

2. This subtitle applies to any division of a lot, parcel, or tract of land, including divisions under land contract, for the purpose of transfer of ownership or building construction where the act of division creates a Lot of less than 40 contiguous acres excluding one quarter (1/4) of one quarter (1/4) section as defined as the original Public Land Survey System and condominium developments, all located within the unincorporated areas of the county .

3. Any land division that results in a subdivision, certified survey, condominium plat, or replat, as defined in this title, and all construction of streets and other physical improvements of land shall comply with all applicable requirements, including, but not limited to:

- a. all Eau Claire County land use regulations, including Titles 17, 18, and 20 and all other applicable regulations of the county code of general ordinances;
- b. applicable procedural requirements specified in Title 18, Subtitle

VI, Procedures;

- c. Wis. Stat. ch. 236;
- d. Wis. Stat. § 703.11;
- e. Wis. Stats. §§ 59.73 and 59.74;
- f. Wis. Admin. Code ch. Trans 233;
- g. Wis. Admin. Code Chapter A-E
- h. other applicable Wisconsin Statutes, Codes, and Administrative

Rules; and

- i. town and municipal ordinances.

B. Exceptions. This subtitle does not apply to land divisions that create 4 or fewer lots pursuant to:

- 1. Transfers of interests in land by will or pursuant to court order;
- 2. Leases for a term not to exceed 10 years, mortgages, or easements;
- 3. The sale or exchange of parcels of land between adjoining property

owners, if:

- a. additional lots are not created, and
- b. the resulting lots are not reduced below the minimum sizes

required by this title or other applicable laws and ordinances, and

c. all structures still meet the setback requirements of this title, or in the case of an existing nonconforming setback the change does not increase the nonconformity.

C. Relationship to Town Ordinances.

1. Towns may adopt and enforce ordinances related to subdivision and land development, whether subject or not subject to the Eau Claire County zoning ordinance.

2. In the event of inconsistency between town ordinances and the Eau Claire County subdivision regulations, the more restrictive ordinance applies.

3. In any town that has adopted a subdivision ordinance under Wis. Stat. § 236.45, the county may enter into a cooperative agreement under Wis. Stats. §§ 236.10(4) and 66.0301 for the cooperative exercise of authority to approve or review plats.

D. Relationship to Other Laws, Ordinances, Statutes, Codes, & Administrative Rules. Where more than one governing body or other agency has authority to approve or to object to a plat and the requirements of such bodies or agencies conflict, the most restrictive requirements apply. (Ord. 168-53, Sec. 9, 2025; Ord. 167-3, Sec. 1, 2023)

18.85.030 Land suitability.

A. Criteria for Determination of Suitability for Proposed Use.

1. As part of the review of certified survey maps and preliminary plats, the committee, town board, and department will determine whether the land is suitable for the proposed use, based on the following factors:

- a. Contiguous Buildable Area.
  - i. All Lots 1 acre and greater in lot area shall have a minimum contiguous buildable area of at least one-half (1/2) of an acre;
  - ii. All Lots smaller than 1 acre in lot area shall have contiguous buildable area of at least 55 percent of the lot area required by the zoning district.
- b. Floodplain Elevations.
  - i. Floodplain elevations shall be determined by studies and maps prepared by the U.S. Department of Homeland Security or the Federal Insurance Administration.
    - ii. If no such data is available, the committee may require the subdivider to conduct hydrologic studies to determine floodplain elevations.
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- c. Wastewater Treatment Systems.
  - i. Lands filled with organic materials within the last 10 years shall not be served by soil absorption wastewater treatment systems.
  - ii. Land requiring the use of a private wastewater treatment system shall meet the requirements of Wis. Admin. Code ch. SPS 383, and Chapter 8.12 of the county code of general ordinances.
- d. Drainage.
  - i. Land drained by farm drainage tiles or farm ditch systems shall not be divided into building sites.
  - ii. Land which has inadequate drainage or may cause severe erosion or other detriment shall not be divided into building sites.

B. Determination of Suitability for Proposed Use.

1. If the committee, town board, or department finds the land is not suitable for the proposed use, it shall state in writing the particular facts on which it bases its conclusion.
2. The subdivider may present evidence demonstrating that the land is suitable for the proposed use.
3. Thereafter, the committee may affirm, modify, or withdraw its determination of unsuitability.

C. Restrictive Covenants. The committee may require restrictive covenants to be filed with the final plat or certified survey map that will have the effect of protecting environmentally sensitive areas, such as steep slopes, wetlands, and watercourses from erosion, siltation, and other damage. (Ord. 167-3, Sec. 1, 2023)

18.85.040 Survey monuments.

- A. The subdivider shall install all survey monuments in accordance with Wis. Stat. § 236.15, and the county code of ordinances.
- B. The town board may waive this requirement for a reasonable period of time on the condition that the subdivider execute a surety bond to ensure the placing of such monuments within the time required. (Wis. Stat. § 236.15(1)(h)) (Ord. 167-3, Sec. 1, 2023)