

**CHAPTER 17 - CERTIFIED SURVEY MAP CODE**  
**(Resc. & repl. Ord. No. 179, Am. #41, 2-19-03, Ord. No. 179, Am. #61, § 2, 7-19-06)**

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### **17.01 - STATUTORY AUTHORITY**

These regulations are adopted under the authority granted by §§59.971, 144.26, 236.12, 236.45, Wis. Stats.

### **17.02 - FINDING OF FACT (Ord. No. 179, Am. #61, § 2, 7-19-06)**

The County Board hereby recognize that the unsurveyed development of parcels of land (a) less than a rectangular half of a governmental protracted quarter-quarter section; (b) parcels remaining as a result of the creation of one or more new lots, parcels, or tracts within a government protracted quarter-quarter section that are less than a rectangular half of a government protracted quarter-quarter section; (c) any parcels created in a Government or Fractional Lot that is equal or less than 20 acres, in the unincorporated areas of the County without the completion of a Certified Survey Map will adversely affect the development, conveyance and enhancement of those properties as well as impair the tax base of the County.

### **17.03 – PURPOSE (Ord. No. 179, Am. #61, § 2, 7-19-06)**

The purpose of these regulations is to promote the orderly, documentable and recordable creation and transaction of parcels of land (a) less than a rectangular half of a governmental protracted quarter-quarter section; (b) parcels remaining as a result of the creation of one or more new lots, parcels, or tracts within a government protracted quarter-quarter section that are less than a rectangular half of a government protracted quarter-quarter section; (c) any parcels created in a Government or Fractional Lot that is equal or less than 20 acres, in the unincorporated area of the County.

### **17.04 - TITLE**

This chapter shall be known as the Pepin County Certified Survey Map Code.

### **17.05 - GEOGRAPHICAL JURISDICTION**

The provisions of this section of the Code shall apply to all lands within the unincorporated areas of Pepin County.

### **17.1 - LAND DIVISIONS GOVERNED BY THIS ORDINANCE**

- (1) This chapter shall apply to the act of division of a lot, parcel, or tract which existed on the effective date of this chapter by the owner thereof, or his agent for the purpose of transfer of ownership or building development where the act of division creates one or more new lots, parcels, or tracts of land (a) less than a rectangular half of a governmental protracted quarter-quarter section; (b) parcels remaining as a result of the creation of one or more new lots, parcels, or tracts within a government protracted quarter-quarter section that are less than a rectangular half of a government protracted quarter-quarter section; (c) any parcels created in a Government or Fractional Lot that is equal or less than 20 acres. (Ord. No. 179, Am. #61, § 2, 7-19-06)

- (2) This chapter shall not apply to:
  - (a) Transfers of interest in land by will or pursuant to court order;
  - (b) Mortgages, or easements;
  - (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 in size below the minimum size required by applicable laws and ordinances; and
  - (d) Assessors' plats made under §70.27, Wis. Stats., provided, however, that such plats shall conform with §§70.27 and 236.03(2), Wis. Stats.
- (3) This chapter shall apply to all land divisions described in sub. (1) and not excluded by the exceptions in sub. (2), whether the division is new or an attempt to clarify prior metes and bounds descriptions.

**17.2 - PROCEDURES FOR APPLICATION AND REVIEW OF PROPOSALS FOR A CERTIFIED SURVEY MAP DEVELOPMENT**

Where it is desired to create a certified survey map development, the subdivider shall do so by use of a Certified Survey Map in accordance with this chapter. The creation of one or more lots under the certified survey map requirements, as per §236.34, Wis. Stats., requires a copy of the map to be filed with the County Surveyor.

**17.3 - APPLICATION FOR APPROVAL OF CERTIFIED SURVEY MAP DEVELOPMENT**

The application to be submitted for approval of a certified survey map development shall include the following:

- (1) A certified survey map prepared by the land surveyor registered in Wisconsin complying with the requirements of §236.34, Wis. Stats.
- (2) In addition to the information required by §236.34, Wis. Stats., a certified survey map development having one to 4 lots shall show the following:
  - (a) Date of map;
  - (b) Name and address of owner, subdivider, and surveyor;
  - (c) Show all visible improvements, including buildings, wells, and septic system components which are visible on the ground surface.
  - (d) Provide for the approval signature of the Pepin County Zoning Office.
  - (e) Provide square footage of parcel including and excluding road right of ways.
  - (f) Provide area for "CERTIFIED SURVEY MAP NO. \_\_\_\_\_ , VOLUME \_\_\_\_\_ , PAGE \_\_\_\_\_".

- (3) Where the Zoning Administrator finds that the County requires additional information relative to a particular problem posed by a proposed development, he shall have the authority to request such information from the subdivider. Such additional information may include the following:
  - (a) All watercourses, drainage ditches, slopes exceeding 30% and other features pertinent to proper division;
  - (b) Locations and names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands;
  - (c) Building setback lines required by the Code or which are proposed by the subdivider and are to be included in recorded protective covenants;
  - (d) All lands reserved for future public acquisition;
  - (e) Contours in the areas of the lot to be used for the building site and the installation of private on-site sewage disposal systems;
  - (f) Location of individual lot soil boring and percolation tests as required by COM 83, Wis. Adm. Code, for all lots not served by public sewer. The results of each test shall be submitted with the map.
  - (g) Floodplain and shoreland boundaries at a vertical distance of 2 feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, at a vertical distance of 2 feet above the elevation of the maximum flood of record.
- (4) Fee as stated in §17.6. (Ord. No. 179, Am. #61, § 2, 7-19-06)
- (5) The Certified Survey Map shall be submitted for review together with the completed application and review fees to the County Surveyor or Department of Administration. (Ord. No. 179, Am. #61, § 2, 7-19-06)

#### **17.4 - SUITABILITY STANDARDS**

Section 236.45, Wis. Stats., authorizes the County Board to prohibit the division of lands where such prohibition will carry out the purposes set forth in §17.03 of this chapter. The County Board may also regulate the manner of land division in areas where divisions are permitted. The suitability standards of §17.4 shall be applied to all proposed certified survey map developments under the authority stated herein. These standards are in addition to the standards set forth in other land regulating ordinances applicable to the County.

- (1) **GENERAL SUITABILITY STANDARDS.** No land shall be subdivided which is held unsuitable for its proposed use by the Committee. Unsuitability can be flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature or circumstance likely to result in the imposition of unreasonable costs to remedy severe and avoidable problems or to be harmful to the health, safety, or general welfare of the future residents of the lot, parcel or of the community.

- (2) **SUITABILITY OF LANDS FOR LARGE LOT RURAL DEVELOPMENTS.** It is hereby declared to be the policy of the County to accommodate reasonable demands for purchase and occupancy of large lots for residential purposes in scenic and rural locations. In the interest of preserving the green and scenic character of such areas, lessening highway congestion, and allowing for adequate on-site disposal, such developments shall be permitted in areas of the County which are: (a) zoned for such use; and (b) compatible with the general suitability standards of §17.4.
- (3) **RECITATION OF BASIS FOR DECISIONS AND CONTESTS.** The Committee in applying the provisions of this section shall specify in writing the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding the suitability issue at a public hearing. Thereafter, the Committee may affirm, modify, or withdraw its determination of suitability.
- (4) **CERTIFIED SURVEY MAP DEVELOPMENT LAY-OUTS.** Certified survey map development lay-outs shall be planned in proper relation to existing and proposed streets, topography, surface water, vegetation cover, and other natural features and the most advantageous development of all adjoining areas.

#### **17.5 - RESERVED**

#### **17.6 - FEES**

The subdivider shall pay the County all fees specified by resolution to defray any administrative expenses. Fee shall be paid at the time of the filing of the certified survey map.

#### **17.7 - ENFORCEMENT**

- (1) It shall be unlawful for any person to build upon, divide, convey, record, or monument any land in violation of this chapter or the Wisconsin Statutes, and no person, firm or corporation shall be issued a permit by the County authorizing the building upon or improvement on, any subdivision, or replat within the geographic jurisdiction of the chapter not on record as of the effective date of this chapter have fully been met. The County may institute appropriate action or proceedings to enjoin violations of the chapter or of State law pursuant to §236.31, Wis. Stats.
- (2) **VARIANCES AND APPEALS OF ADMINISTRATIVE DETERMINATIONS.** Where, because of unique topographic or other conditions of the land involved, it would be inappropriate to apply literally the provisions of this chapter and where such literal application would impose undue hardship, the County Board of Adjustments may attach conditions to the granting of such modifications to assure that the purposes and intent of the chapter are observed and that compliance with State laws is achieved. The County Board of Adjustments shall hear and decide appeals where it is alleged that the administration erred in applying the provisions of this chapter.

### **17.8 - APPEALS**

Any person aggrieved by a failure to approve a plat, or a certified survey map may appeal therefrom to the courts as provided in §§236.13(5) and 62.23(7)(e)10-15, Wis. Stats., within 30 days of notification of rejection. The courts shall direct that the plat or map be approved if it finds that the action of the Zoning Administrator, County Board of Adjustments, County Board, or the Committee is arbitrary, unreasonable, or discriminatory.

### **17.9 - EFFECTIVE DATE**

This chapter shall be in full force and effect from and after its passage and publication as provided by law.