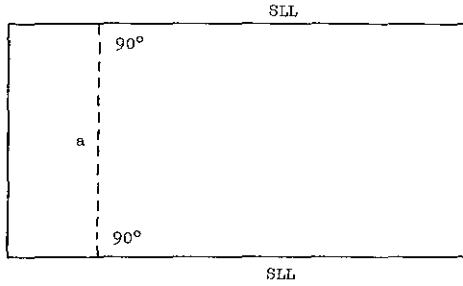


**APPENDIX**

The material contained in this appendix is for clarification purposes only. The notes, illustrations, etc. are numbered to correspond to the number of the rule as it appears in the text of the chapter.

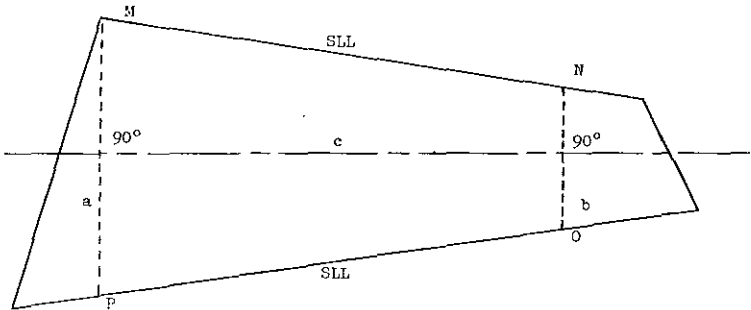
A 85.01 (1) Average Lot Width. The following illustrations and formulas are provided to explain the methods of average lot width determination.

(a) *Parallel Lot Lines.*



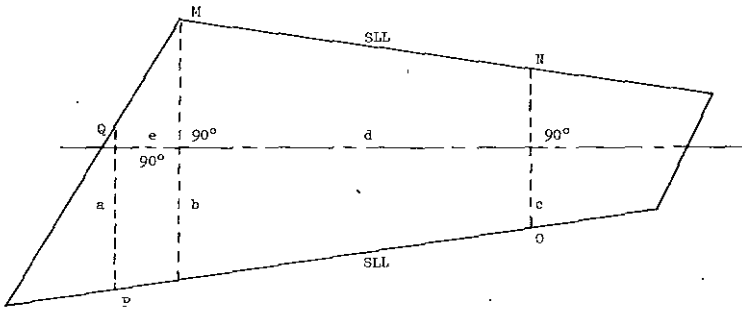
Average Lot Width is the perpendicular distance between Side Lot Lines (SLL)

(b) *Nonparallel Lot Lines.*



Average Lot Width is  $\frac{a + b}{2}$ , area of MINOP equals Minimum Lot Area and line c bisects angle formed by lines MN and OP extended.

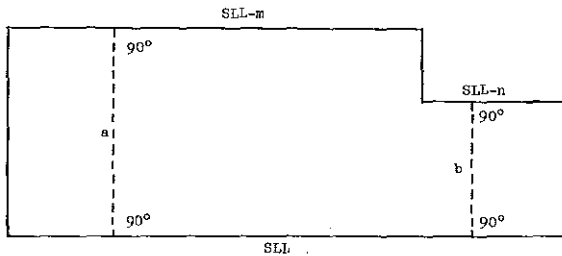
(c) *Nonparallel Lot Lines, Alternate 1.*



Average Lot Width is  $\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$

Area of MNOPQ equals Minimum Lot Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

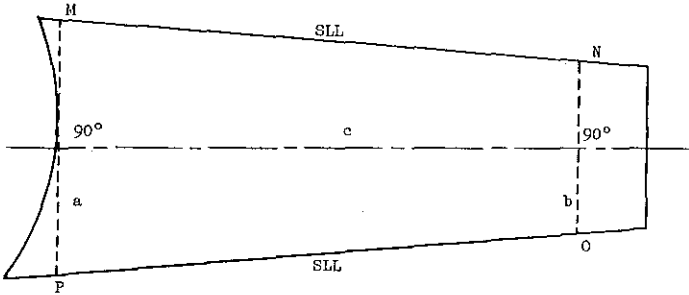
(d) *Parallel Side Lot Lines, Alternate.*



Average lot width is  $a \times \frac{m}{m + n} + b \times \frac{n}{m + n}$

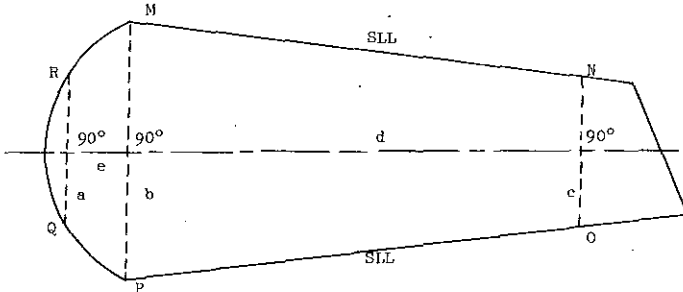
Use only that part of length n that, when added to area of m portion of lot, satisfies minimum area requirements.

(e) *Nonparallel Lot Lines, Alternate 2.*



Average Lot Width is  $\frac{a + b}{2}$ , area of MNOP equals Minimum Lot area and line c bisects angle formed by lines MN and OP extended. c is the perpendicular distance between lines a and b.

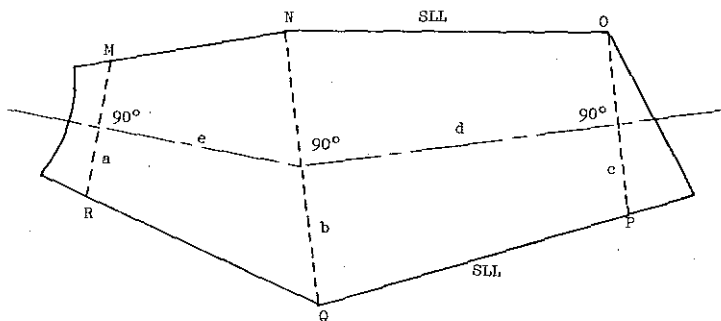
(f) *Nonparallel Lot Lines, Alternate 3.*



Average Lot Width is  $\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$

Area of MNOPQR equals Minimum Lot Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between b and c. e is the perpendicular distance between lines a and b.

(g) *Nonparallel Lot Lines, Alternate 4.*



$$\text{Average Lot Width is } \frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$$

Area of MNOPQR equals Minimum Lot Area, line e bisects angle formed by MN and QR extended and line d bisects angle formed by NO and PQ extended. d is the perpendicular distance between b and c. e is the perpendicular distance between a and b.

A 85.02 Department Review. The following narrative further describes the plat submittal procedures required by ch. 236, Stats.

**SUBDIVIDING LANDS IN WISCONSIN—A SUMMARY OF CHAPTER 236, STATUTES**

Divisions of land into smaller parcels are usually shown on the ground by means of some type of monument at each corner of the land parcel involved. These land parcels or divisions can be shown on drawings that are called plats. Creation of these parcels occurs when the plat is recorded by the Register of Deeds in the county in which the parcels are located. A state level subdivision is one means of creating land parcels and is defined in s. 236.02 (8), Stats. A land division is a state level subdivision if 5 or more parcels, each 1½ acres or less, are created within a 5 year period. Lower density land divisions can also be defined by local ordinances as being state level subdivisions. If a state level subdivision is proposed, 3 state agencies may have authority to either certify or object to plats of that subdivision. Each agency has specific limitations as to the scope of their review.

The department of development reviews plats of all state level subdivisions for conformity with the technical requirements in ch. 236, Stats., such as survey accuracy, monumentation and document preparation. As the lead state agency, they also coordinate the plat submittal process.

The department of transportation reviews plats of all state level subdivisions abutting state trunk highways, federal highways and interstate highways. Their review is based on conformity with ch. HY 33, Wis. Adm. Code, which covers number and location of street access points from subdivisions to highways.

The department of industry, labor and human relations reviews plats of all state level subdivisions not served by public sewers. This review is based on the requirements in this chapter — ILHR 85, Wis. Adm. Code.

In addition to review by the above state agencies, ch. 236, Stats., also mandates review by local units of government in which the proposal is located. If within a municipality, only the approval of the municipality is needed. If within the extraterritorial jurisdiction of a municipality, the approvals of the town and county are required and the approval of the municipality may be required. If outside extraterritorial jurisdiction, the approvals of the town and county are required. County planning agencies or county park commissions can also

have authority to object to these plats. Approving authorities must either reject or approve final plats within 60 days of receipt. No approvals can be issued until after all agencies having authority to object have certified that they have no objections to the proposal. No plat can be recorded until all approvals are obtained. None of the lots within the subdivision can be sold until after said recording.

Chapter 236, Stats., requires that one of the following 2 submittal procedures be followed. The subdivider or agent may submit the original plat to the approval authority for the unit of government, either a municipality or a town, in which the proposal is located. That authority then within 2 days makes copies and sends them to the department of development, to all other approving authorities, and to the county objection authority, if there is one. The department of development must then transmit copies to the other state agencies having review authority. All state agencies having review authority must then, within 20 days, either return one certified copy of the plat to the approving authority, or inform the subdivider and all approving or objecting authorities of any objections to the proposal.

In lieu of the above procedure, the subdivider or agent can submit the original plat to the department of development which then makes copies and sends them to all agencies having authority to object. Those agencies then have 20 days to either return one certified copy of the plat to the department of development, or inform the subdivider and all objecting authorities of any objections to the proposal. If there are no objections, the department of development returns the certified original to the subdivider or agent.

As per s. 236.13 (5), Stats., any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom as provided in s. 62.23 (7) (e) 10-15, Stats., within 30 days of notification of the rejection of the plat. Where the failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving authority or objecting agency is arbitrary, unreasonable or discriminatory.

Chapter 236, Stats., also allows municipalities, towns and counties to adopt land division ordinances which are more restrictive. For example, a county could require state and local level review of a land division creating more than 2 parcels, each of 10 acres or less, within 10 years. Also, ch. 236, Stats., does not require submittal of preliminary plats, but approving authorities can so require. The department of natural resources, although not an official reviewing authority, does have input in the plat review process. They do, upon request, advise the department of development of whether or not the requirements for public access in s. 236.16, Stats., have been met for subdivisions abutting navigable lakes or streams. Upon request they also advise the department of industry, labor and human relations of whether or not reported regional flood levels are correct.

#### DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS PLATTING PROGRAM

Formal action on subdivision plats can be taken by the department *only* if the copies of the plat are submitted in accordance with statutory requirements. In other words, the department is obliged to conduct a formal review and take formal action on copies of plats received *only* from the department of development. The department will comment informally on plats for other land divisions received from other sources, provided appropriate fees are received.

• Chapter ILHR 85, Wis. Adm. Code, indicates in the first subchapter the conditions under which provision for public sewer service facilities can be considered as having been made. If such facilities are not provided, the regulations then establish minimum lot area and elevation requirements which are primarily based on soil and site characteristics.

The results of soil percolation tests conducted in accordance with the indicated procedure establish minimum lot area except in instances where detailed soil survey maps clearly show favorable soil permeability factors or where sandy soil conditions prevail. Soil percolation tests need not be conducted if the department waives the need for the tests and bases minimum lot area on detailed soil map information. If sandy soils prevail and lot layout is otherwise acceptable, percolation tests are not required. Minimum lot areas can be reduced by providing an approved community water supply or by use of lot combinations pending public sewer service.

The lot elevation requirements of ch. ILHR 85, Wis. Adm. Code, are related to the area requirements. Elevation standards are established for flooding, land slopes and depth to high groundwater, bedrock or soil with unacceptable percolation rates. The first subsection under the elevation requirements establishes the minimum area of each lot which must be free of all elevation limitations. These minimum continuous areas can be reduced if locations of soil absorption systems, and setbacks from buildings and wells are preplanned on the plat. Flooding is evaluated on the basis of the regional flood elevation (100' year flood).

Groundwater is usually evaluated on the basis of estimated high groundwater levels using soil mottling. If groundwater, bedrock or permeability conditions are not clearly defined, a field investigation may be conducted to obtain necessary information.

One of the most important sections of ch. ILHR 85, Wis. Adm. Code, deals with obtaining soil boring and soil percolation test data. This section requires that a certified soil tester conduct the tests, indicates how the data is to be submitted, how many tests are required and how the tests are to be conducted.

A note is included in this chapter to signal that results of soil tests submitted in support of proposed subdivisions usually are not adequate in number for use in designing soil absorption systems on individual lots and that an adequate number of tests properly located must be conducted on each individual lot to obtain design information for soil absorption systems for septic tank effluent disposal.

A 85.02 (6) Fees. The following are the plat review fees from ch. Ind 69, Wis. Adm. Code.

Ind 69.22 Platting-Subdivision Without Public Sewers. (1) APPLICATION. The fees for department plat review and investigations of subdivisions not served by public sewers conducted in accordance with ch. ILHR 85, Wis. Adm. Code and ch. 236, Stats., shall be determined as follows:

(a) *Plat Reviews.* The fee for an initial plat submission shall be computed on the basis of \$20.00 per lot.

(b) *Resubmitted Plats.* The fee for a resubmitted plat shall be \$50.00 per plat.

(c) *Field Investigations.* The fee for any field investigation requested by the subdivider will be \$300.00 per day or fraction thereof per subdivision.

(d) *Groundwater Monitoring Review.* The fee for department review of groundwater monitoring data will be \$100 per subdivision.

(2) COLLECTION OF FEES. All fees shall be remitted to the department at the time that the plats are submitted for review or when field investigations are requested or conducted. No plat certifications will be made until the fees are received by the department.