

**TOWN OF OSCEOLA  
PLAN COMMISSION  
REGULAR MONTHLY MEETING  
Tuesday, February 22, 2022 – 6:00 P.M.  
Town Hall - 516 East Avenue North, Dresser WI  
Agenda Can Change Up to 24 Hours Prior to Meeting**

**MEETING AGENDA**

1. **Call Meeting to Order**
2. **Verification of Meeting Posting**
3. **Pledge of Allegiance**
4. **Roll Call**
5. **Acceptance of Proposed Agenda**
6. **Approval of Minutes of Previous Meetings:** 1/25/22 1-2
7. **Public Comment**
8. **Old Business**
  - a. **Driveway Permit Application Revisions** 3-22
9. **New Business**
  - a. **747 200<sup>th</sup> St.: Property Certified Survey Maps(CSMs) Land Division** 23-29
  - b. **AirBnBs/Home Rentals** 30-31
10. **Chairman's Report**
11. **Commission Member Comments**
12. **Request for Future Meeting Agenda Items**
13. **Next Plan Commission Meeting – March 22, 2022**
14. **Adjournment**

Notice is hereby given that a quorum of the Osceola Town Board may be present at this meeting of the Plan Commission to gather information about a subject over which they have decision-making responsibility. The Board will take no formal action at this meeting.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Clerk's office at (715)755-3060.

AFFIDAVIT OF POSTING: I hereby certify that this notice has been posted at the Dresser Post Office, the Town Hall, the First Community National Bank, and the Town Web Site.

/s/ Denise Skjerven, Clerk

**TOWN OF OSCEOLA  
PLAN COMMISSION  
REGULAR MONTHLY MEETING  
TUESDAY, JANUARY 25, 2022 – 6 P.M.**

**MINUTES**

The Plan Commission of the Town of Osceola held a meeting on Tuesday, January 25, 2022, at the Osceola Town Hall, Dresser, Wisconsin.

**CALL TO ORDER**

Chair Desmarais called the meeting to order at 6:01 p.m.

**VERIFICATION OF MEETING POSTING**

Notice of the Plan Commission Meeting was posted at the Town Hall, the Dresser Post Office, First National Community Bank and the Town Website.

**PLEDGE OF ALLEGIANCE**

Chair Desmarais led the group in the Pledge of Allegiance.

**ROLL CALL**

**PRESENT:** Chair Bernie Desmarais, Dan Tronrud, Jim Berg, Jon Cronick, Jeremy Utke, Marianna Schultz and Kim Kaiser.

**ABSENT:**

**APPROVAL OF PROPOSED AGENDA**

MOTION BY UTKE / 2<sup>ND</sup> BY BERG TO APPROVE THE AGENDA. MOTION CARRIED.

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION BY UTKE / 2<sup>ND</sup> BY TRONRUD TO APPROVE THE TUESDAY, DECEMBER 21, 2021 MEETING MINUTES. MOTION CARRIED.

**PUBLIC COMMENT**

2 PEOPLE ATTENDED

ONE PUBLIC COMMENT FROM A CITIZEN REGARDING FAMILY FARMS AND THE NEW COUNTY CAFO POLICIES.

**NEW BUSINESS**

**A. COMMUNICATIONS**

BOARD MEMBER SCHULTZ WANTED SOME CLARIFICATION REGARDING HOW WE CAN COMMUNICATE AS GROUP OUTSIDE OF A MEETING.

**B. COMPREHENSIVE PLAN**

CENSUS DATA IS NOT AVAILABLE YET AND NO UPDATE TO THE PLAN AT THIS TIME

**C. AIR B&B ORDINANCES**

CHAIR DESMARAIS PROVIDED SOME INFORMATION THAT THE VILLAGE OF OSCEOLA HAS REGARDING AIR B&B ORDINANCES. SUGGESTION WAS MADE TO CONSIDER TALKING MORE ABOUT THIS TOPIC IN THE FUTURE.

**CHAIRMAN'S REPORT**

NO ADDITIONAL INFORMATION

**COMMISSION MEMBER COMMENTS**

BOARD MEMBER SCHULTZ IS CONCERNED ABOUT THE NEW TRAP ROCK MINE? NO ADDITIONAL INFORMATION PROVIDED BUT WILL BRING ADDITIONAL INFORMATION TO THE NEXT MEETING.

BOARD MEMBER KAISER IS CONCERNED ABOUT THE LIGHTING AT THE CEMSTONE READY MIX PLANT. SHE WILL RESEARCH THIS MORE AND BRING ADDITIONAL INFORMATION TO THE NEXT MEETING.

**FUTURE MEETING AGENDA ITEMS**

REVIEW AND RECOMMEND UPDATES TO OUR DRIVEWAY ORRDANICES SO WE CAN SEND THE LETTER TO POLK COUNTY.

**NEXT PLAN COMMISSION MEETING**

Meeting set for February 22, 2022 6:00 PM

**ADJOURNMENT**

MOTION BY BERG /2<sup>ND</sup> BY UTKE TO ADJOURN THE PLAN COMMISSION MEETING HELD THIS TUESDAY THE 25TH DAY OF JANUARY 2022. MOTION CARRIED.

Being no further business to come before the Plan Commission, the Meeting was adjourned at 6:58 p.m.

\_\_\_\_\_  
Bernie Desmarais, Plan Commission Chair

**TO BE APPROVED:** February 22, 2022

# TOWN OF OSCEOLA DRIVEWAY PERMIT APPLICATION

Date \_\_\_\_\_

**\$50.00 Fee Required with Application**

**Owner / Applicant Current Address:**

Name \_\_\_\_\_  
Street \_\_\_\_\_  
City / State / Zip \_\_\_\_\_  
Phone Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Location of Proposed Driveway:**

Subdivision Name (If applicable) \_\_\_\_\_ Lot Number \_\_\_\_\_  
Property Street Address (If assigned) \_\_\_\_\_  
Parcel Number \_\_\_\_\_

- Site Drawing: Attach a map which shows: The Lot Dimensions.
- The name or number of all bordering roads.
- The location of the proposed driveway INCLUDING the distance from the nearest lot corner to the center of the driveway.

**Applicants must call 715-417-4681 to arrange an appointment for inspection of Driveway location and installation.**

**Town of Osceola Ordinance 8.05 Requires That;**

- All driveways require a permit before construction is begun.
- Only one driveway per residence is allowed.
- A culvert (where needed) must be a minimum of 24 feet in length.
- All culverts must be a galvanized steel, concrete, or corrugated polyethylene culvert pipe which shall conform to AASHTO M 294 type S, having a corrugated outer wall and a smooth inner liner.
- The road surface over a culvert must be at least 22 feet wide and 4 inches deep for galvanized steel or concrete culverts or 12 inches deep for corrugated polyethylene culverts.
- The driveway road surface must be at least 12 feet wide.
- The driveway must meet the public road at a 90-degree angle.
- The driveway must have a graded slope away from the public road at an angle of not less than 1 percent or more than 6 percent.
- The driveway must be graded back at least 33 feet from the center line of the road.
- Driveways on through roads must be at least 150 feet apart center to center.

Signature of Applicant \_\_\_\_\_

\*\*\*\*\*

SEE REVERSE SIDE FOR ADDITIONAL APPLICATION INFORMATION



**THIS SECTION IS TO BE COMPLETED BY THE TOWN OF OSCEOLA REPRESENTATIVE**

A culvert \_\_\_\_\_ will, \_\_\_\_\_ will not be required.  
If a culvert is required, the minimum diameter must be \_\_\_\_\_ inches.

\_\_\_\_\_ This preliminary driveway location has been inspected and is approved with the following condition:

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\_\_\_\_\_ This preliminary driveway location is **NOT** approved. The correction required is:

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\_\_\_\_\_  
***Printed Name of Town of Osceola Representative***

\_\_\_\_\_  
***Date***

\_\_\_\_\_  
***Signature by the Town of Osceola Representative***

This driveway has had a final inspection by an authorized representative from the Town of Osceola, and determination has been made that the driveway meets the minimum standards.

\_\_\_\_\_  
***Printed Name of Town of Osceola Representative***

\_\_\_\_\_  
***Date***

\_\_\_\_\_  
***Signature by the Town of Osceola Representative***

SEE REVERSE SIDE FOR ADDITIONAL APPLICATION INFORMATION

# TOWN OF OSCEOLA DRIVEWAY PERMIT APPLICATION

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Date \_\_\_\_\_

**\$50.00 Fee Required with Application**

**Owner / Applicant Current Address:**

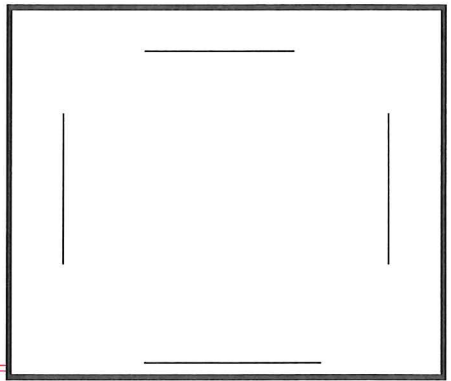
Name \_\_\_\_\_  
Street \_\_\_\_\_  
City / State / Zip \_\_\_\_\_  
Phone Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Location of Proposed Driveway:**

Subdivision Name (If applicable) \_\_\_\_\_ Lot Number \_\_\_\_\_  
**Town Map Location** \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, of Section \_\_\_\_\_, Town \_\_\_\_\_ N, Range \_\_\_\_\_ W  
Property Street Address (If assigned) \_\_\_\_\_  
Parcel Number \_\_\_\_\_

**Site Drawing: Attach a map which shows:**

**NORTH**



Road Name (if any) \_\_\_\_\_

- Show tThe Lot Dimensions. on the lines inside the square
- Show tThe name or number of all boarding-bordering roads on the lines outside the square.

**SEE REVERSE SIDE FOR ADDITIONAL APPLICATION INFORMATION**

Revised **0102**/22

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- Show tThe location of the proposed driveway INCLUDING the distance from the nearest lot corner to the center of the driveway.

**SEE REVERSE SIDE FOR ADDITIONAL APPLICATION INFORMATION**

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- The driveway must be graded back at least 33 feet from the center line of the road.
- Driveways on through roads must be at least 150 feet apart center to center.

Signature of Applicant \_\_\_\_\_

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 If a culvert is required, the minimum diameter must be \_\_\_\_\_ inches.

\_\_\_\_\_ This preliminary driveway location has been inspected and is approved with the following condition:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ This preliminary driveway location is **NOT** approved. The correction required is:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_

**SEE REVERSE SIDE FOR ADDITIONAL APPLICATION INFORMATION**

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Printed Name of Town of Osceola Representative Date

Signature by the Town of Osceola Representative

This driveway has ~~had a final~~been inspected inspection by an authorized representative from the Town of Osceola, and determination has been made that the driveway meets the minimum standards.

Printed Name of Town of Osceola Representative

Date

Signature by the Town of Osceola Representative

SEE REVERSE SIDE FOR ADDITIONAL APPLICATION INFORMATION

Revised ~~01~~02/22

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8

TOWN OF OSCEOLA  
POLK COUNTY WISCONSIN

**ORDINANCE # 22-01-03**

CHAPTER 8 PUBLIC WORKS  
TOWN OF OSCEOLA CODE OF ORDINANCES

Adopted 03/08/99, Amended 05/12/03, 06/11/07, 07/14/08, 08/08/11, 11/7/17, 5/1/18, 10/4/21,  
01/03/22

Chapter 8 Public Works of the Town of Osceola Code of Ordinances is hereby amended by the addition of underlined text and deletion of ~~strikethrough~~ text.

The Town Board of Supervisors of the Town of Osceola do ordain as follows:

**8.01 DEFINITIONS**

**Approach.** That portion of road extending one hundred (100) feet on each side of a culvert, bridge, driveway or other connecting road.

**Arterial Street.** A street which provides for the movement of relatively heavy traffic to, from or within the Town. It has a secondary function of providing access to abutting land.

**Base Course.** The supporting part of a road or bottom.

**Bypass Lane.** A widening of the road into an additional traffic lane near an intersecting road to allow traffic to pass on the right.

**Culvert.** A galvanized steel, concrete, or corrugated polyethylene culvert pipe which shall conform to AASHTO M 294 type S, having a corrugated outer wall and a smooth inner liner, of sufficient size, to allow the unobstructed flow of water under a road or driveway surface.

**Collector Street.** A Street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

**Developer.** Any person, partnership, corporation, or other entity creating a subdivision. For the purposes of this ordinance, any references to Subdividers include Developers.

**Development Agreement.** A written agreement between the Town of Osceola and the Developer outlining specific requirements and obligations of the subdivision development. See Chapter 17 of the Town of Osceola Code of Ordinances for details.

**Drainage.** To make gradually dry by trenches, channels, etc.

**Driveway.** An access used for purposes of ingress and egress serving not more than two (2) lots.

- 1) As located on a subdivision plat.
- 2) Other individual driveways.

**Grade.** The rate of ascent or descent of a road.

**Highway.** A road or way over which the public generally has a right to pass.

**Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a “local street”.

**Plan Commission.** The Town of Osceola Plan Commission.

**Private Road.** A road built to Town Standards designated on the plan as a “Private Road”.

**Road.** A public or private way for vehicular traffic which includes the following:

- (1) Compliance with Town of Osceola Ordinances.
- (2) Compliance with the Municipal Code of the Village of Dresser when located within a Village Growth Area as defined in the Village of Dresser/Town of Osceola Cooperative Boundary Plan. (Ord. #18-02-02)
- (3) Cul-de-sac or hammerhead roads have a turn-around at one end.
- (4) Dead-end roads are closed at one end.

**Roadbed.** The whole of the material laid in place and ready for travel.

**Roadway.** The traveled portion of a road.

**Subdivider.** Any person, partnership, corporation, or other entity creating a subdivision.

**Subdivision.** A subdivision is a division of a lot or parcel or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development.

**Surface Course.** The top of a roadway or traffic course.

**Town.** The Town of Osceola, Polk County, Wisconsin. (Ord. #18-02-02)

**Town Board.** The Town Board of the Town of Osceola. (Ord. #18-02-02)

**Turning Lane.** An additional lane to assist in the deceleration of traffic prior to turning onto an intersecting road.

**Village Growth Area** – The areas legally described and mapped in the Village of Dresser/Town of Osceola Cooperative Boundary Plan (adopted 12/11/17) as territory reserved for Village growth. (Ord. #18-02-02)

**8.02 APPLICABILITY WITHIN THE VILLAGE GROWTH AREAS**

Any applications, requests, permits, or similar approvals, as described in sections 8.03 through 8.05 of this chapter, for land located within the Village Growth Areas shall be subject to approval by both the Town and the Village of Dresser. In such cases, both the Town and the Village of Dresser standards shall be required with respect to design and construction of public streets, sidewalks, improvements generally placed in right-of-ways (trees, signs, etc.), and the placement of public utilities (including, but not limited to water, electric, gas, telephone, and cable television, but not including sanitary sewers) in the street right-of-way. (Ord. # 18-02-02)

**8.03 ACCEPTANCE OF ROADS**

**(1) PURPOSE**

(A) To promote the public safety, general welfare and convenience, it is necessary that certain requirements be established and followed in the creation of roads in the Town so the public will not be adversely affected by the action of the Town Board in accepting such roads.

(B) It is not intended by this section to repeal, abrogate, annul or interfere with any existing highway rules or regulations issued pursuant to laws in regard to public highways.

**(2) APPLICATION**

The applicant may request either a Concept Plan review or a Preliminary Plan review. If a Concept Plan review is selected, then the review of the concept is to ensure the applicant understands the issues involved and can obtain Plan Commission comments prior to formally designing a plan. The applicant may choose to bypass Concept review and instead prepare a Preliminary Plan.

**A. Concept Review**

In order to ensure that all applicants are informed of the procedural requirements, the minimum standards of this chapter, and the requirements or limitations imposed by other Town regulations prior to the development of a preliminary plat, the subdivider shall meet with the Plan Commission to discuss a concept plan. The applicant shall provide the information identified in 18.11(3), Table 1 and follow the schedule outlined in 18.11 (4). No action of recommendation by the Plan Commission shall occur.

**B. Preliminary Review**

The preliminary plan shall incorporate Plan Commission comments from the concept review. Unless waived at the Concept Review, the plan shall include the entire area owned or controlled by the subdivider even though only a portion thereof is proposed for development at the time. The plan shall be prepared in accordance with this Ordinance, Chapter 236, Wisconsin Statutes and Subdivision and Platting, Chapter 18, of the Town of Osceola Code of Ordinances.

**C. Information Required**

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Table 1: Information To Be Shown on Plans		
Description	Concept	Preliminary
Air Photos of area	X	With lot lines shown
Subdivider contact information	X	X
Land Owner of record	X	X
Property lines (size and location)	Sketched	Surveyed
Existing and proposed road locations	X	X
Adjacent landowners and structures	X	X
Driveway locations		If required
Shared driveways		X
Entire area plan		X
Topographic contours		If required
Engineered road plans		X

(A) Scheduling Plan Commission Review

The Subdivider shall file ten copies of the plan with the Clerk/Treasurer at least ten (10) working days prior to the meeting of the Town Plan Commission at which action is desired. The Plan Commission shall not be obligated to review, until a future meeting, any changes made to the plan by the subdivider after submission and before the meeting.

(B) The Clerk/Treasurer shall forward copies of the plan, on the Tuesday preceding the scheduled meeting, to the Town Plan Commission members. The plan will also be forwarded on to a professional engineer, a planner or another person charged with the responsibility to review plats, who shall assist in identifying any design problems with the plan, shall visit the site of the plan, examine the plan for conformity with all ordinances, administrative rules and regulations and for compliance with the Town Comprehensive Plan. The above mentioned will report their findings to the Plan Commission.

(C)The Town Plan Commission shall recommend approval, conditional approval or rejection of the proposed plan to the Town Board after a professional engineer, a planner or another person charged with the responsibility to review plats approves the proposed plan. If approval or conditional approval is recommended, the plan shall be referred to the Town Board for consideration. The Town Board, upon receiving a timely request from the applicant, shall then approve, conditionally approve, or reject the plan. If the plan is rejected, the conditions of rejection shall be endorsed thereon or attached thereto. If the plan is resubmitted by the applicant and unless time is extended by written agreement between the applicant and the Town Board, failure of the Town Board to complete the action therein required within ninety (90) days constitutes an approval of the plan.

(D)Unless a waiver is granted by the Town board as authorized by Chapter 17 of this Code of Ordinances, anyone proposing to create a subdivision or land development activity in the Town of Osceola shall enter into a Development Agreement with the Town.

(E) Approval or conditional approval of a plan entitles the final plan to approval provided that the final plan conforms substantially to the original plan recommended by the Plan Commission, including any conditions of that



recommendation as outlined in the Development Agreement, and conforms to any applicable Town plans and applicable ordinances. If the final plan is not submitted within thirty-six (36) months of the last approval of the plan, any approving authority may refuse to approve the final plan regardless of prior action taken on the plan or may extend the time for submission of the final plan.

(3) **CONSTRUCTION.**

(A) No land grading or site preparation, alteration of drainageways, waterways or water features, or commencing the construction of any roads, ditches, ponds, swales, drainageways or the like, shall occur prior to Town Board approval of the preliminary plat or preliminary certified survey map and a signed Developers Agreement if required by the Town Board.

(B) Before preliminary plan approval can be given, an engineered road plan for the subdivision must be submitted to the Town Board.

(C) No building permit shall be issued for any lot until all the requirements of this Chapter have been satisfied, with the exception of driveway installations which must first receive preliminary approval for the driveway permit which is conditional on the final driveway permit installation receiving approval.

(4) **PROCEDURES FOR TOWN BOARD REVIEW AND APPROVAL OF FINAL SUBDIVISION PLANS.**

(A) The applicant shall prepare and submit ten (10) copies of the final plan to the Clerk/Treasurer within thirty-six months of the Plan Commission's or the Town Board's last action and at least ten (10) working days prior to the meeting of the Town Board at which action is desired.

(B) The Clerk/Treasurer shall forward copies of the final plan to the Town Board. The Town Board shall examine it for conformity with the Plan Commission's recommendation and any conditions, with the requirements of this ordinance, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it.

(C) A professional engineer, planner or another person charged with the responsibility to review plats shall provide the Town board with his or her conclusions as to whether the final plan conforms substantially to the preliminary plan approved by the Plan Commission. Any conditions of that approval, and any applicable Town plans and applicable ordinances are considered before recommending approval of the final plan. If the final plan is not submitted within thirty-six (36) months of the last action, the Town Board may reject the final plan regardless of any prior action or may extend the time for submission of the final plan.

(D) The Town Board shall approve, conditionally approve, or shall reject the plan. If rejected, the Town Board shall indicate the reasons for any rejection of the plan. One copy of the plan shall then be returned to the applicant, the

surveyor, or engineer with the date and action endorsed thereon. The conditions or requirements of rejection, or conditional approval, shall be endorsed thereon or attached thereto.

(E) The final plan may, if permitted by the Town Board, include only that portion of the approved plan which the applicant proposes to record at this time.

(F) Before work begins on the project, a bond or letter of credit, in favor of the Town, amounting to \$80.00 per lineal foot for proposed Town Roads or Private Roads must be presented to the Town Board. The developer may construct the project in such phases as is approved and may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required shall be limited to the phase of the project that is currently being constructed. The subdivider is not to be required to provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements. Such bond or letter-of-credit shall remain in force until the road has passed the final inspection. The amount of the Bond or Letter of Credit may be reduced, by vote of the Town Board, as portions of the road construction are completed.

(G) The applicant shall file a certified copy of the final plan with the Clerk/Treasurer within ten days after it has been recorded.

(H) Building Permits and/or Driveway Permits shall be denied for any lots adjoining a newly constructed Town Road or Private Road that is not in compliance with the Town Road Standards and Requirements.

**(5) APPEALS**

(A) If the Town Plan Commission was acting at the request of the Town Board, the following recommendation of the Plan Commission may be appealed to the Town Board:

- 1. Requirement of a plan in connection with the road;
- 2. Determination that the site land is unsuitable for a road;

(B) A written Notice of Appeal must be filed with the Clerk/Treasurer within fourteen (14) calendar days of the date when notice of the action of the Plan Commission appealed from is presented to the applicant.

(C) The Notice of Appeal shall state the action of the Plan Commission appealed from, shall specify the reasons stated by the Plan Commission for taking such actions, shall specify the reasons why the applicant believes said action was inappropriate, and shall state the names and addresses of the owners of all properties adjacent to the proposed land division or subdivision.

(D) The Clerk/Treasurer shall file the Notice of Appeal with the Town Board and shall schedule the appeal for consideration by the Town Board at a meeting, open to the public, within forty-five (45) days of the filing of the Notice of Appeal. The Clerk/Treasurer shall send notice of the time scheduled for the consideration

of the appeal to the applicant and to all property owners adjacent to the proposed land division or subdivision at least ten (10) days prior to the hearing of appeal.

(E) Within thirty (30) days of the appeal hearing, the Town Board shall affirm, modify, or reverse the action of the Plan Commission or shall refer the matter back to the Plan Commission for further consideration. Notice of the decision of the Town Board shall be sent to the applicant and the Plan Commission.

(F) The provisions of Chapter 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this ordinance.

(G) Any person aggrieved by an objection to a plan or a failure to approve a plan may, after review by the Town Board, appeal there from, as provided in Sections §236.13(5) and 62.23(7)(e)10 to 15 of the Wisconsin Statutes.

**(6) STANDARDS.**

The following standards are set by the Town Board and established by licensed professional engineers for the construction of the proposed roads in compliance with good practice, general construction and safety. Current Town Road Standards will apply to all roads whether they are to be Town Roads or Private Roads.

**(A) Width.** The minimum width for any road right-of-way shall not be less than sixty-six (66) feet wide and shall include a class 5 gravel roadway of not less than thirty (30) feet in width of which twenty-two (22) feet shall be paved with not less than three (3) inches of compacted blacktop of quality as approved by the State for a Town road, and with four (4) foot, compacted gravel shoulders on each side.

**(B) Grade.** Grades of roads shall be approved by the Town Board before construction.

**(C) Ditching.** Ditching of the roadway shall be complete and have proper elevation to provide for the removal of water. Where it becomes necessary to make a lateral trench leading from the main ditch, the additional land necessary for the removal of accumulated water shall be provided and deeded over to the Town along with the necessary land for the road. The additional land conveyed to the Town for drainage shall be under the supervision of the Town Board at all times.

**(D) Base Course.** The base course shall be of a quality and composition suitable for the location. In low or swampy areas the base course shall have a sandy composition to provide necessary drainage of the roadbed. Any muck holes encountered before and during construction of the roadbed shall be removed and filled with a sandy lift to provide a solid base of at least a twelve (12) inch sand lift.

**(E) Surface Course.** The surface course shall consist of Wisconsin class 2 gravel of a quality and composition suitable for traffic loads. The amount of gravel necessary for acceptance shall be at least 3,820 cubic yards per mile, which compressed will be approximately six (6) inches, then surfaced with asphalt.



**(F) Top Course.** The top course shall consist of three (3) inches of asphalt which can not be applied until compaction of the surface course has been tested or has rested for a twelve (12) month period.

**(G) Culverts.**

- (1) Any culverts necessary for proper drainage shall be provided and installed at the applicant's or developer's expense and shall not be installed until elevation and location is approved by the Town Board. The minimum length of any culvert installed in the roadbed shall be thirty-six (36) feet. However, the diameter and length of such culvert will be subject to the approval of the Town Board after the amount of flowage is determined. Any secondary culverts installed in any lateral trenches will be of a size and length as determined by the Town Board.
- (2) If at any time it is decided by the Town Board, that the construction of a culvert or bridge would be of such a size and cost that it would create a hardship to the owner of the land required to build such culvert or bridge, the Town Board shall proceed to accept the road, complete as required by the above rules and regulations, except the approach as defined in section 8.01(1). The approach will be accepted incomplete with the reservation that the Town will bill back to the owner a portion of the cost of construction of bridge or culvert. The Town will then proceed to build such culvert or bridge and approach with the help of bridge aid, if available. The balance of cost and construction not covered by aid will be charged to the owner(s) of the land abutting the road, which cost shall be added to the tax roll if not paid within ninety (90) days with interest of one and one half (1-1/2) percent per month.
- (3) It is not the intent of this section to discriminate or favor any individual but rather to aid in construction so as to reduce the cost of construction in areas where nature has created extreme road building conditions.

**(7) INSPECTION**

All Town Roads and Private Roads must be inspected and certified by the Town Board, or the Town Board's designate, which may include the hiring of an engineer, before and during the construction of the road.

A road construction inspection fee of three hundred (\$300) dollars must be paid to the Town at the time of preliminary plat approval. Any additional inspections required will be charged to the developer at one hundred (\$100) dollars per inspection.

The required meeting and inspections are as follows;

(A) Preconstruction meeting

(B) An initial inspection of the site of the proposed road consisting of, but not limited to;

- Centerline staking
- Right-of-Way width
- Layout conformity with the plan



- Verification of posting of securities
- (C) An inspection of the road rough-in prior to the application of gravel consisting of, but not limited to;
  - Base course
  - Laying of culverts
  - Ditches
  - Erosion measures
  - Ponding and Drainage easements
  - Curves
  - Road continuation
  - Intersections
  - Visibility and Safety
  - Dead-Ends, Hammerheads, and Cul-de-sacs

- (C) An inspection of the compacted gravel surface prior to the application of blacktop consisting of, but not limited to;
  - Gravel thickness
  - Gravel quality
  - Gravel width
  - Ditches seeded and mulched

- (D) A final inspection upon completion of the road for acceptance or rejection of the road as the case may be. If the road is rejected, corrections shall be made as recommended by the Town Board before final inspection can be made again. The final inspection shall consist of, but may not be limited to;
  - Application of blacktop
  - Width of blacktop
  - Shouldering

(E) The Town Board will endeavor to cause requested road inspections to be performed within two (2) business-week days following the business-week day of request.

**(8) TOWN BOARD ACCEPTANCE.**

Once a proposed Town Road has passed final inspection, the Town Board may consider acceptance of the road through the following procedure.

(A) A written request must be submitted to the Town requesting the Town Board accept, by resolution, the road.

(B) Upon receipt of the written request a Title Search and request for Lien Wavers will be initiated by the Town at the cost of the requestor.

(C) Upon receipt of clear Title Search and Lien Wavers, the Town Clerk/Treasurer will draft a resolution of acceptance of the road and present the resolution to the Town Board at the next regular monthly meeting.

(D) If the Resolution for acceptance of the road is approved by a majority of the Town Board at a duly called and noticed meeting, the road will be recorded as an accepted Town Road.

(E)Written requests to change Private Roads to Town Roads will require a Road Inspection and possible engineering study.

**8.04 ROAD STANDARDS**

**(1) GRADES.**

(A) Unless necessitated by exceptional topography, subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:

(1) Arterial Streets. Six percent (6%)

(2) Collector Streets. Eight percent (8%)

(3) Minor Streets, Alleys and Frontage Streets. Ten percent (10%)

(4) Pedestrian Ways. Twelve percent (12%), unless steps of acceptable design are provided.

(B) The grade of any street shall not exceed twelve percent (12%) or be less than one-half of one percent (0.5%). Street grades shall be established wherever practicable so as to avoid excessive grading, removal of ground cover and tree growth and general leveling of the topography.

**(2) CURVES.** When a continuous street centerline deflects at any one point by more than ten percent (10%), a circular curve shall be introduced having a radius of curvature on such centerline of not less than the following:

(A) Arterial Streets and Highways. Five hundred feet (500’).

(B) Collector Streets. Three hundred feet (300’).

(C) Minor Streets. One hundred feet (100’).

**(3) CONTINUATION.** Streets shall be laid out to provide for continuation wherever topographic and other physical conditions permit.

**(4) NUMBER OF INTERSECTIONS.** The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.

**(5) FRONTAGE ROAD REQUIRED.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Town Board may require a frontage road, with a 66-foot right-of-way, contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

**(6) REVERSE CURVES.** A tangent at least one hundred feet (100’) long shall be required between reverse curves on arterial and collector streets.

(7) **VISIBILITY AND SAFETY.** Streets shall afford maximum visibility and safety and shall intersect at right angles.

(8) **DEDICATION.** Dedication of half-width streets shall be prohibited.

(9) **DEAD-END ROADS, HAMMERHEADS AND CUL-DE-SACS.** Dead-end streets, hammerheads or cul-de-sacs, and shall have a minimum right-of-way width of sixty-six feet (66'). Cul-de-sacs shall terminate with a turnaround having an outside roadway diameter of at least eighty feet (80') and a street property line of one hundred feet (100').

(10) **LOT LINES TO BE PERPENDICULAR.** Wherever possible, lot lines shall be perpendicular to the street line and to the tangent at the lot corner or curved streets.

(11) **LOTS.** Lots shall follow, rather than cross, municipal boundary lines whenever practicable.

(12) **TURNING/BYPASS LANES.** Turning lanes or bypass lanes may be required depending upon traffic conditions.

**8.05 DRIVEWAYS**

(1) **EXEMPTIONS.** Driveways which enter onto a State or County road or private road are exempt from this ordinance.

(2) **MINIMUM REQUIREMENTS.** All new driveways proposed to be installed, or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures which enters an existing or proposed Town road, shall be subject to an inspection fee as established by the Town Board, to be paid to the Town of Osceola, prior to the start of any construction of a new driveway, and prior to Polk County issuing a Sewer Permit or a Land Use Permit. An approved preliminary driveway permit shall be issued by the Town of Osceola, which is conditional on the final driveway permit installation receiving approval, before any such permit can be issued. (A) The applicant who may be the owner, agent, or contractor shall submit a location construction plan showing specifications including grade, slope, width, and length of the driveway and erosion control procedures.

(A) Preliminary aAuthorization for a driveway is subject to the approval of an official from the Town Board or Public Works, and when so approved, the official shall notify the Polk County Zoning office.

(B) Evidence of an existing driveway shall be either the clear indication of a driveway being in place on the 1997 aerial photo or a statement from the Town Board that an approved driveway is in place. If there is a dispute on the adequacy of an alleged existing driveway the decision of the Town Board will be the deciding factor.

(3) **NUMBER.** A maximum of one (1) driveway per residential lot shall be allowed unless the lot is served by two roads in which case a second driveway may be allowed on the adjoining road at the discretion of the Town Board.

- (4) **SEPARATION OF DRIVEWAYS.** All new driveways, on through roads, must be at least one hundred fifty feet (150'), center to center, from any other existing or planned driveway or intersection; wherever topographic and other physical conditions permit.
- (5) **SPECIFICATIONS.** All driveways shall be constructed in accordance with these specifications, and any other requirements as may be set forth by the Town Plan Commission and/or the Town Board. The maintenance of the driveway and culvert shall be the responsibility of the applicant and/or property owner.
- (A) The application for a culvert must be completed with the Town of Osceola Public Works or a Town Board member. If a culvert is needed;
- The culvert must have a diameter sufficient to accommodate the ditch and water run off.
  - The culvert must be a minimum of twenty-four feet (24') in length.
  - The culvert must be constructed of a galvanized steel, concrete, or corrugated polyethylene culvert pipe which shall conform to AASHTO M 294 type S, having a corrugated outer wall and a smooth inner liner.
  - The road surface over the culvert must have a minimum width of twenty-two feet (22').
  - The top of the culvert must be at least four inches (4") below the top of the driveway surface for galvanized steel or concrete culverts or twelve inches (12") deep for corrugated polyethylene culverts.
- (B) The driveway road surface must be a minimum of twelve feet (12') in width.
- (C) The driveway clearance width must be a minimum of twenty-four feet (24').
- (D) The driveway height of clearance free of trees and wires must be a minimum of eighteen feet (18').
- (E) The driveway must meet the public road at a ninety degree (90°) angle.
- (F) Wherever practicable, the driveway must slope away from the public road at an angle of not less than one percent (1%) or more than six percent (6%) to prevent erosion onto the public road.
- (G) On hillsides, the driveway must be graded, with a crown, at least twenty-two feet (22') back from the public road.
- (H) The driveway bed must be of suitable material to support the projected traffic.
- (I) Driveway entrances must be kept clear of brush, shrubbery, or large boulders back at least thirty-three feet (33') from the center line of the public road.
- (J) Driveway easement to have a minimum width of twenty feet (20').



(6) **APPLICATION AND APPROVAL.** Every effort will be made by the Town of Osceola to assist with the application, inspection and both preliminary and final approvals of driveways within forty-eight (48) hours. The Polk County Zoning office WILL NOT issue any permits until an authorized representative of The Town of Osceola has signed the preliminary approval section of the Driveway Permit Application.

If an official from the Town Board or Public Works is not able to determine if a driveway request meets town specifications, the Town Board shall be the final approving authority for driveway applications. Deviation from the specifications required by this ordinance may be approved by the Town Board in extenuating circumstances. (Ord. 17-09-03)

## 8.06 WEIGHT RESTRICTIONS

The Town of Osceola may impose special weight limitations on any and all roads within the Town because of weakness of the roadbed due to weather, road deterioration, or any other special conditions.

(1) **Temporary Weight Restrictions** Notice of the weight limitations/restrictions will be posted by erecting signs along the specific roadway(s). The following list of vehicles providing critical services, are exempt from the restrictions:

- Septic
- Propane
- Utility (gas, electric, telephone, cable)
- Dairy/milk
- Local waste disposal
- Emergency services

(2) **Special Weight Restrictions.** Based on the need to ensure the stability and longevity of the Town's roadways, a special permit is required to operate any overweight or oversize vehicle (as defined in §348.15) on a Town of Osceola roadway. The requesting party shall comply with the requirements for WI DOT Form MV2605 and obtain a House Moving and Single Trip Permit Application from the Town of Osceola prior to operating an overweight or oversized vehicle.

(A) The following town highway in the Town of Osceola is designated a class "B" highway subject to the weight limits set forth in § 348.16, unless increased by Town ordinance: Oak Drive from County Road MM to 2301 Oak Drive. (Ord. #21-10-04)

(B) The Town Chairperson, or his or her designee, shall place appropriate traffic signs on the above-described highways on or before the effective date of this ordinance, with respect to s.§ 84.02 (4) (e). (Ord. #21-10-04)

(3) **Violations of the Restrictions.** Violations of the weight limitations will result in suspended operation of the vehicle on the roadway and shall be subject to a penalty as detailed in §348.21 and the Town of Osceola Fee Schedule. Any damage to the roadway

as a result of these violations shall be the responsibility of the party causing the damage as outlined in §S86.02.

**8.07 PENALTY**

Any person, partnership, or corporation or other entity found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as detailed in the Town of Osceola Schedule of Violation Fees and Penalties.

**8.08 SEVERABILITY**

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be invalid.

To the extent that this Ordinance contains time limits, deadlines, notice requirements, or other provisions that are more restrictive than time limits deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Chapter 236 of the Wisconsin State Statutes, the time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Chapter 236 shall apply.

**8.09 Effective Date**

This Ordinance shall be effective upon adoption and publication or posting as provided by law.

Passed this ~~3<sup>rd</sup>~~-TBD Day of ~~January~~TBD, 2022

By the Town Board of the Town of Osceola

\_\_\_\_\_  
Dale Lindh, Chair

\_\_\_\_\_  
Jon Cronick, Supervisor

\_\_\_\_\_  
Jo Everson, Supervisor

\_\_\_\_\_  
Neil Gustafson, Supervisor

ATTEST: \_\_\_\_\_  
Denise Skjerven

\_\_\_\_ Voice Vote  
\_\_\_\_ Roll Call Vote  
\_\_\_\_ Yeas; \_\_\_\_ Nays; \_\_\_\_ Absent/Abstain

Adopted 03/08/99, Amended 05/12/03, 06/11/07, 07/14/08, 08/08/11, 11/07/17, 5/1/18, 10/4/21,  
and 01/03/22, and XX/XX/XX.

Clerk

---

**From:** PC Desmarais  
**Sent:** Thursday, February 17, 2022 7:05 AM  
**To:** Clerk  
**Subject:** Fwd: Land Division  
**Attachments:** image001.gif; image002.png; Heichel CSM S5.pdf; Heichel CSM S1.pdf; Heichel CSM S2.pdf; Heichel CSM S3.pdf; Heichel CSM S4.pdf; Polk County, WI.PDF

FYI

Begin forwarded message:

**From:** Doug Zahler <DZahler@authconsulting.com>  
**Date:** February 15, 2022 at 4:09:45 PM CST  
**To:** PC Desmarais <pcdesmarais@townofosceola.com>  
**Subject: Land Division**

Bernie;

I have surveyed a land division for Steven and Deborah Heichel. I have attached the proposed CSM (5 sheets) and an aerial overview sketch. Lot 2 is a vacant lot that children of the Heichels wish to build a home on. Lot 3 is a lot around the existing home. Lot 1 is all of the remainder of the Heichel property.

I request that this item be placed on an up-coming agenda of the plan commission. If I understand the fee schedule correctly a \$100 review fee is required. If there is an application to fill out please let me know.

I may be reached by email, or if you prefer I'm generally available by phone during the day 8AM to 5PM, (715) 386-2007.

Let me know if there is anything else I can provide for you.

Thank you!

Doug Zahler  
Land Surveyor  
[dzahler@authconsulting.com](mailto:dzahler@authconsulting.com)

*Auth•Consulting & Associates - AC/a*  
Planning, Engineering, Building Design & Surveying  
2920 Enloe Street, Suite 101, Hudson WI 54016 |  
Hudson Office: 715-381-5277  
Corporate Office: 715-232-8490  
[www.authconsulting.com](http://www.authconsulting.com)  
*S&N Land Surveying a Division of AC/*



24

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, PART OF GOVERNMENT LOT 2 AND PART OF GOVERNMENT LOT 3; ALL IN SECTION 27, TOWNSHIP 33 NORTH, RANGE 18 WEST, TOWN OF OSCEOLA, POLK COUNTY, WISCONSIN.

## SURVEYOR'S CERTIFICATE

I, Douglas J. Zahler, Wisconsin Professional Land Surveyor, hereby certify that by the direction of Steven Heichel and Deborah Heichel Revocable Living Trust; I have surveyed, divided and mapped part of the Southwest Quarter of the Northwest Quarter, part of the Southeast Quarter of the Northwest Quarter, part of the Northeast Quarter of the Southwest Quarter, part of Government Lot 2 and part of Government Lot 3; all in Section 27, Township 33 North, Range 18 West, Town of Osceola, Polk County, Wisconsin; described as follows:

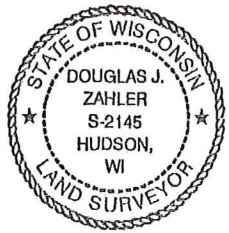
Commencing at the North Quarter corner of said Section 27; thence along the north and south quarter line of said Section 27, S00°01'03"E a distance of 1308.21 feet to the northwest corner of said Government Lot 2 and the point of beginning; thence along said north line of Government Lot 1, S88°49'34"E a distance of 1302.98 feet to the westerly line of Lot 3 of Certified Survey Map No. 224, recorded in volume 1 of said maps, on page 227, in the office of the Polk County Register of Deeds; thence along said westerly line, S18°45'45"W a distance of 9.28 feet; thence along the south line of said Lot 3, S88°52'23"E a distance of 208.65 feet to the centerline of 200th Street; thence along said centerline, S13°02'19"W a distance of 25.54 feet; thence along the north line of that parcel of land described in Document No. 821169, N88°42'30"W a distance of 998.15 feet; thence along the west line of said parcel and the west line of Lot 1 of Certified Survey Map No. 6472, recorded in volume 29 of said maps, on page 136, in said office, S00°30'55"W a distance of 790.15 feet; thence along the southerly line of said Lot 1, S76°27'46"E a distance of 741.38 feet to said centerline of 200th Street; thence southerly along said centerline a distance of 200.33 feet, being the arc of a 685.64 foot radius curve, concave easterly, with a central angle of 16°44'28", and a chord that bears S08°54'04"W for a distance of 199.62 feet; thence along said centerline, S00°31'50"W a distance of 557.86 feet; thence southwesterly along said centerline a distance of 244.20 feet, being the arc of a 826.06 foot radius curve, concave westerly, with a central angle of 16°56'17", and a chord that bears S08°59'58.5"W for a distance of 243.31 feet; thence along said centerline S17°28'07"W a distance of 299.61 feet; thence along the northerly line of Lot 1 of Certified Survey Map No. 5344, recorded in volume 24 of said maps, on page 29, in said office, S79°50'56"W a distance of 332.22 feet; thence along the westerly line of last said Lot 1, S05°40'04"W a distance of 173.44 feet; thence S27°34'39"W a distance of 113.91 feet to the south line of said Government Lot 3; thence along said line, N89°34'07"W a distance of 108.49 feet to the northeasterly line of the former railroad; thence along said line, N40°07'29"W a distance of 850.83 feet to said north and south quarter line; thence along said line, N00°01'03"W a distance of 77.61 feet; thence along said northeasterly line of the former railroad, N40°07'23"W a distance of 770.61 feet to the south line of said Southeast Quarter of the Northwest Quarter; thence along said line N89°07'32"W a distance of 66.28 feet; thence along said northeasterly line of the former railroad, N40°07'06"W a distance of 975.66 feet; thence along said northeasterly line of the former railroad, N40°02'36"W a distance of 768.26 feet to the north line of said Southwest Quarter of the Northwest Quarter; thence along said line and the north line of said Southeast Quarter of the Northwest Quarter, S88°49'21"E a distance of 1685.62 feet to the point of beginning.

Containing 86.412 acres of land. Subject to right-of-way for 200th Street. Subject to all easements, restrictions and covenants of record.

I also certify that this Certified Survey Map is a correct representation to scale of the exterior boundaries surveyed and described; that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Subdivision regulations of Polk County and the Town of Osceola in surveying and mapping same.

Douglas J. Zahler  
Douglas J. Zahler PLS #2145  
Auth Consulting & Associates  
2920 Enloe St. Suite 101 Hudson, WI 54016  
(715) 386-5277

02/15/22  
Date



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER,  
PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER,  
PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER,  
PART OF GOVERNMENT LOT 2 AND PART OF GOVERNMENT LOT 3;  
ALL IN SECTION 27, TOWNSHIP 33 NORTH, RANGE 18 WEST,  
TOWN OF OSCEOLA, POLK COUNTY, WISCONSIN.

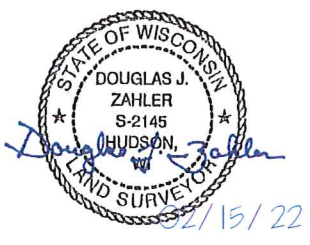
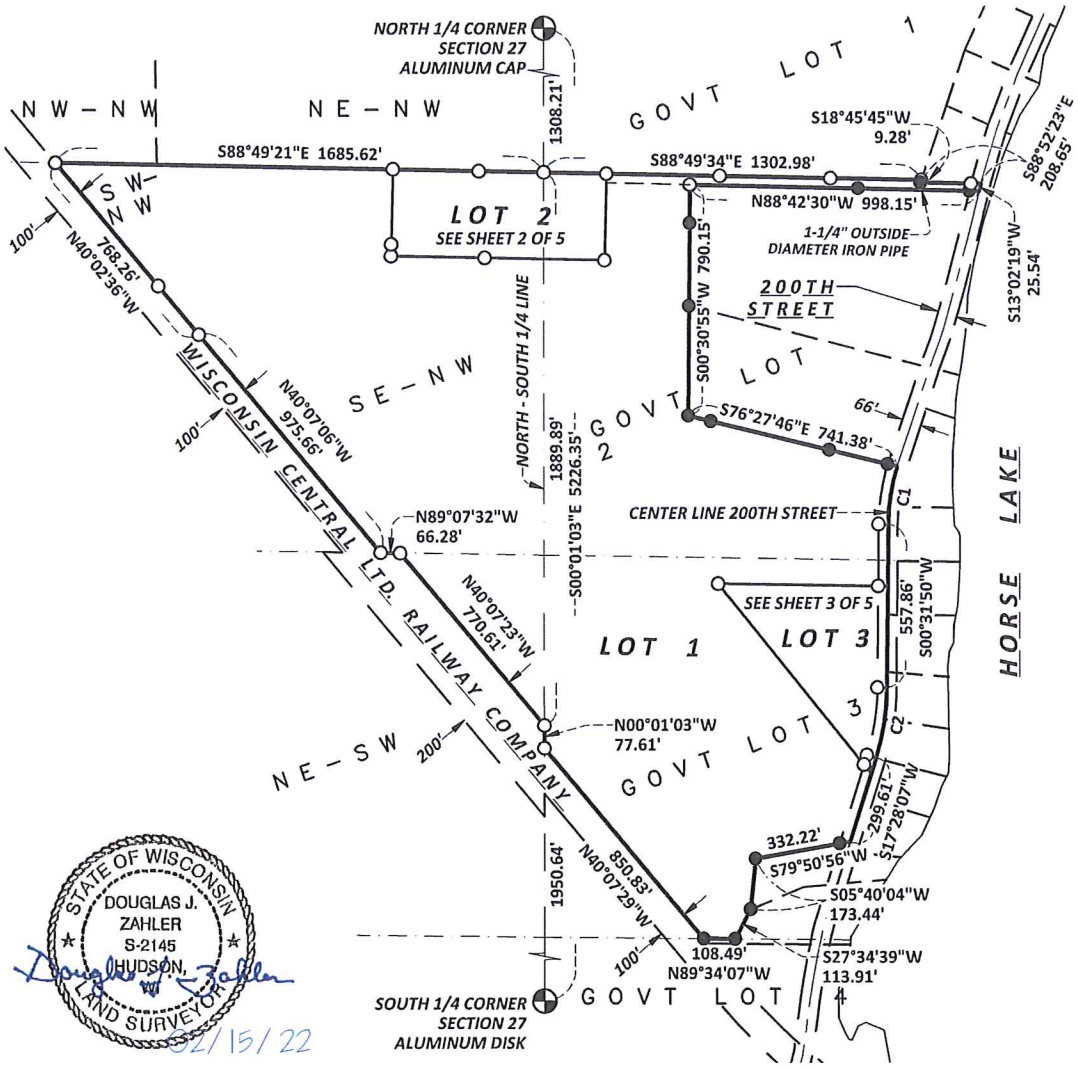
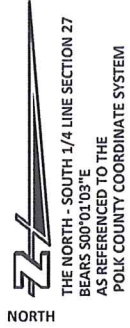
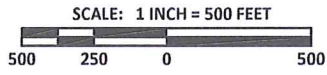
**PREPARED FOR:**  
STEVEN HEICHEL AND DEBORAH HEICHEL REVOCABLE LIVING TRUST  
C/O ADAM & BAILEY DUNNOM  
747 200TH STREET  
DRESSER, WI 54009

**SURVEYOR:**  
DOUGLAS J. ZAHLER  
AUTH CONSULTING & ASSOC.  
2920 ENLOE STREET SUITE 101  
HUDSON, WI 54016

### LEGEND

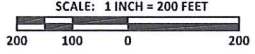
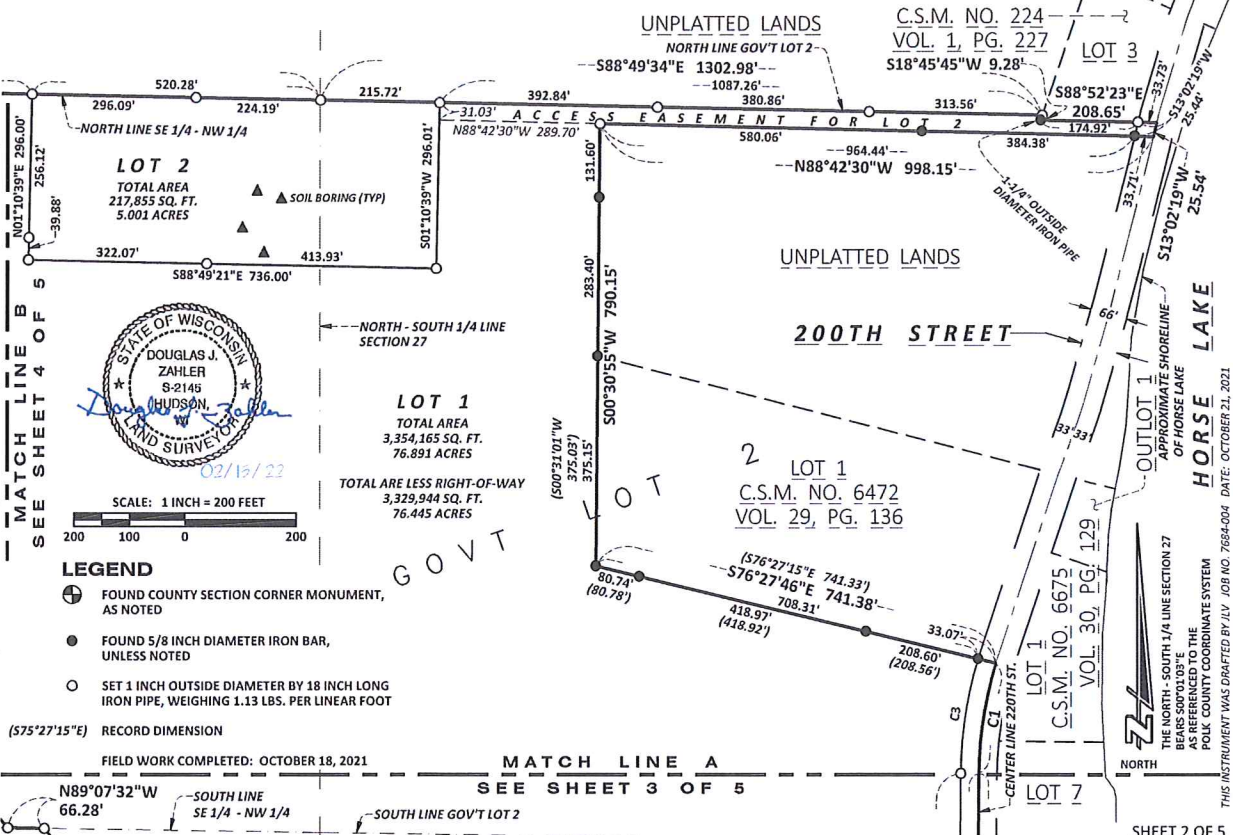
- ⊕ FOUND COUNTY SECTION CORNER MONUMENT, AS NOTED
- FOUND 5/8 INCH DIAMETER IRON BAR, UNLESS NOTED
- SET 1 INCH OUTSIDE DIAMETER BY 18 INCH LONG IRON PIPE, WEIGHING 1.13 LBS. PER LINEAR FOOT

FIELD WORK COMPLETED: OCTOBER 18, 2021



**CERTIFIED SURVEY MAP NO.**

LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, PART OF GOVERNMENT LOT 2 AND PART OF GOVERNMENT LOT 3; ALL IN SECTION 27, TOWNSHIP 33 NORTH, RANGE 18 WEST, TOWN OF OSCEOLA, POLK COUNTY, WISCONSIN.



- LEGEND**
- ⊕ FOUND COUNTY SECTION CORNER MONUMENT, AS NOTED
  - FOUND 5/8 INCH DIAMETER IRON BAR, UNLESS NOTED
  - SET 1 INCH OUTSIDE DIAMETER BY 18 INCH LONG IRON PIPE, WEIGHING 1.13 LBS. PER LINEAR FOOT
- (575°27'15"E) RECORD DIMENSION

FIELD WORK COMPLETED: OCTOBER 18, 2021

MATCH LINE A  
SEE SHEET 3 OF 5

THIS INSTRUMENT WAS DRAFTED BY JLV JOB NO. 7664-004 DATE: OCTOBER 21, 2021



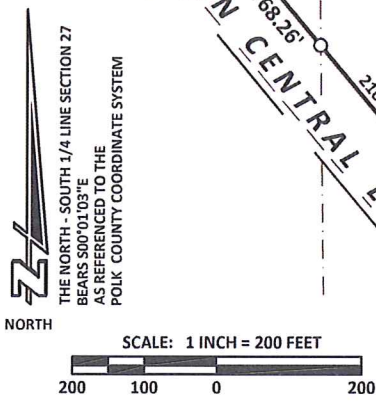
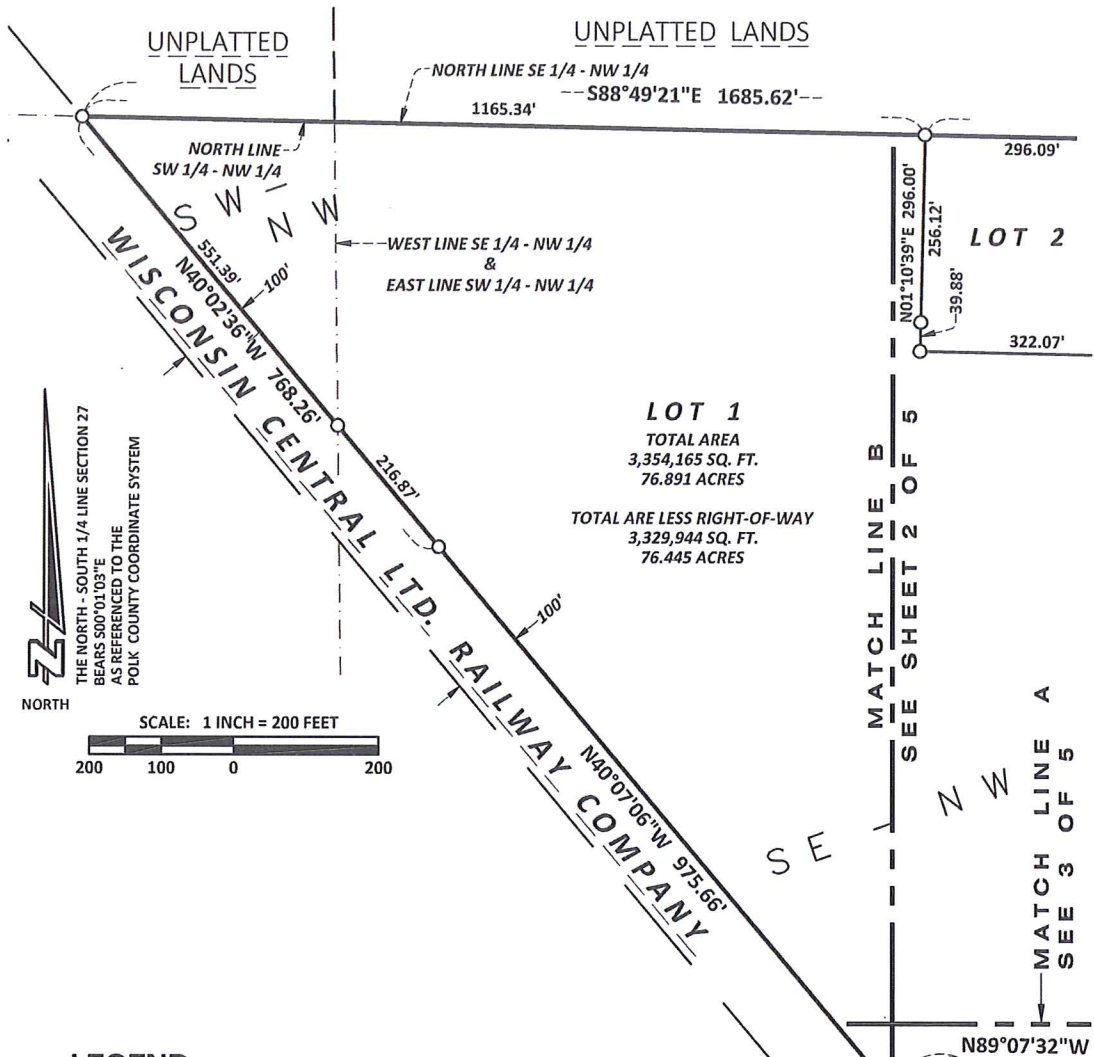




28

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

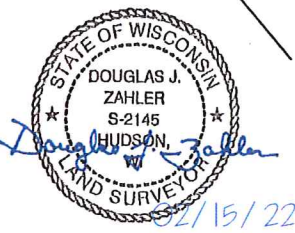
LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, PART OF GOVERNMENT LOT 2 AND PART OF GOVERNMENT LOT 3;  
ALL IN SECTION 27, TOWNSHIP 33 NORTH, RANGE 18 WEST, TOWN OF OSCEOLA, POLK COUNTY, WISCONSIN.



## LEGEND

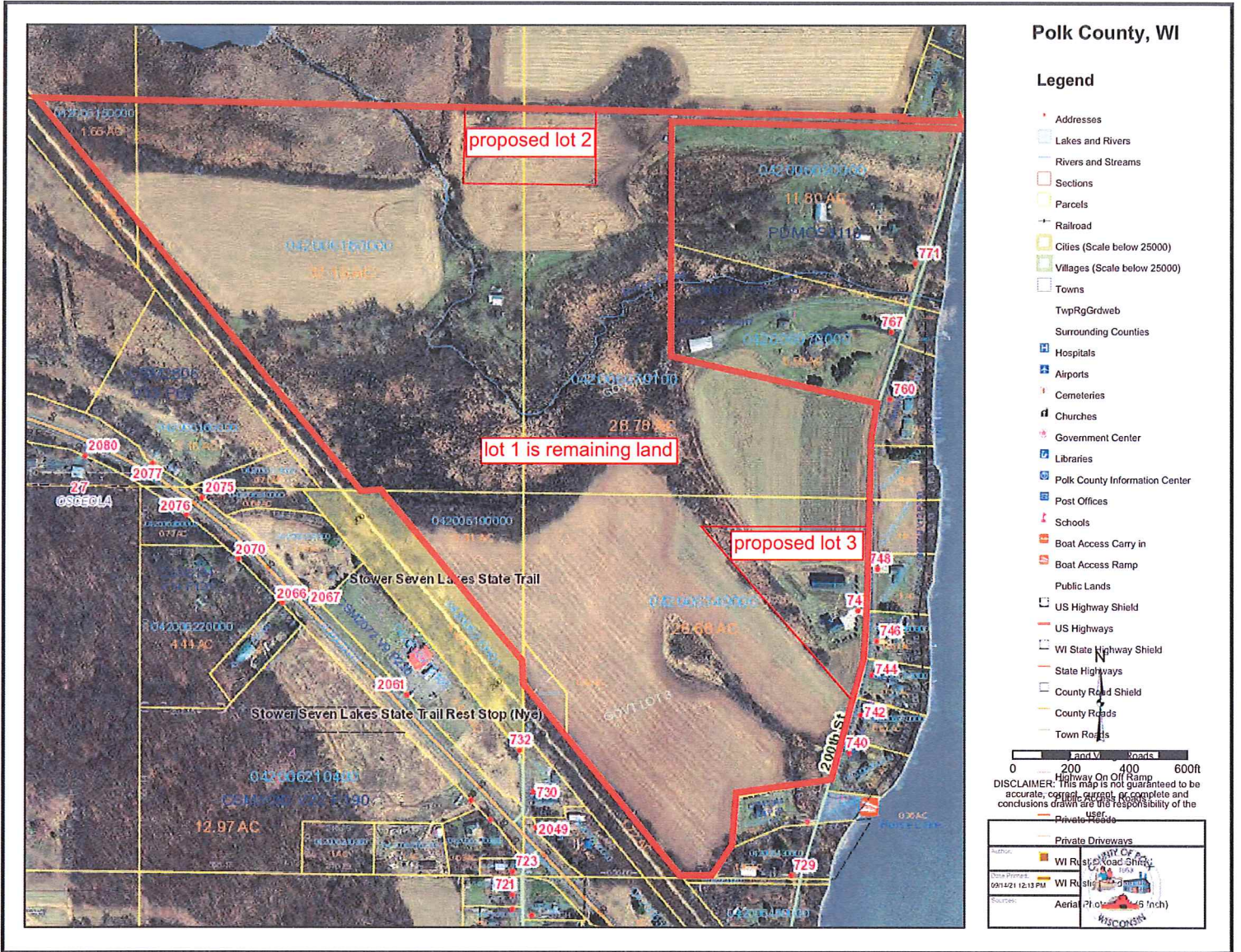
- ⊕ FOUND COUNTY SECTION CORNER MONUMENT, AS NOTED
- FOUND 5/8 INCH DIAMETER IRON BAR, UNLESS NOTED
- SET 1 INCH OUTSIDE DIAMETER BY 18 INCH LONG IRON PIPE, WEIGHING 1.13 LBS. PER LINEAR FOOT

(S75°27'15"E) RECORD DIMENSION  
FIELD WORK COMPLETED: OCTOBER 18, 2021



CURVE DATA TABLE							
NUMBER	RADIUS LENGTH	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	TANGENT IN	TANGENT OUT
C1	685.64'	16°44'28"	S8°54'04"W	199.62'	200.33'	S17°16'18"W	S0°31'50"W
C2	826.06'	16°56'17"	S8°59'58.5"W	243.31'	244.20'	S0°31'50"W	S17°28'07"W
C3	718.64'	16°34'10"	S8°48'55"W	207.10'	207.82'	S17°06'00"W	S0°31'50"W
C4	793.06'	16°56'17"	S8°59'58.5"W	233.59'	234.44'	S0°31'50"W	S17°28'07"W

SEE SHEET 3 OF 5





# LEGAL OPINIONS



By Atty. Carol Nawrocki  
Assistant Director

## Regulating Short-Term Rentals

**Q. We are receiving a questions and complaints from residents about people using their properties as short term rentals. Can the town board regulate short term rentals?**

A. In recent years, many property owners have decided to pursue the idea of renting out their homes, cabins, and other investment properties for overnight stays to the general public. In 2017, a state law was passed addressing the regulation of short-term rentals. The key provisions of that law are laid out below:

- 1) A political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 (seven) consecutive days or longer. Wis. Stat. § 66.1014(2)(a). The inability to ban short-term rentals of 7 days or longer applies regardless of any zoning classification and, therefore, the local government cannot ban these rentals in any part of the municipality. Proceed with caution if you want to require a conditional use permit for short-term rentals as such a permit cannot be overly restrictive and effectively ban certain dwellings from being used for short-term rentals in violation of state law.
- 2) If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 356-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents their residential dwelling must notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins. Wis. Stat. § 66.1014(2)(d).
- 3) Any person who maintains, manages, or operates a short-term rental for more than 10 nights each year must obtain a local license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license. Wis. Stat. § 66.1014(2)(d)2b. They would also need to obtain a tourist rooming house license from the Wisconsin Department of Agriculture and Consumer Protection.
- 4) Under the law, a “short-term rental” is defined as a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days. Wis. Stat. § 66.1014(1)(c).
- 5) The room tax statute makes it clear that “lodging marketplaces” (such as an online 3<sup>rd</sup> party rental platform like Airbnb or VRBO and other entities, like property management companies, that rent short-term rentals for the owner) and owners of short-term rentals must collect room tax and forward such amounts to the municipality if there is a local room tax ordinance in place. Wis. Stat. § s. 66.0615(1m)a. Towns with a room tax should review their room tax ordinances and amend them, if necessary, to make sure that lodging marketplaces and owners of short-term rentals are included in the definitions of who is subject to the ordinance.



**Q. If our town has concerns about short-term rentals, are we still able to pass regulations to address the board’s concerns and also the complaints we are getting from the neighbors?**

A. The law provides that political subdivisions may enact ordinances regulating the rental of a residential dwelling in a manner that is not inconsistent with the provisions of the statute. Wis. Stat. § 66.1014(2)(c). People staying in short term rentals, like any other person in the town, would be required to comply with noise ordinances, parking regulations, and other generally applicable local ordinances your town may already have in place. Beyond that, your town might decide to establish additional regulations owners of short-term rentals must comply with in order to obtain a license from the town. If that is the case, think carefully about what legal authority the town has to establish such regulations. Notably, if your town has been authorized to exercise village powers, your board may wish to consider whether there are any public health, safety, or welfare type concerns created by short term rentals and whether reasonable local regulations are needed to address such concerns. For example, communities with village powers might consider adopting public health and safety provisions that do the following:

1. Prohibit the use of temporary lodging (like tents) on the property in a way that allows the property to have more overnight guests than would otherwise be allowed under the property’s tourist rooming house license. For example, if the tourist rooming house license allows the property to safely accommodate up to 12 overnight guests, your ordinance might prohibit the use of additional tents on the property to be used as extra lodging to accommodate overnight guests beyond the allowable number.
3. Require that there be a named property manager or other agent available by phone in case the town, emergency services, or members of law enforcement need to get ahold of that person.
4. Require building and fire code inspection and compliance with all state and county building codes and regulations.
5. Require proof of appropriate insurance for the short-term rental.
6. Require all guests to register and that records be kept with names, addresses and dates of rental. The town might also require that records be kept on the amount of consideration paid for the rental if a room tax ordinance is in place.
7. Require the dwelling to have adequate parking available for those using the property at a given time.

Note that any restrictions or conditions the town may wish to require under its license should be reasonable and not so restrictive as to amount to an illegal prohibition on short-term rentals. A sample short-term rental ordinance is available on the WTA website.

**Q. Does our town have to regulate short-term rentals?**

A. No, if your town does not have concerns about short-term rentals, you may find there is no need to regulate them locally. The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) must license “tourist rooming houses” which would include any short-term rental that operates for more than 10 nights per year. When a license application is submitted to them, they assign a sanitarian to inspect the business. The sanitarian will check for building safety issues (clear exits, door locks, fire extinguishers, recent private well test, etc.) and other public health concerns (facility cleanliness, proper linen and toweling handling, size of sleeping rooms, garbage disposal, etc.) So, your town board may decide that little or no additional regulation is needed.