



Extraterritorial Subdivision Guide and Application

City of River Falls, Wisconsin
Community Development Department
222 Lewis Street
River Falls, WI 54022
715.425.0900
www.rfcity.org

Landowner/Applicant Guide for Extraterritorial Land Divisions: Tips and Considerations

Landowners who own property within three miles of the City of River Falls corporate limits and are considering dividing up their land should consider the following:

- 1) Confirm with City staff that your property lies within the City's extraterritorial review jurisdiction.
- 2) Consider hiring a surveyor, engineer or land planner to sketch out possible parcel boundaries as you will need a surveyor or engineer to do your final CSM or preliminary plat submittal. You will also have to comply with the provisions of Ch. 236, Wis. Stats. (state subdivision law).
- 3) Review [Chapter 16.10 Extraterritorial Subdivisions](#) of the City of River Falls municipal code.
- 4) Review and consider the numerous evaluation criteria from the City Code:
 - a. Is the proposal consistent with the [Comprehensive Plan](#), [Future Land Use Map](#) and [Official Map](#)?
 - i. Does the Official Map indicate a need for future roads through or near the property?
 - ii. Whenever a tract or parcel proposed to be subdivided contains any part of a street, highway or parkway designated on the Official Map, the proposed public way shall be dedicated by the subdivider in the approximate location and at the width indicated on the Official Map.
 - iii. The rules of the Wisconsin Department of Transportation related to access and preservation of the public interest and investment in streets and highways will apply if the subdivision or any portion thereof abuts on a state trunk highway or street connecting therewith.
 - b. Are there any floodplains, shorelands, or wetlands on the property?
 - c. If there is a river or stream, do proposed building sites meet stream setbacks?
 - d. Note that land may not be subdivided if it is unsuitable for use or development due to flooding, bad drainage, soil, or rock formations which severely limit development potential, tend to create severe erosion potential or for reasons of unfavorable topography or any other feature which is likely to be harmful to the safety or welfare of future residents or landowners in the proposed subdivision or in the community at large.
 - e. Be aware that all statutes, administrative rules and applicable ordinances will apply that pertain to lot size and soils if the subdivision is not served by a public sewerage system. To the extent applicable, the land division shall meet the city sewer service area criteria.
 - f. Note that lot sizes shall conform with the most restrictive area and width requirements imposed under applicable state and local regulations.
 - g. Be aware that the most restrictive of applicable ordinances, rules and regulations of each approval jurisdiction will apply and other city ordinances may apply.

Specific Criteria for Subdivisions/Land Divisions

In addition to the above considerations and requirements, a preliminary plat or certified survey map for the subdivision of land situated in the subdivision area shall not be approved unless it meets the following criteria:

1. The proposed subdivision shall be adequately accessible via streets or highways, subject to the following conditions:
 - a. Existing streets shall be found to be adequate to accommodate the traffic that is estimated to be generated by the proposed subdivision in addition to existing traffic.
 - b. Such additional streets or street improvements as are necessary in combination with existing streets to accommodate the additional traffic which will be generated by the proposed subdivision are budgeted for construction in the current adopted budget of the town in which the subdivision is situated or shall be provided for through private means of financing.
 - c. In determining the adequacy of transportation facilities, the approval authority shall consult with the City Engineer and where appropriate with the Department of Transportation.
2. The proposed subdivision shall have adequate stormwater drainage and retention capabilities. Where improvements are required conditions shall be imposed upon the plat or certified survey map to ensure compliance, including such assurances as may be deemed necessary to allow for the provision of adequate public or private funds to cause the required stormwater drainage and retention facilities to be constructed and maintained.
3. The proposed subdivision shall have adequate private sanitary sewage disposal capability or, if a community disposal system is proposed in accord with Wis. Adm. Code Ch. SPS 383, it is in compliance therewith.
4. The proposed subdivision shall have adequate water service.
5. The proposed subdivision shall have adequate parks, open space and recreation opportunities available to it and its residents as determined in accord with applicable rules, regulations and standards.

Extraterritorial Subdivisions

The City has enacted regulations found in Chapter 16.10 for extraterritorial subdivisions of land that include lot line adjustments, certified survey maps (CSMs), and preliminary and final plats. The regulations cover several land division scenarios. Generally, land cannot be divided into lots or parcels of less than 35 acres unless certain circumstances apply. The applicant is encouraged to submit a conceptual layout of the land division prior to submitting a formal application to determine if it meets the requirements.

Scenario 1 - Lot Line Adjustment (16.10.130)

A preexisting lot of less than 35 acres, which was legally created (by plat or CSM), may be not be further subdivided, however it may be enlarged so long as it does not reduce the adjoining lot or parcel to less than 35 acres. A lot line adjustment is allowed provided that it does not create new lots or make either lot or parcel more nonconforming.

Scenario 2 – 2-5 Acre Lot (16.10.135).

A preexisting parcel smaller than 35 acres that was not created by plat or CSM may be divided if:

- 1) There is a residential dwelling on the preexisting parcel and the purpose of the division is to split off the parcel from the residential dwelling. No more than one such division is allowed. No principal structures are allowed on the remainder portion of the preexisting parcel. The resulting lot or parcel with the residential dwelling must be no less than 2 acres and no more than 5 acres in size. The preexisting lot or parcel is required to have a covenant recorded that prohibits further division or the erection or building of a principal structure.
- 2) Lands designated as Very Low Infill on the city’s Future Land Use Map may be divided into lots of sizes specified in the city’s extraterritorial zoning subject to a cost-of-service study.

Scenario 3 – 10-35 Acre Lot (16.10.160).

Lots greater than 10 acres but less than 35 acres may be created if the applicant demonstrates that the division is consistent with the City’s official map, will accommodate future streets, storm water management, and the layout will allow for connection of future streets and utilities to existing and planned streets and utilities. Further, the division shall not interfere with development of other lands within 1,500 feet of the lands to be divided.

Scenario 4 – 2-5 Acre Lot (no building permitted on this lot) AND 10-35 Acre Lot (16.10.135 & 160).

A preexisting parcel smaller than 35 acres that was not created by plat or CSM may be divided into two parcels if:

- 1) There is a residential dwelling on the preexisting parcel and the purpose of the division is to split off the parcel from the residential dwelling. No more than one such division is allowed. No principal structures are allowed on the remainder portion of the preexisting parcel. The resulting lot or parcel with the residential dwelling must be no less than 2 acres and no more than 5 acres in size. The preexisting lot or parcel is required to have a covenant recorded that prohibits further division or the erection or building of a principal structure.
- 2) The remaining acreage could be divided up into lots that are greater than 10 acres if the applicant demonstrates that the division is consistent with the City’s official map, will accommodate future streets, storm water management, and the layout will allow for connection of future streets and utilities to existing and planned streets and utilities. Further, the division shall not interfere with development of other lands within 1,500 feet of the lands to be divided. As an example, if the preexisting parcel is 35 acres and a 2-acre lot is created, the remaining 33 acres could be divided into three, 11-acre parcels.

EXTRATERRITORIAL SUBDIVISION PROCEDURES AND REQUIREMENTS

The following information is intended to provide the applicant with an overview of the application process and requirements for an extraterritorial subdivision for lands within three (3) miles of the corporate limits of the city. For more detailed information please refer to the River Falls [Chapter 16.10 - EXTRATERRITORIAL SUBDIVISIONS](#).

Step 1: Pre-Application Meeting. The prospective applicant schedules an informal pre-application meeting with planning and engineering staff to discuss their proposed subdivision and to review the application materials and be informed about the process. The pre-application meeting stage of subdivision planning comprises an investigatory period which precedes actual preparation of a CSM or preliminary plat by the subdivider.

Step 2: Submit Application. The applicant may choose to submit a site plan or preliminary map of the proposed subdivision prior to formal submittal in order to receive informal comments from planning staff. At such time as the applicant chooses to submit a formal submittal, the applicant shall submit a completed application which includes a CSM or preliminary plat and narrative for city staff review. If the application and supporting materials are not complete, the review process and final action will be delayed.

Step 3: Planning Staff Review and Determination. City planning staff will review the submitted application materials and determine whether the CSM or preliminary plat can be approved, approved with conditions or denied. In the case of an approval with conditions or denial, planning staff will put such determination in writing to the subdivider who may wish to amend their proposal to comply with the city's extraterritorial subdivision regulations. In evaluating the extraterritorial CSM or preliminary plat, planning staff will evaluate the proposal pursuant to Chapter 16.10 of the municipal code and shall consider at a minimum, the purpose, goals, definitions, official maps, shoreland zoning, setbacks from regulated streams, general requirements, criteria for land divisions, mapping requirements and design standards.

Step 4: Plan Commission Consideration of Denied CSM or Preliminary or Final Plats. If the city plan director denies the CSM, the subdivider may refer the denial to the Plan Commission. Planning staff will offer a recommendation of either approval, approval with conditions, or denial. The Plan Commission may approve, approve with conditions, or deny the request. Preliminary and Final plats shall be reviewed by the city plan director and shall recommend approval, approval with conditions or denial and shall be considered by the Plan Commission in accordance with Chapter 16.08 of the municipal code.



Extraterritorial Subdivision Application

APPLICANT NAME	
APPLICANT EMAIL	APPLICANT PHONE
PROJECT LOCATION/ADDRESS	
APPLICANT AGENT NAME	
PROPERTY OWNER NAME, ADDRESS, EMAIL, PHONE	
APPLICANT SIGNATURE <hr/> PRINT <hr/> SIGN DATE	
OWNER SIGNATURE <hr/> PRINT <hr/> SIGN DATE	FOR INTERNAL USE ONLY CHECK# <hr/> RECEIPT# <hr/>

Revised: December 22, 2020

EXTRATERRITORIAL SUBDIVISION SUBMITTAL CHECKLIST

PLEASE RETURN THIS APPLICATION WITH YOUR SUBMITTAL. SUBMITTALS WITHOUT THE INFORMATION BELOW WILL BE CONSIDERED INCOMPLETE AND WILL BE REJECTED. ALL SUBMITTAL MATERIALS MUST BE DELIVERED IN HARD COPY AND PDF FORMAT.

PLEASE NOTE: ALL EXTRATERRITORIAL PLAT APPLICATIONS ARE REQUIRED TO HAVE A PRE-APPLICATION MEETING PRIOR TO A FORMAL SUBMITTAL.

- Application Narrative
- Statement Indicating Subdivision Type Being Proposed
 - Enlarging a preexisting non-conforming lot (16.10.130 B. 2.)
 - Division of a pre-existing parcel or lot (16.10.135 A. & B.)
 - Division of a pre-existing parcel or lot (16.10.135 C.)
 - Division into smaller lots < 35 acres, but > 10 acres (16.10.160)
 - Division under both 16.10.135 and 16.10.160
- Request for Waiver of Subdivision Jurisdiction (16.10.230)
- Extraterritorial Subdivision CSM/Preliminary Plat, Site Plan, Preliminary Map
- Legal Description
- Application Fees

Fees for Extraterritorial Subdivision Applications*

Certified Survey Map	\$750, up to 4 lots within or outside the City
Preliminary Plat	\$5,950 for 5-50 lots; \$8,925 50+ lots
Certified Survey Map - Appeals	\$1,450
Waiver of Subdivision Approval Jurisdiction (16.10.230)	\$1,500**

*Per 2020 Fee Schedule (may be updated annually) ** Per Council during adoption of Ordinance 2020-09 - amendment to Chapter 16.10 of the Municipal Code

Review Process Flow Chart for Extraterritorial Subdivision

https://library.municode.com/wi/river_falls/codes/code_of_ordinances?nodeId=TIT16SU_CH16.10EXSU

