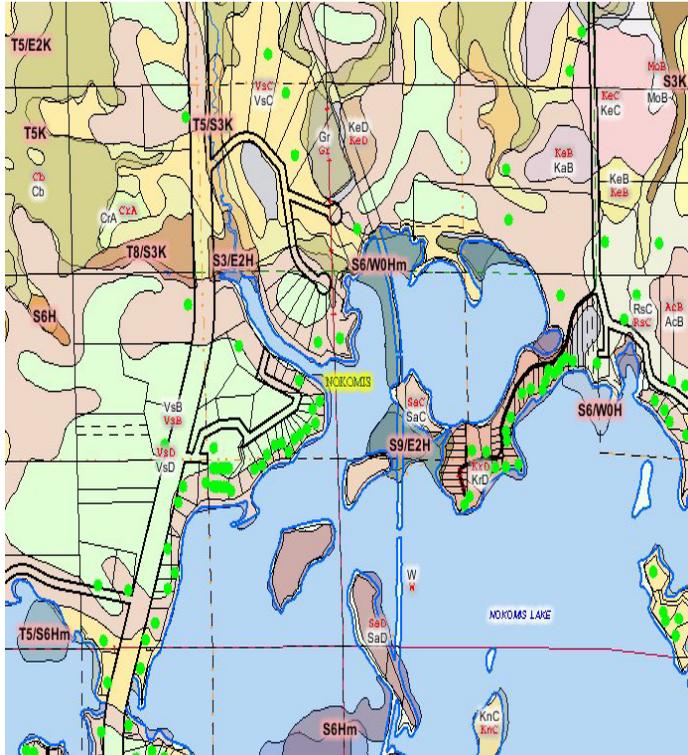


# CHAPTER 15 ONEIDA COUNTY SUBDIVISION CONTROL ORDINANCE – APPLICATION PROCESS EFFECTIVE DATE JULY 1, 2010



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Prior to submitting an application for County approval of a land division, it is recommended that the applicant or agent meet with a member of the Planning and Zoning Department. At this meeting, the applicant should inform staff of the location and nature of the proposed project. Based upon this information, staff shall explain to the applicant whether the proposal will require State and/or County reviews, which standards of this chapter and §236, Wis. Stats., will apply to the land division, and the procedure to follow to submit a land division for review.

Several townships in Oneida County also have their own town subdivision requirements. Owners or their agent should contact their town directly to find out the specific subdivision regulations in their town.

See the Planning and Zoning fee schedule for subdivision review fees.

### Application and Review of Access and Utility Review Subdivisions.

*“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.”*

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.

### Application and Review of Minor Subdivisions.

*“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.”*

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 unplatted 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.

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

*"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."*

*"A state subdivision is 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 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."*

- 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.