

TOWN OF POLK
WASHINGTON COUNTY, WISCONSIN

ORDINANCE NO. 09.2026
ORDINANCE TO AMEND THE TOWN OF POLK
CHAPTER 295: SUBDIVISION OF LAND

WHEREAS, the Town Board for the Town of Polk adopted a comprehensive land division code for the Town of Polk on May 13, 2025, by Ordinance No. 03.2025, and has amended said land division code from time to time;

WHEREAS, that land division code is titled "The Town of Polk Subdivision of Land;"

WHEREAS, 2025 Wisconsin Act 68 amended provisions of Chapter 236 of the Wisconsin Statutes governing the review and approval of subdivisions and other land divisions by local units of government;

WHEREAS, among other changes, 2025 Wisconsin Act 68 establishes or modifies statutory requirements relating to the timing and processing of land division applications, approval and recording of subdivision plats, completion of required public improvements, financial security for such improvements, and the issuance of building permits following substantial completion of required public improvements;

WHEREAS, the Town Board finds it necessary and appropriate to amend The Town of Polk Subdivision of Land to conform its procedures and requirements to applicable provisions of Chapter 236 of the Wisconsin Statutes, as amended by 2025 Wisconsin Act 68;

WHEREAS, following proper notice, the Town of Polk Town Board conducted a public hearing on September 8, 2026, to consider the proposed amendments, accepted public comment, and approved the amendments on the same date;

NOW, THEREFORE, the Town Board of the Town of Polk, Washington County, Wisconsin, does hereby ordain as follows;

NOW, THEREFORE, The Town Board of the Town of Polk, Washington County, does hereby ordain as follows:

Amendments to Chapter 295: Subdivision of Land

§ 295-3 is hereby amended as shown below:

§ 295-3. Intent.

It is the general intent of this chapter to regulate the division of land so as to:

- A. Promote proper monumenting of subdivided land and conveyancing by accurate legal description and to provide safe and orderly shoreland layouts.
- B. Obtain the wise use, conservation, protection, and proper development of the Town's soil,

water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

- C. Encourage development patterns that provide safe and convenient transportation choices for a variety of users.
- D. Advance complete streets that prioritize safety, comfort, and accessibility for pedestrians, cyclists, transit riders, and motorists alike.
- E. Ensure that land is developed in a manner that supports healthy, livable communities.
- F. Further the orderly layout and appropriate use of land.
- G. To provide for a diversity of lot sizes, housing choices, and building densities to accommodate a variety of age and income groups.
- H. Secure safety from fire, panic, and other dangers.
- I. Provide adequate light and air.
- J. Facilitate adequate provision for housing, transportation, water supply, stormwater, wastewater, schools, parks, playgrounds, and other public facilities and services.
- K. Secure safety from flooding, water pollution, disease, and other hazards.
- L. Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.
- M. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- N. Preserve natural vegetation and cover and promote the natural beauty of the Town.
- O. Restrict building sites on areas covered by poor soils or in other areas poorly suited for development.
- P. Facilitate the further division of larger tracts into smaller parcels of land.
- Q. Ensure adequate legal description and proper survey monumentation of subdivided land.
- R. Provide for the administration and enforcement of this chapter.
- S. Provide penalties for its violation.
- T. Implement the Town of Polk Comprehensive Plan, as adopted and updated from time to time.

§ 295-19 is hereby amended as shown below:

§ 295-19. Improvements.

The subdivider or the subdivider's agent shall furnish and install the following improvements, as required by the Town. The required improvements are to be furnished and installed at the sole expense of the subdivider, unless specified differently within this chapter or in an approved development agreement between the Town and subdivider. The required improvements are to be installed in accordance with plans, standards, specifications, and scheduling approved by the Town.

- A. Public improvements and financial guarantees may be required in accordance with this chapter, the development agreement, and Wisconsin Statutes.
- B. Financing and development agreements. Before a final plat is approved by the Town Board, the subdivider shall submit a development agreement and performance bond, cash escrow, or irrevocable letter of credit agreement to assure the following:
 - (1) The subdivider shall pay for the cost of all improvements required in the subdivision. However, in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the subdivider and the remaining cost by the Town. This subsection shall apply to public sanitary sewage disposal facilities as discussed in this chapter.
 - (2) Guaranteed completion of the required improvements within two years of final plat approval unless extended by the Town Board.
 - (3) Payment by the subdivider for all costs incurred by the Town for review and inspection. This would include preparation and review of plans and specifications by the engineer, planning consultant, and attorney, as well as other costs of a similar nature.
 - (4) The Town may elect to install any of the required improvements under the terms of a performance bond, cash escrow, or letter of irrevocable credit agreement.
 - (a) The performance bond, cash escrow, or irrevocable letter of credit agreement shall not exceed 120 percent of the Town Engineer's estimated cost of the required improvements.
 - (b) The performance bond is due at the time of the initial application for the first building permit for the new subdivision.
 - (c) The performance bond, cash escrow, or irrevocable letter of credit agreement shall include all costs for construction and maintenance as discussed in the development agreement.
 - (d) If the required improvements are not complete within the two-year period, all amounts held under the performance bond, cash escrow, or irrevocable letter of credit shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such

improvements have been made shall be returned to the owner or subdivider. The Town Board, at its discretion, may extend the bond period for an additional period not exceeding two years. If the subdivider's performance bond, cash escrow, or irrevocable letter of credit is to be renewed for an additional period of time, the Town shall require a new bid/estimate certified by the Town Engineer.

- (e) Should the performance bond, cash escrow, or irrevocable letter of credit be insufficient in amount to allow the Town to complete the improvements, the subdivider shall be required to pay the Town such additional costs as needed for the completion of such improvements and/or actions, including but not limited to the Town's administrative costs, attorneys' fees, planning consultant fees, engineering consultant fees, and other costs associated with completing the improvements.

- (5) Upon substantial completion of the required public improvements, any outstanding building permits for lots within the subdivision that otherwise comply with applicable building, zoning, and Town regulations shall be released and may not be withheld solely due to the status of public improvements.

C. Development agreement. As a condition for approval of the final plat, the subdivider shall enter into a development agreement with the Town providing for, and including but not limited to, the subdivider's responsibility and liability for road construction, lighting, utility construction, landscaping, erosion control, drainage, flood control, pollution or contamination of the environment, street appurtenances such as signage, fire protection, easements, and stormwater management facilities construction and maintenance as discussed in this chapter. This agreement shall provide for time limits and security for performance and penalties for noncompliance. The agreement will not create or invoke special treatment for the developer, nor imply or create promises of approval. All estimates shall be verified by the Town Engineer.

D. Survey monuments. The subdivider's surveyor shall install survey monuments placed in accordance with the requirements of § 236.15, Wis. Stats. Pursuant to § 236.15(1)(h), Wis. Stats., the Town which is required to approve the subdivision under Wis. Stats., § 236.10, may waive the placing of monuments for a reasonable time on condition that the subdivider's surveyor executes a performance bond to ensure that they will place the monuments within the time required.

E. Grading and surfacing.

- (1) The subdivider shall finish grade all curb and gutter systems, shoulders and ditches and install all necessary culverts and other storm and surface water drainage structures or systems to effect positive drainage away from buildings and service facilities and to prevent erosion and sedimentation.
- (2) The subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town of Polk. After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways and streets proposed to

be dedicated with surfacing materials approved by the Town.

F. Pedestrian guidelines.

- (1) Sidewalks and other pedestrian pathways may be required at the Town's discretion. Such decision shall be based on the location and scope of the proposed subdivision and on existing pedestrian facilities located on abutting or nearby residential development.
- (2) When required, sidewalks and pedestrian pathways that are multi-use shall meet all applicable design standards of this chapter.

G. Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users), shared on-street driving/bicycle lanes, and striped bicycle lanes on streets. Designated lane signs shall be placed beside the road where bicycle lanes are present, and "bike lane" symbol shall be painted within the lanes to ensure that people understand the lanes are to be used only by bicyclists.

H. Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Features such as curb extensions, roundabouts, short medians, and other traffic calming techniques may be used to encourage slow traffic speeds.

- (1) Street hierarchy. Each street within a development shall be classified according to the following:
 - (a) Arterials. Principal and minor arterials carry longer-distance traffic flows between activity centers. These facilities are the backbone of a highway system and are designed to provide a very high amount of mobility and very little access.
 - (b) Collectors. Collectors link local streets with the arterial street system. These facilities collect traffic in local areas, serve as local through routes, and directly serve abutting land uses.
 - (c) Locals. Local roads and streets are used for short trips. Their primary function is to provide access to abutting land uses, and traffic volumes and speeds are relatively low.
 - (d) Alleys. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.
- (2) Street layout. The existing street grid should be maintained where present, and

well-connected street patterns shall be established in new subdivisions to maximize connectivity and accessibility wherever feasible.

- (a) Alignment and visibility. Clear visibility, measured along the center line, shall be provided for at least 400 feet on major streets, 350 feet on collector streets, and 250 feet on minor streets.
- (b) Minimum radii of curvature on the center line shall be 300 feet on arterial streets, 200 feet on collector streets, and 100 feet on local streets.
- (c) All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when geographic conditions necessitate the creation of a cul-de-sac. Cul-de-sacs should maintain a connection to the pedestrian and bicycle path network at the terminus in order to maintain an effective pedestrian and bicycle circulation network.
- I. Streetlamps. The subdivider shall provide and install street, pedestrianway, and bikeway lighting systems, where appropriate, within the area being developed, upon consultation with the appropriate electric utility and as approved by the Town Engineer, prior to acceptance of the subdivision.
- J. Street name signs. The developer shall reimburse the Town for the installation of all street name signs, temporary dead-end barricades and signs, no parking signs, and traffic control signs as required by Town standards, prior to acceptance of the subdivision. All signs shall be ordered and installed by the Town. All signs shall have lettering which is a minimum of six inches in height.
- K. Landscaping standards. Overall composition and location of landscaping shall complement the scale of the development and its surroundings and shall comply with the landscaping requirements of the Zoning Ordinance.^[1]
[1] *Editor's Note: See Ch. 336, Zoning.*
- L. Street terraces shall be at least four feet in width between the sidewalk and the curb and gutter to allow for planting of trees. In areas with preexisting sidewalk which do not meet this requirement, street trees may be planted within the front yard setback adjacent to the sidewalk.
- M. Tree preservation. In the development of new subdivisions, the developer shall work with Town staff to create a tree preservation plan that shows exactly which trees will be removed to install infrastructure for the development. The developer shall also provide a plan specifying methods of protecting trees not approved for removal. The developer shall ensure protective structures shall remain in place until construction on site is complete. Trees dead or in poor condition after one year as determined by Town staff shall be replaced by the subdivider.
- N. Stormwater management and erosion control facilities.

(1) For all land divisions containing five or more parcels, or other land divisions as

determined by Town staff, the subdivider shall submit a stormwater management and erosion control plan. All plans are subject to the Washington County Code of Ordinances.

- (2) Stormwater management plans may require, but may not be limited to, storm sewers, road ditches, waterways, storm sewers, curbs, and gutters, catch basins and inlets, and water retention/settling basins. Erosion control plans may require but not be limited to landscaping techniques utilizing vegetative covers and grading specifications; berms, etc., may also be employed.
- (3) All land disturbing activity shall be conducted so as to prevent erosion and sedimentation and to minimally disturb the natural flora, fauna, water regimen, and topography. All areas in which the surface of the land is disturbed by construction shall be promptly seeded and mulched, sodded, or otherwise suitably protected against erosion at a time and in a manner satisfactory to the Town.
- (4) Plans required under this section shall be submitted to the Town of Polk, Washington County, and Department of Natural Resources for review, comment, and approval as appropriate.
- (5) Stormwater management and erosion control plans will be required for all activities which create land disturbances one acre or more in size and when deemed necessary by the Town Engineer or Washington County.

O. Other utilities.

(1) Underground requirements.

- (a) All new electric distribution lines (excluding lines of 15,000 volts or more), telephone lines from which individual lots are served, telegraph lines, fiber optic, and cable or community antenna television cables within all newly platted subdivisions and land divisions shall be installed underground unless:
 - i. The placing of such facilities underground would not be compatible with the development; or
 - ii. The Town determines that the location, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical or that the lots to be served by said facilities would be best served directly from existing overhead facilities.
- (b) Associated equipment and facilities which are appurtenant to underground electric and communications systems, including but not limited to substations, pad-mounted transformers, switches, and aboveground pedestal-mounted terminal boxes, may be located aboveground. The aforementioned aboveground equipment shall be landscaped and screened with natural vegetation so as to blend into the surrounding landscape.
- (c) The subdivider or their agent shall furnish proof to the Town that such

arrangements as may be required under the applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to the approval of the final plat, development plan, or certified survey map.

- (d) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed.

(2) Easement locations.

- (a) Perpetual, unobstructed easements centered on the front lot lines of subdivisions and land divisions shall be provided for utilities (private and municipal) where necessary. Such easements shall be at least 12 feet wide and shall be designated as "Utility Easements" on the plat or certified survey map. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements along adjoining properties.
- (b) Where topographical or other conditions are such to make impractical the inclusion of utilities within the front lot line, where necessary, perpetual, unobstructed easements at least 12 feet wide shall be provided alongside lot lines and shall be designated as "Utility Easements" on the plat or certified survey map. Where feasible, the 12-foot-wide easement should be split equally between adjacent parcels.

§ 295-20 is hereby amended as shown below:

§ 295-20. Construction procedures.

- A. Construction plans and specifications. Construction plans for the required improvements conforming in all respects with the standards of the Town Engineer and the ordinances of the Town shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his/her seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for review and approval and to determine an estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required.
- B. A subdivider submitted a preliminary plat may submit preliminary, rather than final, plans and reports relating to sewer, water, road cross-sections, grading, stormwater, soil testing, landscaping, and street lighting. The Town may not reject a preliminary plat solely because such plans and reports are preliminary in nature but may conditionally approve the preliminary plat and require submission of final plans and reports prior to the final plat approval.
- C. Prior to final plat approval, the subdivider shall furnish final copies of the construction

plans and specifications for the following public improvements unless otherwise authorized by the Town:

- (1) Street plans and profiles showing existing and proposed grades, elevations, names, and cross sections of required improvements.
- (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, and materials and required facilities.
- (3) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations, culvert sizes, retention ponds, detention ponds, and materials of required facilities.
- (4) Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
- (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
- (6) Landscape plans showing the locations, species, and time of planting of any required grasses and ground cover.
- (7) Corner elevations for every proposed lot and outlot shall be submitted to the Town prior to issuance of building permit.
- (8) Additional special plans or information as required by Town Plan Commission, Town Board, or Town staff.

D. Action by the Town Engineer. The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter and other pertinent Town design standards. If the Town Engineer rejects the plans and specifications, the Town Engineer shall notify the owner or owner's agent, who shall modify the plans or specifications or both accordingly. If the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed.

E. Construction and inspection.

- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Engineer upon receipt of all necessary permits in accordance with the construction methods of this chapter and any other Town approved standards.
- (2) Construction and provision of all improvements shall begin and be complete in accordance with the timelines provided in this chapter.
- (3) During the course of construction, the Town Engineer or designee shall make such inspections as they deem necessary to ensure compliance with the plans and

specifications as approved. The owner shall pay the actual cost incurred by the Town of such inspections. This fee shall be the actual cost to the Town of inspectors, engineers, and other parties necessary to ensure satisfactory work.

- (4) Contractors shall provide a warranty for all improvements for a minimum of one year from substantial completion.

- F. As-built plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all drain tiles, valves, manholes, hydrants, stubs, sewers and water mains and such other facilities as the Town Engineer shall require. This map shall be on paper and shall bear the signature and seal of a professional engineer registered in Wisconsin. A digital scanned version of the map shall also be made available to the Town in a format of the Town's choosing. A copy of all televising reports for sewer and water systems shall also be submitted. The presentation of the reports, maps and digital files shall be a condition of final acceptance of the improvements and release of letter of credit, performance bond, or remaining escrow, assuring their completion.

§ 295-70.A. is hereby amended as shown below:

§ 295-70. Pre-submission conceptual review.

- A. The Town shall provide the subdivider the opportunity to meet informally with the Zoning Administrator before the subdivider submits a preliminary plat for approval to obtain the representatives' conceptual review of the subdivider's proposed subdivision and opinions regarding whether the subdivision complies with the Town's requirements and conditions for approving plats. The subdivider shall be prepared to discuss a conventional and conservation subdivision layout for the proposed subdivision (see Article VI of this chapter). Conceptual reviews and opinions provided under this section are not binding on the Town or the subdivider.

§ 295-81.A. is hereby amended as shown below:

§ 295-81. Final plat submittal procedure.

- A. The subdivider shall prepare a final plat in accordance with this chapter and applicable state statutes and administrative codes, for transmittal to the Town and appropriate state and county agencies, within 36 months of preliminary plat approval, unless the Plan Commission waives this requirement in writing. The final plat shall be accompanied by detailed construction plans of all improvements and a development agreement as discussed in this chapter. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

§ 295-88.E. is hereby amended as shown below:

§ 295-88. Final Plat review.

- E. Building permits may not be issued until the improvements required by the development agreement have been substantially completed. Upon substantial completion of the required public improvements, the Town shall issue building permits for lots that otherwise

comply with all applicable ordinances, codes, and conditions of approval, notwithstanding that final completion, acceptance, or release of financial guarantees has not yet occurred.

§ 295-89. is hereby amended as shown below:

§ 295-89. Recordation.

After the final plat has been approved by the Town Board and no later than ten (10) days after the subdivider submits the plat together with the certificates and affidavits required by Wis. Stat. §236.25(2)(c) and (d), the Town Clerk shall execute the certificate of approval and forward the plat to the County Register of Deeds for recording.

This ordinance shall take effect upon passage and posting as provided by law pursuant to Wis. Stat. §§ 60.80 and 66.0103.

All other provisions of the Town of Polk's Subdivision of Land Ordinance remain in full force and effect.

ADOPTED this 8th day of September, 2026.

TOWN OF POLK TOWN BOARD

Albert J. Schulteis
Albert Schulteis, Town Chairman

ATTEST:

Alison Pecha
Alison Pecha, Town Clerk

Ayes: 3 Nays: Absent:

