - D. Location of the ordinary high watermark (OHWM) of navigable water, the approximate water's edge and water elevation referenced to an assumed or known elevation on the date of survey of any navigable water. Also include the location of non-navigable streams, drainage ditches, easements, and other features. Any subdivision submitted for County approval shall show, where practical, the OHWM wherever the OHWM is within 75 feet of the subject parcel.
 - E. The lands lying between the meander line, established in accordance with §236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This subsection applies not only to lands proposed to be subdivided but also to all lands under

option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

- F. The preliminary and final CSM shall show the extension of the lot lines to the water's edge to define the riparian area below the OHWM between adjoining lots, and at minimum, shall show the bearing and approximate length of said line.
- G. Existing or proposed lake and/or stream access (water front access).
- H. Location of existing wells, POWTS components. The approximate outline of the base of any mound or above grade POWTS component.
- I. Location of easements or private rights of way which adjoin or cross the property including volume, page, document number, and stated dimensions.
- J. Adjoining property information (volume, page, document number, CSM#, plat, etc.) including zoning district.
- K. The location of any documented or inventoried landfill, abandoned or existing, within 1,200 feet of proposed subdivision.
- L. Minimum lot area as required by ch. 15.24.
- M. A statement by the surveyor certifying that the requirements of this ordinance have been fully complied with.
- N. The area of the surveyed parcel shall be shown as square feet and acres. If the lot is on water, the preliminary and final map must list the area above the OHWM and the area below the OHWM to the water's edge.
- O. Delineation and direction of slopes that exceed 25% graphically or by topographic survey defining four (4) foot contours or less.
- P. Regional floodplain boundaries and the vertical contour line which is two (2) feet above the regional flood as defined in Wisconsin Administrative Code NR 116 or two (2) feet above highest known water elevation of any body of water whose regional flood is undefined. Where floodplain areas conflict with the Flood Insurance Rate Map (FIRM), formal changes require copy of official Letter of Map Amendment (LOMA).
- Q. Wetland boundaries delineated by a licensed and/or certified delineator and a copy of the delineation report shall be submitted with the preliminary map unless waived by the Department and/or Committee.

- R. Location sketch.
3. The Director may send any minor subdivision to state agencies for advisory review and comments upon a determination that such a referral could yield information that might be useful in the review process.
 4. Where the Director finds that the county requires additional information relative to a particular problem presented by the proposed subdivision, (s)he shall have the authority to request in writing that additional information including but not limited to the following be included on the preliminary plat or the accompanying documents.
 - A. Identification of surface drainage patterns, showing direction of flow, grading plan indicating the manner and extent to which the drainage patterns will be altered by the subdivision, development and/or erosion control plan.
 - B. Proposed or existing deed and/or plat restrictions.
 1. All lands reserved for public purposes and/or acquisitions.
 2. Official proof of withdrawal or proof of submittal for withdrawal from Managed Forest Law (MFL) or similar program if property being divided is enrolled.
 3. Known documentation or research of cultural resource inventory listings with the survey area.
 5. The application and map shall be reviewed by the County Highway Commissioner and/or the WI Department of Transportation (WDOT) for subdivisions abutting a county, state or federal highway. A copy of the application shall be forwarded to the Highway Commissioner by the Director at the time of application for review and comment. If, within thirty (30) days, the proposed access has not been approved or denied by the Highway Commissioner, the application may be reviewed pursuant to ch. 15.16(8). When access is being requested onto a state or federal highway, the provisions of ch. TRANS 233, Wisconsin Administrative Code, shall be complied with. A copy of the decision of the DOT shall be submitted with the request for review of a survey map.
 6. Copies to Utility Providers. The subdivider shall provide a copy of the proposed division to all utility providers (i.e. electric, natural gas, telephone, cable television, telecommunications, water and/or sewer) so that they may identify appropriate locations for facilities and easements for consideration on the final plat.

7. Development of proposed land divisions may require review and permitting by the WDNR under Wisconsin Administrative Code NR 151 and/or NR 216. A copy of the permit application or evidence that such permit has been submitted with the request for review or a survey map.
8. The Director shall transmit a copy of the application and map to the Land Information office for road naming or addressing review, and the town chairperson of the town where the property is located for review of compliance with town ordinances. The Land Information office and the town shall provide a response within forty five (45) days of Director's transmittal. Within ninety (90) days of the date a complete application is submitted, the Director or designees shall approve, conditionally approve, or disapprove a minor subdivision. Where the Director finds a minor subdivision application requires additional review in regard to County or Town policy, the Director will notify the applicant and may place it on the agenda of the Committee for review.
 - A. The disapproval of a minor subdivision application may be appealed within thirty (30) days, from the date of Director's letter, to the Committee upon written request. The Director shall place the minor subdivision application on the Committee agenda and submit a copy of the agenda to any government agencies or utilities that are deemed to have an interest in the proposed division.
 - B. The Committee shall, within forty five (45) days of the submission of appeal request, review the application and map, and reasons for denial against the applicable standards of this chapter, and approve, approve conditionally, or disapprove the application and map based upon a determination of conformity or nonconformity with the standards.
 - C. The action of the Committee shall be stated in writing in the minutes of the Committee meeting and those minutes or an extract thereof shall be mailed to the applicant. Failure of the Committee to act within forty five (45) days of the date of submission of appeal request or within a time as extended by agreement with the subdivider shall constitute an approval.
9. The final CSM is to be prepared and recorded in accordance with §236.34, Wis. Stats., (as amended) and shall note on the face of the CSM any required restrictions, conditions set forth by the approving authority, and any required certificates. If the final CSM conforms substantially to the preliminary CSM as approved, including any conditions of the preliminary approval, and to local plans and ordinances authorized by law, it is entitled to approval. If the final CSM is not submitted with 24 months after the last required approval of the preliminary CSM, the Committee may refuse to

approve the final CSM.

10. Major correction of errors on a recorded certified survey map (CSM) shall be made by recording a correction CSM. A statement shall be clearly placed on the face of the correction CSM indicating the volume, page, and document number of the CSM it is correcting. The Director shall approve a correction CSM prior to filing. The Director may allow an affidavit to correct minor errors with the CSM.

15.17 Pre-Preliminary Plat Conference for Proposed Town, County and State Subdivisions.

1. Where it is desired to create a town, county, or state subdivision it is recommended the subdivider meet with the Director for a conference prior to preparation of the preliminary plat. It is also recommended the subdivider meet with the appropriate town board. The following information may be submitted at the conference:
 - A. A sketch of reasonable scale and accuracy showing the boundaries of the property being considered for division.
 - B. The proposed general layout.
 - C. A description of all contiguous lands owned by the divider.
 - D. Existing and proposed zoning for the subdivision.

15.18 Application and Review of Proposed Town, County and State Subdivisions.

1. A preliminary plat shall be created for all Town, County, and State Subdivisions. A cover letter, location sketch, preliminary plat map and review fee shall be submitted to the Director. The required number of copies shall be determined by the Director pursuant to ch. 15.18(7) (A).
2. Preliminary Plat Submittal Requirements. The items outlined for a minor subdivision in ch. 15.16(2)(A-P) shall apply to town, county, and state subdivisions in addition to the following:
 - A. The preliminary plat shall be by a land surveyor registered in Wisconsin and comply with the requirements of §236.11, Wis. Stats.
3. Where the Director finds that the County requires additional information relative to a particular problem presented by the proposed subdivision, (s)he shall have the authority to request in writing that additional information outlined in ch. 15.16(4)(A-E) be included on the preliminary plat or the accompanying documents.

4. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the features and that they have fully complied with this ordinance.
5. The items outlined for a minor subdivision in ch. 15.16(5), (6) & (7) shall apply to town, county, and state subdivisions.
6. Preliminary Plat Approval Process.
 - A. The department shall act as the agent for distribution of copies to all objecting and approving agencies and other agencies such as the town board of the town in which the proposed land division is located as appropriate. State subdivisions shall be submitted to the State for review. For county subdivisions, no transmittals to or approvals from the State objecting agencies are needed unless required by the Director where (s)he finds a State review to be necessary. Development of proposed land divisions may require review and permitting by the WDNR. A copy of the approved permit, the permit application, or evidence that such permit will not be required shall be submitted with the request for review of a survey map. The number of copies required of each plat shall be determined by the "Zoning Director's Checklist for Distribution of Plats."
 - B. The town board of the town in which the proposed land division is located shall, within forty five (45) days of receipt of the preliminary plat, forward its comments on the proposed plat including its recommendation to approve, approve conditionally, or deny. A town board may request an extension and the extension may be granted by the Director.
 - C. The Committee or its designee, within ninety (90) days of the date of filing of a complete preliminary plat and application with the Director shall attempt to review and/or conduct an inspection of the subdivision and approve, approve conditionally, or deny such plat. A letter setting forth the conditions of approval or the reasons for denial shall be sent to the divider. One (1) copy each of the plat and letter shall be placed in the Committee's permanent file.
 - D. Failure of the Committee to act within ninety (90) days or the time as extended by agreement with the subdivider, shall constitute an approval. The ninety (90) day time period shall commence with the filing of the complete plat and application.
 - E. The Committee or approving authority shall not approve any preliminary plat that is subject of an objection from an objecting agency.
 - F. The Director shall not place the preliminary plat on the Committee agenda

for review unless there has been a complete submittal, including town board input, at least fifteen (15) working days prior to the required Committee meeting date.

7. Final Plat. Upon approval of the preliminary plat, the subdivider or agent shall prepare a final plat for review. The application and review shall include the following:
 - A. A final plat prepared by a land surveyor registered in Wisconsin. The plat shall comply with all applicable requirements of §236.25, Wis. Stats.
 - B. In addition to the requirements of §236.25, Wis. Stats., the final plat shall correctly show on its face:
 1. Lands reserved for future public acquisition or for the common use of the property owners within the subdivision. Such lands shall be described and established as outlots. Outlot restrictions shall appear on the face of the plat.
 2. Special restrictions required by the reviewing authorities.
 3. Final plats shall provide all certificates required by §236.21, Wis. Stats., and in addition, the surveyor shall certify specifically that all provisions of this ordinance have been fully complied with.
 - C. The Committee or its designee shall within sixty (60) days of the date of filing of a complete final plat with the Director, approve, approve conditionally, or reject such plat, unless the time is extended by mutual agreement with the subdivider. If approved conditionally, the certifications shall not be completed until the conditions are met. If rejected, a letter or copy of the committee minutes setting forth the reasons for rejection shall accompany the plat and be sent to the applicant.
 - D. Failure of the Committee to act within the sixty (60) days or the time as extended by agreement with the subdivider, shall constitute an approval.
 - E. The Committee may or may not choose to approve any final plat which is the subject of an objection of any objecting agency.
 - F. The Director shall not place a final plat on the Committee agenda unless the plat of a true copy is submitted at least fifteen (15) working days prior to the required Committee meeting date.
 - G. Relationship between preliminary and final plat:
 1. Approval of a preliminary plat shall be deemed an expression of

approval or conditional approval of the layout submitted and guide to the preparation of the final plat which will be subject to further consideration by the committee at the time of its submission.

2. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of the preliminary approval, and to local plans and ordinances authorized by law, it is entitled to approval. If the final plat is not submitted within 24 months after the last required approval of the preliminary plat, the Committee may refuse to approve the final plat. The map is to be recorded in accordance with ch. 236, Wis. Stats.

H. Partial Platting. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. Approval of a final plat for only a portion of the preliminary plat shall extend approval for the remaining portion of the preliminary plat for six (6) months from the date of such final plat approval unless extended by the Committee.

- I. Deed Restrictions. For public lands, the committee reserves the right to add further deed restrictions and covenants as provided in §236.293, Wis. Stats.

15.19 Sale or Exchange of Parcels. The sale or exchange of parcels of land between owners of adjoining property if the parcels are reduced below the minimum sizes required by this code or other applicable laws and ordinance are required to be reviewed by the Director. These divisions are required to be reviewed by the Director to ensure the split does not reduce the capability of the parcel(s) to support a sanitary system or does not create other adverse conditions. A CSM must be prepared and recorded identifying the new exterior lot lines of each parcel affected by the split and deeds recorded to support the split attachments.

15.20 Width of Easements. No permanent easement wider than twenty (20) feet shall be recorded which reduces the lot size below the minimum required by the zoning district in which the lot is located.

SUBDIVISION DESIGN STANDARDS

15.21 General. Subdivision design standards shall apply to all divisions of land regulated by this ordinance. Land division layouts shall be planned in proper relation to existing and proposed land divisions and roads, topography, surface water, vegetative cover, and other natural features

15.22 Surface Drainage and Erosion Control.

1. Land divisions shall be designed so as to minimize soil erosion and to

provide reasonable management of surface water drainage. The Committee may require engineering studies of erosion potentials and may impose preventive design requirements. The Committee may require documentation of surface water drainage patterns and may impose design requirements to assure that flows are transported and disposed of without causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands, roads, or other rights-of-way or excessive infiltration into locations of on-site wastewater disposal facilities. Subdividers may request assistance from the Department and the Oneida County Land and Water Conservation Department in meeting the above requirements. Subdivision of lands may be subject to provisions found in Wisconsin Administrative Code NR 151 and NR 216.

2. Storm Water Easement and Drainage Right-of-Way. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course and of such width or construction or both as is adequate for drainage purposes. Wherever possible, it is desirable that the drainage be maintained by an open channel with natural or landscaped banks and adequate width for maximum potential volume of flow.

15.23 Public, Private and Easement Roads.

1. General Considerations for Public, Private and Easement Roads. Roads shall be designed and located in relation to existing and planned public roads, private roads, and subdivisions. Roads shall be designed and located according to topographic conditions and natural terrain, to promote convenience and safety, and in appropriate relation to the proposed uses of land to be served by such public and private roads.
 - A. These provisions shall apply to all public, private, and easement roads within the jurisdiction of this ordinance.
 - B. All lots in state, county, and town subdivision plats shall front on public, private, or easement roads, except as set forth in sub 2 below.
 - C. For newly created subdivisions, right-of-way width for public, private, or easement roads shall be at least 66 feet except as provided in ch. 15.23(2)(A).
 - D. Any municipality of jurisdiction may impose more restrictive road construction or design standards than those imposed herein. In those situations the municipality of jurisdiction shall be responsible for enforcing those more restrictive requirements.

- E. Before the final plat is submitted for final approval the subdivider shall provide written proof to the Department that all road work is either already satisfied or will satisfy all road concerns with the municipality of jurisdiction. Failure to provide this information will deem the project incomplete. In the case of where a plat is filed which includes a road dedication as a public road and is signed by the municipality of jurisdiction, no additional proof of satisfaction is required.
 - F. An owner's certificate of dedication and a town certificate of approval shall be on certified survey maps of minor subdivisions when public roads are created and dedicated.
 - G. Public, private, and easement road names are subject to approval by the Land Information office to ensure unique naming. Before any minor subdivision, town subdivision, county subdivision, or state subdivision can be approved for recording, new roads shall be named and these names as approved shall appear on the document to be recorded.
 - H. All public, private, and easement roads shall have sufficient side and overhead clearances to allow access and an adequate turnaround for emergency, police, fire, utility, and school bus usage.
 - I. Public, private, and easement roads that are existing at the time of the effective date of this ordinance, that are proposed to provide access to newly created parcels, shall meet the requirements as specified in this section. If the road does not meet the requirements, the subdivider shall meet with the town and Committee to determine the suitability of the existing road and determine what conditions need to be met to provide for adequate access.
2. General Provisions for Private and Easement Roads. These provisions shall apply to all private and easement roads intended to provide access to newly created parcels.
- A. A minimum of a 33 feet wide right-of-way width is required for any private road/easement that will provide access from a public road to not more than two (2) lots. Further re-division of lands may not be possible unless the private easement road satisfies 15.23(1)(C) of this ordinance.
 - B. In the event a town does not have private or easement road development standards the following standards shall apply:
 - 1. Proposed private and easement roads shall be as follows:
 - a. Right-of-way width - 66 feet
 - b. Roadway width - 26 feet

- c. Surface width - 20 feet with 6 inch minimum gravel base
 - d. Maximum grades - 10%
- 2. Inspection. A town without other means of carrying out an inspection of roads as part of a division or dedication, the Director may request the Oneida County Highway Commissioner provide inspection of roads to ensure compliance with this section.
 - C. Private roads and easement roads from an existing public road to the newly created lot(s) shall be clearly labeled and surveyed and a monumented centerline shall be shown on the certified survey map.
 - D. Private roads and easement roads serving lots or parcels in a subdivision, or connecting a subdivision to a public road, shall be jointly held by the property owners in fee simple or by easement, and a recorded agreement approved by the department shall provide for the repair and maintenance of such private and/or easement road.
- 3. Width of Roadways. Paving widths of all roadways shall be determined by the Town Board but shall not be less than that specified in §82.50, Wis. Stats.
- 4. Cul-de-sacs or “T” Turnarounds.
 - A. The use of cul-de-sacs in road layouts shall be limited to portions of developments which, due to unusual shape, size, location, or topography, floodplain, wetland, or other condition may better be served by cul-de-sacs than by continuous streets.
 - B. Unless waived by the town board and Committee, the radius of a permanent cul-de-sac right-of-way shall be not less than sixty (60) feet. The roadway within the turn-around shall have a minimum roadway width of 35 feet radius.
 - C. The Department may approve “T” turnarounds or a different design on a case-by-case basis, with town board and Committee approval.
- 5. Road Intersections. The town board or Committee may require the developer to dedicate or reserve land at intersections to the extent deemed necessary to provide adequate sight distances.
- 6. Utility Easements. The Committee may require easements for electric power and communication facilities, storm and sanitary sewer, roads, gas, water or other utility lines. Where such easements are specifically located within the area being divided, they shall be placed so as not to interfere unreasonably with the use and enjoyment of the property for residential or other purposes. All easements shall be noted on the final plat followed by reference to

intended use; such easements shall be at least ten (10) feet wide. All roads are subject to utility easements.

7. Driveway Access. Driveway access points shall be located and shown on the plat where the municipality of jurisdiction deems necessary due to visibility, safety, and topography concerns.

15.24 Minimum Lot Requirements.

1. Minimum Lot Size Requirements.

- A. In all areas within the jurisdiction of the Oneida County Zoning & Shoreland Protection Ordinance the minimum lot size shall be as specified in Appendix A & Appendix B of such ordinance.
- B. In all areas that do not come under the jurisdiction of the Oneida County Zoning & Shoreland Protection Ordinance, the minimum lot size shall be as specified in Appendix A & Appendix B, District #10, General Use District of such ordinance.
- C. The area located below the OHWM of any navigable water shall not be included in the minimum lot area of any lot or parcel created under the terms of this ordinance.

2. Minimum Buildable Area Criteria. Lots must meet the following criteria:

A. Unsewered Lots.

1. Unsewered lots shall meet minimum lot area as described in the designated zoning district.
 - a. For lots on Class I Waterways, except for public and private parks, 10,000 contiguous square feet of the minimum lot area shall:
 1. Not contain any shoreland-wetlands.
 2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
 3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined
 4. Must have dryland access to a public or private road.
 5. Be free of easements greater than 20 feet in width.
 - b. For lots on Class II Waterways, except for public and private parks, 10,000 contiguous square feet of the minimum lot area shall:

1. Not contain any shoreland-wetlands.
 2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
 3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
 4. Must have dryland access to a public or private road.
 5. Be free of easements greater than 20 feet in width.
- c. For off-water lots in the shoreland area, except for public and private parks, 10,000 contiguous square feet of the minimum lot area shall:
1. Not contain any shoreland-wetlands.
 2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
 3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
 4. Must have dryland access to a public or private road.
 5. Be free of easements greater than 20 feet in width.

B. Sewered Lots (Municipal Owned Sanitary District).

1. Sewered lots shall meet minimum lot area as described in the designated zoning district.
 - a. Class I Waterways, except for public and private parks, 10,000 contiguous square feet of the minimum lot area shall:
 1. Not contain any shoreland-wetlands.
 2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
 3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
 4. Must have dryland access to a public or private road.
 5. Be free of easements greater than 20 feet in width.
 - b. Class II Waterways, except for public and private parks, 10,000 contiguous square feet of the minimum lot area shall:

1. Not contain any shoreland-wetlands.
 2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
 3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
 4. Must have dryland access to a public or private road.
 5. Be free of easements greater than 20 feet in width.
- c. Back lots, except for public and private parks, 10,000 contiguous square feet of the minimum lot area shall:
1. Not contain any shoreland-wetlands.
 2. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.
 3. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.
 4. Must have dryland access to a public or private road.
 5. Be free of easements greater than 20 feet in width.
3. Residential lots. Residential lots to be served by private sewage systems shall comply with the rules of the Department of Commerce and the Oneida County Private Sewage System Ordinance.
 4. Lot frontage. Every lot shall have a minimum of 33 feet of frontage directly on a public, private or easement road except as provided in ch. 15.23(1)(c).
 5. Drainage requirements. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
 6. Outlots. No outlot in a subdivision may be used as a building site for human habitation unless it is in compliance with all restrictions imposed by §236, Wis. Stats., the provisions of this ordinance and the Oneida County Zoning and Shoreland Protection Ordinance.
- 15.25 Keyhole Development Prohibited. Keyhole development as defined in ch. 9.93(H), Oneida County Zoning and Shoreland Protection Ordinance, is

prohibited.

15.26 (Reserved for Future Use)

DEDICATIONS AND IMPROVEMENTS

15.27 Reservation of Land and Dedications.

1. Roads. The subdivider shall be required to offer for dedication to the county or town, whichever is applicable, all streets, roads, and other public ways which are proposed to be established within the subdivision.
2. Disclosure. No person shall sell any parcel of land if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the town or the county.
3. Public Access to Navigable Waters. State, county, and town subdivisions abutting on a navigable lake or stream shall conform with the provisions of §236.16, Wis. Stats. (as amended).
4. Method of Offering Dedications. Dedications shall be affected as provided in §236.29, Wis. Stats. Dedications to the county shall require approval of the County Board.

15.28 Commencement of Improvements and Construction. No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved by all reviewing authorities provided, however, that construction or installation of improvements may commence following approval of a preliminary plat if the Committee's approval of the preliminary plat included explicit approval of such commencement. The setting of survey monuments does not require explicit approval of the committee.

ADMINISTRATION AND ENFORCEMENT

15.29 Planning and Zoning Committee. The Committee as appointed by the Oneida County Board, shall be empowered to ensure proper administration and compliance with the provisions of this chapter, conduct such hearings and meetings as necessary in accordance with this code and to approve, conditionally approve or deny applications under the terms as set forth herein and set fees and adjust them from time to time as is deemed necessary.

15.30 Zoning Director. The Director shall be responsible for the administration and enforcement of this ordinance and may delegate duties to designees within the department.

15.31 Fees, Enforcement, Variances and Appeals.

1. Fees.
 - A. A subdivision review fee as periodically designated by the County Board shall be paid when the application is filed.
 - B. Legal and Engineering Fees. Upon mutual agreement, the subdivider shall pay the County at times specified by the committee, a fee equal to the actual cost to the County of any engineering or legal work incurred by the County in conjunction with the plat review. Engineering work shall include preparation of construction plans, specifications, and inspections. Legal work shall include the drafting of contracts between the county and the subdivider and a review of covenants, easements, and documents involved in dedications.
 - C. A triple permit fee will be charged for all after-the-fact submittals to partially recover the cost of obtaining compliance.
 - D. Re-submittal fees equal to the subdivision review fees may be charged if major revisions to the revised map are required.
2. Modifications and Appeals.
 - A. Modification. Where in the judgment of the Committee it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Committee may waive or modify any requirement to the extent deemed just and proper.
 1. Such relief shall be granted without impairing the intent and purpose of this chapter or the desirable general development of the county. A majority vote of the entire membership of the Committee shall be required to grant any modification of this chapter and the reason shall be entered in the committee minutes, a copy of which shall be attached to the plat.
 3. No modification may be granted that would be contrary to the Wisconsin Statutes or Wisconsin Administrative Code.
 - A. Appeals.
 1. Any person aggrieved by a failure to approve any land division may appeal to the Circuit Court of Oneida County as provided in the Wisconsin Statutes.
 4. Replats, Vacations or Alterations in Recorded Plats.

- A. Replats of all or part of a recorded land division shall occur pursuant to §236.36 through 236.445, Wis. Stats.
- B. Upon submission to the county of a preliminary plat for an area for which a plat was vacated or altered by action pursuant to §236.40 through 236.44, Wis. Stats., the Committee shall hold a public hearing. While the proposed new plat is pending before the Committee, notices of the hearing shall be mailed to the owners of all properties within the area of the subdivision and to all landowners within two hundred (200) feet of the proposed replat.

5. Violations and Enforcement.

- A. Violations. No person shall build upon, divide, convey, record, or monument any land in violation of this chapter or the Wisconsin Statutes; and no person shall be issued a building permit by the Director authorizing the building on, improvement of any subdivision or re-plat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of the chapter have been fully met. The county may institute appropriate action or proceedings applicable to the Wisconsin Statutes.

1. Enforcement.

- a. Any division of land which results in a state subdivision, county subdivision, or minor subdivision plat as defined in this ordinance, shall be surveyed, mapped, or platted, and the map or plat shall be approved as provided herein, and the approved map or plat shall be recorded with the Oneida County Register of Deeds prior to conveying any lot, parcel, or tract included within the proposed division. However, in the case of a subdivision which has been the subject of a preliminary plat approved by the Committee offers or contracts to convey parcels, lots, or tracts within the proposed land division may be entered into pending approval of the final plat if the contract or offer to convey stated on its face that it is contingent upon recording of the final plat and shall be void if such plat is not recorded within a specified time.
- b. Lots may be further divided, providing they meet all land division standards of this and other applicable ordinances. It shall be unlawful for any person to build upon, divide, convey, record, or monument any land in violation of this code or the Wisconsin Statutes. No person shall be issued a permit by the county authorizing the building upon or improvement of any land division until the requirements of this chapter have been fully met.

- c. The Director or designee may issue a compliance order, filed directive, suspension order or termination order to assure compliance with the provisions of this code.
- d. The county may institute appropriate action or proceedings to enjoin violation of the ordinance or of state law pursuant to §236.31, Wis. Stats.

2. Penalties

- a. A person, firm, or corporation who fails to comply with this code shall be subject to the penalty provisions contained in ch. 25.04, Oneida County General Code. Each day a violation exists or continues shall constitute a separate offense.
- b. Improperly recording or conveyance of a lot in an unrecorded plat and monuments disturbed or not placed has penalties provided in §236.30, 236.31 and 236.32, Wis. Stats.
- c. Assessor's plats made pursuant to §70.27, Wis. Stats., may be ordered by the county at the expense of the divider or the owners of record when a land division is created by successive divisions, not in compliance with this code.
- d. The Department shall withhold any permit or approval pursuant to this chapter where the applicant, owner, or licensed contractor is in violation of this or any ordinance administered by the Department, and for any parcel of land which has an outstanding violation until the violation has been corrected. A request for a waiver of these provisions may be made to grant or deny a permit or approval on the merits of the application, to the Committee.

15.32 Recording and Conveyance of Lots or Parcels Included Within Land Division Requiring County Approval.

- 1. Recording. Pursuant to §236.45(2), Wis. Stats., the Register of Deeds is directed to accept for recording all plats and certified survey maps and accompanying documents which are required to be prepared and approved by this code, and to keep and record same. No person shall attempt to record a plat or document purporting to create parcels of land for sale or development that are not in conformance with this ordinance.
- 2. Conveyance. Lands described in plats and maps recorded pursuant to sub. (1) shall be described by reference to the recorded plat or map and recording document number for all purposes, including those of assessment, taxation,

devise, descent, and conveyance as defined in §706.01(4), Wis. Stats.

DEFINITIONS

15.33 **DEFINITIONS.** Unless specifically defined below, words or phrases used in this chapter, the Oneida County Zoning & Shoreland Protection Ordinance and Oneida County Floodplain Ordinance shall be interpreted so as to give them the same meaning as they have in common law and this chapter.

ALLEY: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

AVERAGE LOT WIDTH (ALW): The average horizontal straight line measurement between side lines of a lot. A lot shall be judged to meet the minimum average width requirement for the district in which it is located, if the district's average width dimensions are maintained from the points at which the lot's riparian frontage width (RFW as defined in Article 10, Definitions, Oneida County Zoning and Shoreland Protection Ordinance) and/or frontage width is determined to the point(s) at which the lot's minimum area requirement has been satisfied; no additional area of a particular lot in question need meet the minimum average width requirement.

BACK LOT: A distinct portion or plot of land with no riparian frontage

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-ways, shorelines of waterways, or municipal boundary lines.

BUILDING SETBACK LINE: A line within a lot or other parcel of land between which line and the adjacent boundary of the road or waterway upon which the lot abuts, the erection of a building is prohibited, as prescribed by the appropriate zoning or other regulations.

BULKHEAD LINE: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to §30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of this ordinance.

CHANNEL: A natural or artificial watercourse of perceptible extent with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

COMMITTEE: The Oneida County Planning & Zoning Committee authorized by §59.69, Wis. Stats.

CUL-DE-SAC: A local road with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DEPARTMENT: The County Planning and Zoning Department.

DIRECTOR: The County Zoning Director or his/her designee.

DIVIDER: Any person, corporation, or authorized agent who undertakes a land division as defined in this section.

DRYLAND ACCESS: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

EASEMENT: A grant by a property owner for the use of land for a specific purpose.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency that administers the National Flood Insurance Program.

FINAL PLAT: The map of record of a subdivision and any accompanying material.

FLOOD FRINGE: That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

FLOOD HAZARD BOUNDARY MAP: A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

FLOOD INSURANCE RATE MAP (FIRM): A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOODPLAIN: Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

FLOODWAY: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any river or stream including, but not limited to, flood flows associated with the regional flood.

FRONTAGE: The length of the front property line of the lot, lots, or tract of land abutting a public or private street, road, highway, public right-of-way, or navigable water body.

GRADE: The degree of slope of land.

IMPROVEMENT, PUBLIC: Any sanitary sewer, storm sewer, drainage ditch, water main, off-street parking area, or other facility for which the county, town, or special use district may ultimately assume the responsibility for maintenance and operation.

KEYHOLE DEVELOPMENT: The creation of a lot, outlot, or parcel of land, by any type of recorded instrument, that provides access to a navigable water body for more than one non-riparian lot, outlot, or parcel of land and where the ownership of the riparian and non-riparian lots are not the same. Keyhole development shall also include dredging of a channel for the purpose of navigational access to a water body from one or more lots, outlots, or parcels of land. Keyhole development shall not include public boat ramps or marinas permitted in the Oneida County Zoning & Shoreland Protection Ordinance

LAND DIVISION: The division of a lot or parcel of land for the purpose of transfer of ownership or building development.

LIMITED ACCESS EXPRESSWAY OR HIGHWAY: A traffic way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal rights of access to or from the same, except only at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

LOT: A distinct portion or plot of land.

LOT, CORNER: A lot situated at the intersection of two streets.

LOT LINE: The boundary of a lot or parcel of land.

LOT WIDTH: The shortest distance between lot lines from any given point.

NAVIGABLE WATERS: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this State, including the Wisconsin portion of

boundary water, which are navigable under the laws of the State. Under §281.31(2) (d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under §59.69(1), Wis. Stats., and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to a natural navigable stream or river.
2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.
3. Such lands are maintained in nonstructural agricultural use.

ORDINARY HIGH WATER MARK (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

OUTLOT: A parcel of land other than a lot or block, so designated on the plat, but not of standard size, which can be either re-divided into lots or combined with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots. An outlot may not be used as a building site for a habitable structure unless it is in compliance with restrictions imposed under this ordinance and the Oneida County Zoning & Shoreland Protection Ordinance with respect to building sites. An outlot may be a private road, easement, or alley

OWNER: Any person, group of persons, firm, corporation, or any other legal entity having legal title to the land sought to be divided under this title.

PARCEL: A distinct portion or plot of land.

PERSON: Person in this chapter shall include any natural person, corporate entity, or statutory entity.

PIN: Parcel Identification Number also known as tax key number.

POWTS: A private onsite wastewater treatment system and also referred to as private sewage system.

PRELIMINARY PLAT: A map showing the salient features of a proposed subdivision, submitted to the committee for purposes of preliminary considerations.

PRIVATE SEWAGE SYSTEM: Also referred to as a private onsite wastewater treatment system (POWTS), has the meaning given under §145.01(12), Wis. Stats. Unsewered lots mean those lots sewered by a private sewage system.

PUBLIC SANITARY SYSTEM: All facilities of a sanitary district with taxing authority for collection, transporting, storing, pumping, treatment, and final disposition of sewage. However, it does not include any private sewage systems. Sewered lots mean those lots sewered off a public sanitary system.

REGIONAL FLOOD: A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the Flood Insurance Rate Map (FIRM), the Regional Flood Elevation (RFE) is equivalent to the Base Flood Elevation (BFE).

RIGHT-OF-WAY: Right-of-way is a strip of land occupied or intended to be occupied by a road, street, walkway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land established and shown on a final plat is to be separated and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels

RIPARIAN FRONTAGE WIDTH (RFW): (Re: ch. 9.93 (E)(2), Oneida County Zoning & Shoreland Protection Ordinance) The minimum riparian frontage width shall be measured the lesser of a straight line connect points where the side lot lines intersect the ordinary high water mark (OHWM) or as the length of chord which is perpendicular to a side lot where it intersects the OHWM and terminates at the opposite side lot line.

ROAD: A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land throughway, or however otherwise designated, but excepting driveways to buildings.

ROADWAY: The surfaced portion of the road available for vehicular traffic.

SHORELANDS: Lands within the following distances from the ordinary high watermark of navigable waters: 1,000 ft from a lake, pond or flowage and 300 ft from a river or stream or to the landward side of the floodplain, whichever distance is greater.

SUBDIVIDER: Any person, corporation, or authorized agent who undertakes the subdivision of and as defined in this section.

SUBDIVISION, COUNTY AND TOWN: A division of a lot, contiguous parcels, or tract of land for the purpose of sale or of building development, where:

1. The act of division creates nine (9) or more parcels, lots, or building sites within any five (5) year time period.

2. The act of division may not include more than four parcels, lots, or building sites of one and one-half (1 ½) acres each or less in area.

SUBDIVISION, MINOR: A division of a lot, contiguous parcels, or tract of land for the purpose of sale or of building development, where:

1. The act of division creates one but not more than eight (8) lots, parcels, or building sites which are 10 acres or less in size within any five (5) year time period.
2. The act of division may not include more than four parcels, lots, or building sites of one and one-half (1 ½) acres each or less in area.

SUBDIVISION, STATE: A division of a lot, contiguous parcels, or tract of land for the purpose of sale or of building development, where:

1. The act of division creates five or more parcels or building sites of one and one-half (1 ½) acres each or less in area; or
2. Five (5) or more parcels or building sites of one and one-half (1 ½) acres each or less in area are created by successive divisions within a period of five (5) years.

WATER'S EDGE: A continuous line that intersects a clear, unobstructed expanse of water that is free of woody vegetation and that can support the continuous floatation of a canoe or other like small watercraft without impeding its movement.

WATER SUPPLY, INDIVIDUAL: A well and appurtenances usually supplying only one lot.

WETLANDS: Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which have soils indicative of wet conditions.