

Land Division Name _____

File No. _____

LAND DIVISION REVIEW

All Land Divisions

1. Check location of plat in county plat book to determine if it abuts a STH or CTH.

No ±	STH ±	USH ±	CTH ±
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2. Is land ownership contiguous (even though it is not platted) to be the nearest STH? - this makes it abutting.

No ±	STH ±	USH ±	
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3. Are there any future highway plans for the area? No ± Year _____

4. If plat is in the Township, make sure the street widths conform to town road standards (Wis. Statutes, Sec. 82.50)(66 ft.). DOT may approve variance if all parties approve (1981).

Non-abutting Plats

1. If in the township, fill out and send appropriate form to Dept. of Administration and Access Management Coordinator at central office.
2. If in city or village, do the same as the above.
3. If abutting a CTH, send the appropriate correspondence to the county highway commissioner.

Abutting Land Divisions

Wisconsin Administrative Code, Chapter TRANS 233

1. TRANS 233.02 - Basic Principles

a. Is internal street system adequate?	Yes ±	No ±
b. Is lot layout adequate ie., not requiring direct access to STH	Yes ±	No ±
c. Check Drainage. Post = Pre	Not Apparent ±	Need Comps ±
d. Vision corners needed?	Yes ±	No ±
Speed Limit _____		
Vision Corner dimension (FDM 11-10 Attachment 5.11) _____		

2. TRANS 233.04 - Required information

a. Ownership of abutting lands		
b. Location Sketch showing nearest roads on all sides of land divisions (if not shown on land divisions).	Yes ±	No ±
c. Bearing and right-of-way dimensions		
d. Do they match DOT plats	Yes ±	No ±

3. TRANS 233.05 - Access to STH

a. Access clause		
b. Check for existing access control	Okay ±	Need ±

4. TRANS 233.06 - Frequency of Street Connections

a. Minimum distance between roads = 1000'	Okay ±	Need ±
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Check for other plats and CSM's in the area

- | | | | |
|----|--|-------|------|
| b. | Are access points consistent with area plans? | Yes ± | No ± |
| c. | Do the streets line up? Is the offset adequate? | Yes ± | No ± |
| 5. | TRANS 233.08 - Is the Setback correct? | Yes ± | No ± |
| 6. | Is the land division abutting an extremely busy highway?
If so, request that the noise statement be placed on the final plat. | Yes ± | No ± |
| 7. | Write memo making necessary comments concerning land divisions and problems. Send to Access Management Coordinator. | | |

Document Number
AFFIDAVIT OF CORRECTION

Wisconsin Department of Transportation
DT1458 97

Pursuant to s.236.295(1)(a), Wis. Stats., I, _____,
authorized Wisconsin Department of Transportation representative, certify that in the plat of

This space is reserved for recording data

Return to

(Signature)

(Date)

(Print Name)

State of Wisconsin

County }
 } ss.

On the above date, this instrument was acknowledged before me by the above-named person(s) or officers.

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

Approval Certification

(Date)

(Date Commission Expires)

(Name of Local Government)

Approved for recording by the government identified above.

(Clerk Signature)

(Print or Type Name of Clerk)

This instrument was drafted by _____

Trans. 233 Implementation Guidance

Applicability (233.012)

Trans. 233.012 Applicability. In accordance with ss. 86.07(2), 236.12, 236.34 and 236.45, Stats., this chapter applies to all land division maps reviewed by a city, village, town or county, the department of administration and the department of transportation. This chapter applies to any land division that is created by plat or map under s. 236.12 or 236.45, Stats., by certified survey map under s. 236.34, Stats., or by condominium plat under s. 703.11, Stats., or other means not provided by statute, and that abuts a state trunk highway, connecting highway or service road.

These two sentences are to be considered as the whole description of items to which the rule applies. Granted, taken alone the first sentence could be taken as all land divisions, but the intent was to apply it only to those which abut a state trunk highway, connecting highways or service roads and, when taken together with the second sentence, it does.

Trans. 233 applies to all lands abutting a state trunk highway, connecting highway or service roads in all 72 counties, except in Milwaukee County. See the table below for more application guidance.

WisDOT Review of Trans. 233 Land Divisions in Milwaukee County

	City of Milwaukee	Other Cities	Unincorporated Areas
STHs			
-Subdivisions	NO (Statutorily Exempt)	YES	NO (Statutorily Exempt)
-Other Land Divisions	NO (by policy)*	YES	NO (by policy)*
Connecting Hwys.			
-Subdivisions	NO (Statutorily Exempt)	YES**	NO (Statutorily Exempt)
-Other Land Divisions	NO (by policy)	YES**	NO (by policy)

* Request that they be sent to WisDOT for conceptual review to preclude problems arising when driveway permits are requested.

** May delegate authority to local unit of government by agreement.

Business Routes

Trans. 233 does not normally apply to a business route. However, it will apply in those few situations where the route is on the STH system (under WisDOT jurisdiction) or has been designated a connecting highway.

The following business routes are part of the STH system:

- Business 51 from the junction with USH 51 & STH 54 south of Plover to the junction with USH 51 north of Stevens Point.
- Business 51 from the junction of USH 51 South of Rothschild to the junction of USH 51 Northwest of Wausau.
- Business 151 from the junction of USH 151 south of Columbus to the junction of USH 151 north of Columbus.
- Business 41 in De Pere.
- The following business routes are Connecting Highways:
- Business 51 in Schofield from the north end of the Eau Claire River Bridge to Moore St.
- Business 51 in Stevens Point from Northpoint Drive to 0.36 mile southeast of Nebel St.
- Business 51 in Wausau from Randolph St. to Moore St.
- Business 12 in Baraboo is also STH 123 from Parkway to 8th Avenue (STH 33)

Future STH Routes

Trans. 233 does apply to future STH corridors. It has long been a departmental policy to review subdivisions along officially designated future STH corridors. The Plat Review Section of the Department of Administration (DOA) has sent subdivision plats to the WisDOT as abutting plats which only touch proposed STH corridors and no other STH. For highway corridors which have utilized 84.295, any property adjacent to the officially mapped location requires a Trans. 233 review when a land division occurs. For other highway corridors on relocation, once a relocation order has been approved for a highway project the right of way corridor is sufficiently defined that a Trans. 233 review can be done on the adjacent land divisions. This may mean acquiring the needed right of way on a fast track to accommodate the needs of the land owner.

When the department has a signed agreement with a county or local unit of government for the jurisdictional transfer of a highway, the WisDOT has an interest in that future STH even though the transfer has not yet occurred. In those cases the county and the district should work together regarding the access to that highway. This state-local cooperation also applies to officially mapped corridors and corridors for which there is an approved environmental document showing the selected corridor.

STH Routes Being Transferred to Local Jurisdiction

This also works in reverse for highways reverting to local jurisdictions. We should consider the local government's wishes and potentially grant special exceptions when the locals have no problem with a situation which we would normally not allow.

Indian Lands

Trans. 233 does apply to Indian Lands. The department needs to protect our investment in the highway, which is a public resource that benefits all people. The department also needs to maintain the safety of the highway. Lands adjacent to the highway must conform to the rules and regulations regardless of the ownership status of those lands. The department should process all land divisions the same way.

If a tribe objects to the Trans. 233 process, the district should arrange a meeting with the tribe, the district, and the FHWA. The safety of the traveling public, and the protection of the public investment in the highway are the primary concepts that apply.

Land Divisions Recorded Prior to February 1, 1999

Revised Trans. 233 applies only to land divisions recorded after February 1, 1999. It does not apply to any land divisions adjacent to STHs that were in place prior to that date.

Anything recorded after February 1, 1999 must undergo the WisDOT review even if it is part of a development that was under consideration prior to the revised rule. Subsequent development phases are not exempt. Later phases may be subject to more restrictions than phases recorded prior to February 1, 1999. That is not sufficient grounds for a special exception. Those prior phases will not be subject to additional restrictions, unless it is re-divided.

The date of the recording of the document used for a land division is used to determine applicability. If the document was recorded prior to February 1, 1999, but the sale doesn't take place until some time after that, TRANS 233 would not apply. It is not the sale date, but the recording date that governs.

Sale of Excess WisDOT Parcels

WisDOT requires a person purchasing excess lands to have a Certified Survey Map (CSM) done as part of the sale process. This CSM does not have to go through the full Trans.233 review process, however, the Trans. 233 restrictions (such as setback, vision corners, access controls, etc.) must be placed on the land prior to its sale. In effect, we are placing the restrictions on the property prior to creating the land division. Once the proper restrictions are placed on the deed and the CSM, the surveyor will be given a WisDOT Number to place on the CSM, but there will be no fee charged. If needed, grant a Special Exception to allow any exceptions to the rule, such as access to the highway. **It is important that any exceptions to the rule be documented via Special Exception paperwork.**

There is an exception to this exemption from the fee. The waiver of fees applies only to the land that is being sold by WisDOT. If the CSM includes other lands it would be considered an assemblage and would not be exempt from the full review process and a fee shall be charged.

Waiver of Applicability

There are some situations where the Trans. 233 review can be waived. When this occurs, a letter should be sent to the property owner/surveyor and the County Register of Deeds, stating that the WisDOT Trans. 233 review has been waived, and indicating why the waiver has been made. Waivers are appropriate in the following situations:

- Development of a parcel if no land division takes place. Trans. 233 review is triggered by land divisions, not development without a land division.
- The sale or exchange of lands of abutting owners where no new parcels are created (i.e., where the property line is shifted), unless such a transaction involves a change of access to a STH.
- CSM's in a subdivision that was reviewed under Trans. 233 and there are no changes of use or access, only a redefinition of lot boundaries.
- If there is only an easement that abuts the highway, and the actual land division is removed from the highway with the property owners having no interest in the underlying property that is abutting other than the easement.
- Technical land divisions (see Trans. 233.015(7m)).

Definitions (233.015)

Access Point - A point that allows access to a highway. It may take the form of a driveway, street, road, alley, special crossing or highway.

Assessor's plat See Chapter 70.27(1) stats

Commercial Driveway - A driveway to a commercial building or business.

Condominium See Chapter 703.02(4) stats.

County, Town or Municipal Plats Local governments may have ordinances that are more restrictive than Chapter 236. If so, they do not have to submit plats to the DOA Plat Review Section, but they have to ensure that the plats comply with Chapter 236. Plats created in counties, towns or municipalities that have more restrictive ordinances are referred to as county, town or municipal plats, whichever term is appropriate. See Chapter 236.45(2) stats.

Divided highway See Chapter 340.01(15) stats.

Easement A non-possessing interest held by one person in land of another person whereby the first person is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of the easement holder's rights. Easements fall into three broad classifications: surface easements, subsurface easements, and overhead easements. "Real Estate Appraisal Terminology" by Byrl N. Boyce 1975

Field Entrance - A driveway to a farm field. For agricultural vehicles only.

Highway See Chapter 340.01(22) stats.

Lease - A written document by which the rights of use and occupancy of land and/or structures are transferred by the owner to another person or entity for a specified period of time in return for a specified rental. "Real Estate Appraisal Terminology" by Byrl N. Boyce 1975

Private road or driveway See Chapter 340.01(46) stats.

Roadway See Chapter 340.01(54)

Service road See Chapter 340.01(57m) stats.

State trunk highway See Chapter 340.01(60) stats.

Street See Chapter 340.01(64) stats.

Special crossing permits See Chapter 84.25(7) stats..

Subdivision See Chapter 236.02(12) stats.

Other Abuttals (233.017)

When a parcel is described to a section line and there is a small strip of land, often with no identifiable owner, between the highway right of way line and the section line, (generally because the original highway was thought to be on the section line) this is considered to be an abutting property, even though in actuality it does not abut. The original intention was for it to be an abutting property, but more accurate survey techniques have resulted in a gap.

Basic Principles (233.02)

Principle #1 allows the department to require a Traffic Study when there is a question about the safety of access to a development, and/or the impact of the development on the function or operation of the highway. It also allows the department to control access on side roads to provide for the safe operation of the intersection.

Principle #2 requires the use of existing cross streets or highways, or the creation of an internal road system, so that individual lots or parcels do not require direct vehicular access to a state trunk highway or connecting highway.

Principle #3 requires the reviewer to consider the land division's relationship to the access requirements of adjacent and contiguous lands. This allows the department to require the divider to provide a means of connecting to the lands that abut the land division. When public streets or private roads are providing access to lands within a land division, those streets or roads should allow the potential to connect to adjacent and contiguous existing or future land divisions. A person should not be required to drive out onto the highway for a short distance to go to a property in the adjacent land division. Also, small land divisions should be reviewed for the feasibility of providing shared access to the highway, possibly through access easements or a shared driveway.

The size and density of the development should be considered when determining whether to require access to adjacent lands. The reviewer should look at the spacing of access points to the adjacent properties. Is there an opportunity to reduce the number of access points in the future by providing for cross access now? If the local government has a long range plan, does it suggest cross access to the adjacent properties? If it does, make

sure that such connections are provided for in the land division. If the local plan does not suggest cross access, does the access that the plan recommends comply with DOT's spacing guidelines?

If adjacent lands have already been developed without providing for cross access, it may not make sense to require it now. However, there are times when it does make sense, such as in areas where redevelopment is occurring. Some topographic conditions or DNR protected areas may make it difficult or unreasonable to provide access to adjacent lands. Consult with the central office Access Management Coordinator if there are questions regarding the provision of access to adjacent lands.

Review Procedures (233.03)

Time Constraints

Within 5 working days of receipt of land division documents the district will review the land division request and determine if it is complete. If items are missing, the district will notify the submitter in writing specifying the information that is needed to complete the request. On the date the additional information is requested the time period for review ceases to run, but resumes upon receipt of the information.

Within 20 calendar days of receipt of land division documents, the district shall do one of the following for either a preliminary or final submittal:

- Determine that the land division is a technical land division. If so, a non-objection letter should be written and all fees shall be refunded, OR,
- Write an objection or non-objection letter.

If the department fails to act within the time limit, the department shall be considered to have no objection to the land division.

There is no time limit on conceptual reviews, but per 233.03(5)(b), the department shall endeavor to complete a conceptual review within 30 calendar days.

If a special exception with a time extension is requested, the decision on the request shall be completed within 60 calendar days. Only the land divider can provide a time extension. If the land divider does not grant a time extension and the determination on the special exception cannot be completed within the original 20 day review period, the district must object to the land division because it is not in compliance with Trans. 233.

The check must be processed (sent to the Bureau of Financial Services) or returned to the submitter within 5 work days of receipt by the department.

Review Procedures for Each Type of Land Division

WisDOT encourages efforts to resolve differences that would require filing a formal objection to a plat. Districts should contact the land divider or their agent concerning any comments that would result in WisDOT's objecting to the plat to see if the land divider would be willing to make changes or supply additional information that would eliminate the objection. If the land divider is agreeable, they should provide WisDOT the information requested and/or a time extension when necessary. Additional extensions can be requested if needed.

Conceptual Reviews (any kind of land division)

A conceptual review is encouraged for any kind of land division. This gives the divider an opportunity to understand the requirements of Trans. 233 which may affect what they plan to do with their property. There are no time limits on a conceptual review, but they should be processed as quickly as possible in order to encourage the use of this type of review. The goal, as stated in Trans. 233.03(5)(b), should be to complete a conceptual review within 30 calendar days.

At this stage, the divider will learn, at least in general terms, what access the department is willing to consider for the land. This allows the divider to look at different options before too much time and money is spent developing plans for the area. Drainage retention requirements, setback areas, and access restrictions all impact the design for the land. Knowing these restrictions early in the process can result in a more efficient and economical design.

A conceptual review does not require a formal response. Our comments and concerns can be relayed to the divider by a phone call, face-to-face meeting, faxed notes, e-mail, or letter. Because the level of detail is probably not good at this point, the conceptual comments may take the form of a checklist, noting the various items that the divider will have to consider. It is recommended that the response be documented and kept in the district files. This can avoid future misunderstandings.

Special exceptions cannot be applied for or granted during the conceptual review stage.

Preliminary and Final Reviews - Subdivision Plats

1. DOA sends copies of the plats and the checks to the districts. DOA sends out a weekly WisDOT Work List of subdivision plats. Each list is accompanied by a cover sheet which states that if you have not received a copy of the plat you should contact them and request one.
2. The district processes the check and reviews the subdivision.

3. If the subdivision meets all requirements the district writes a **certification of non-objection letter** and sends it to DOA, with copies sent to the central office Access Management Coordinator, the surveyor, and all other review authorities.
4. If additional information or revisions are needed, the district contacts the surveyor and requests the changes or additional information. A time extension is also requested so that the surveyor can have time to make the changes as requested. The district contacts the surveyor by phone, and follows up by faxing the request.
5. If the revision, additional information, or time extension is not received by the time the review period expires, the district writes an **objection letter**. This letter must be dated and mailed before the review period expires.
6. For preliminary submittals, if all the required information is received, and the revisions needed are minor in nature and will not affect the layout of the subdivision, the district may issue a **conditional certification letter** which lists the items that must be changed on the final plat. A conditional certification letter cannot be written for a final plat.

Preliminary and Final Reviews - County Plats and Condo Plats

1. The submitter sends the plat to the district with a check.
2. The district processes the check and reviews the plat.
3. If the plat meets all requirements the district writes a certification of non-objection letter and sends it to the approving authority with copies sent to the central office Access Management Coordinator, the surveyor, and all other review authorities. For final submittals, the district issues a DOT number which is included in the certification letter. DOT numbers should not be issued for preliminary submittals.
4. If additional information or revisions are needed, the district contacts the submitter and requests the changes or additional information. A time extension is also requested so that the submitter can have time to make the changes as requested. The district contacts the submitter by phone, and follows up by faxing the request.
5. If the revision, additional information, or time extension is not received by the time the review period expires, the district writes an objection letter. This letter must be dated and mailed before the review period expires.
6. For preliminary submittals, if all the required information is received, and the revisions needed are minor in nature and will not affect the layout of the plat, the district may issue a conditional certification letter which lists the items that must be changed on the final plat. A conditional certification letter cannot be written for a final plat.

Preliminary and Final Reviews - CSM's, Metes & Bounds, Plats of Survey, Warranty Deeds & Other Land Divisions

Essentially follow the above procedure for county plats, substituting the document used for the land division in place of the word "plat." If there is no approval authority, the review response documents should be sent to the submitter with a copy sent to the central office Access Management Coordinator. There will probably not be a preliminary submittal, although that is possible.

Time Extension Procedure

Any time additional information is required or changes must be made, a time extension is needed. The land divider can grant WisDOT a time extension by providing a letter or fax similar to the following:

"We hereby grant the Wisconsin Department of Transportation a 30-day time extension for review of the ____ Subdivision/land division so that we may make the necessary revisions requested by them."

The fax should contain the company name & letterhead along with a signature and date.

When you realize that a time extension is needed, notify the land divider that the department needs one or we will have to object because the changes cannot be made or additional information supplied in time to meet the deadline. The best way to notify a divider of the need for a time extension is by phone followed by a letter or a fax similar to this:

I have a deadline of ____ to either certify or object to this land division. At this time I cannot certify the land division. It is not possible to make the requested changes and resubmit the land division prior to the deadline, so WisDOT will need a time extension from you. You may grant a time extension by sending me a fax similar to:

"We hereby grant the Wisconsin Department of Transportation a 30-day time extension for review of the ____ land division so that we may make the necessary revisions requested by them."

*The fax should contain the company name & letterhead along with a signature and date.
If I do not receive a time extension by the deadline, I will have to object to the plat.*

Appeal Procedure

Department Review - Anyone (land divider, governmental officer or entity, or a member of the general public) may appeal a district decision. The Director of the Bureau of Highway Development has been delegated the authority to review district decisions regarding land divisions. Appeals must be made within 20 calendar days of the decision or failure to act. Within 60 calendar days the Director shall notify the appealing entity of the decision on the appeal. If no decision is made within the 60 day limit, the department is considered to have no objection to the decision of the district.

The department may not unilaterally initiate a review of a district decision. The department may unilaterally initiate a review of a decision made by a municipality.

No person may appeal a conceptual review.

Judicial Review - Chapter 236 Land Division decisions are subject to judicial review under the procedures specified in Chapter 236.13(5).

Decisions on land divisions that are not subject to Chapter 236 are subject to judicial review under the procedures specified in Chapter 227.52.

Required Information (233.04)

Required information which is for informational purposes (such as adjacent driveway locations, nearest highway locations, drainage information, etc.) may be provided on a separate document and does not have to be part of the recorded map or plat. This information does not need to be surveyed, the approximate locations are adequate. It can be scaled from aerial photos if they are available.

Although the rule requires all of the information, it may not always be practical to provide some information. For example, if a land division is not seeking access to the highway, it may not be necessary to know the driveway locations on the adjacent lands. Consider the reasons for requiring specific information (such as safety of the traveling public, future development in the area, etc.) when you request them to provide any missing information.

The right of way distances and bearings on the map must agree with the highway right of way plat information. If there is a discrepancy between the surveyor's information and the highway plat, the surveyor's information should be listed and then add a notation similar to "recorded as ... on Highway Plat No. XXXX-XX-XX" to identify what the highway plat information is.

Direct Access to Highway (233.05)

All driveways require a permit per Wisconsin Administrative Code, Chapter Trans. 231, "Permits for Driveways and Alterations in State Trunk Highways". (See [FDM 11-15-1](#))

The review should consider all proposed public and private access in relation to the existing access to the STH and those access points within 1000 feet of the land division.

The WisDOT district office, in conjunction with the approving authority and with input from the divider, determines whether the traffic access pattern is desirable based on its expertise in highway operational efficiency and safety.

In general, private access shall not be allowed. Use existing local roads, an internal street system or joint driveways rather than individual driveways to provide access to a state highway or connecting highway.

The access points must be checked for sight distance (see DOT Maintenance Manual Chapter 91), and for distance from existing or planned access points. The review must also consider any local, county or regional plans that may show access points or outline access spacing. The review should check any existing access restrictions. The intended use of the driveway should also be reviewed. (See the text below regarding traffic studies.)

When construction of the land division is being done in stages so that portions of the land division will not be in the initial proposed development, or when there are abutting contiguous lands under the same ownership or option interests, **an access covenant shall be executed and recorded in the county Register of Deeds office prior to land division certification.** A sample access covenant form is shown in [FDM 7-30 Attachment 1.1](#). A statement regarding access restrictions as shown in TRANS 233.05(1) must be included on the land division instrument.

Written notice should be given to the land divider that a permit must be obtained from WisDOT before any street or private driveway connection can be constructed. Public street permits are only issued to local units of government.

A Traffic Study may be required for developments that will have a significant amount of traffic. The purpose of the study is to determine whether modifications to the existing street system are needed to accommodate the increased traffic generated by the development. The developer or local government may be required to pay the costs of these modifications. A Traffic Study will be required for any of the following conditions:

- Any development that will generate 100 or more new vehicle trip ends (total of entering and exiting vehicles for the proposed development at full build out and occupancy) in any hour; or 50 new vehicle trips exiting the development in one hour; or 750 trip ends in an average day. The current edition of the Institute of Transportation Engineers Trip Generation Manual shall be used to determine traffic generated. Development is defined as any proposed new construction, redevelopment, or expansion of a public or private facility.
- When the developer or local government is requesting a change in the traffic control on the state highway system.
- When considered necessary or desirable by the department for exceptional reasons (such as on a congested highway or when the safety of the traveling public may be affected), or when required by local approving authorities.
- A revised Traffic Study may be required when access decisions are still outstanding and the original Traffic Study is more than two years old or when the proposed development has changed in trip generation or land use from the original Traffic Study.

The land divider shall consult with the district to determine the scope and content of the Traffic Study. A Traffic Impact Analysis is one type of Traffic Study.

A special exception is required before direct private access is granted to a STH. Driveways that existed prior to the land division are not “grandfathered in.” The department must consider the safety of the locations and try to minimize the total number of driveways. The department can revise previous controls by revoking existing permits or authorizations if safety or increased traffic volume requires it. For example, a horseshoe driveway can be reduced to one access point, or if a public road is created, several existing driveways can be eliminated by requiring access to the public road rather than the highway. If it is determined that the driveway is acceptable, it must receive a special exception in order to continue to function as a driveway.

It is necessary to obtain a special exception to allow a driveway if that access is currently permitted by either an 84.25 plat or 84.09 plat and deed. When the district receives a Trans. 233 request they should determine if either of these types of access control exist at the location and whether the proposed access at the requested location is currently allowed by those controls. These accesses should be reviewed to determine whether it is still desirable to allow them to continue. In some cases we may wish to remove the access point because the original reasoning for it is no longer valid, or conditions have changed so that it is no longer a safe location. It is for these reasons that we must review access points that have already been granted by other means. So, a special exception is still required if the access is to remain. If the conditions have not changed, chances are the special exception will be readily approved.

Spacing of Connections (233.06)

The 1,000-foot spacing mentioned here is the minimum, 1320 feet is the desired distance to provide for workable signal spacing. Additional guidance is available in [FDM 11-5-5](#) of the Facilities Development Manual.

Several factors should be considered when determining connection spacing. Speed limit, traffic volumes, functional classification, urban or rural, and the Access Management Plan (see [FDM 7-5-1](#)) status should all be part of the analysis.

Temporary Connections (233.07)

Temporary connections can be granted if there is a master plan that shows a different ultimate access pattern which isn't being built initially because the development is occurring in phases. Sometimes local fire and safety codes will require a temporary access point that can be removed when the ultimate development takes place.

Circumstances for closure or alteration of temporary connections are generally a negotiable item between WisDOT, the approving authority and the developer unless the connection becomes a safety problem. WisDOT must strive toward rectifying promptly any safety problems that may arise.

The planned removal of a temporary connection should be tied to either a specific date or an event, such as the beginning of phase 2 of a development.

Provisions should be made at the time of the initial development to pay for the removal of the temporary connection when alternate access is provided. A performance bond may be needed.

The district is responsible for monitoring and enforcing removal conditions of a temporary connection. There should be a penalty provided for and a responsible party identified if the agreed to conditions are not met.

Setback Requirements and Restrictions (233.08)

Setbacks are necessary to provide light, air and space between a development and the highway. They also preserve the public investment in and safety of the highway. Highways are a resource for the State of Wisconsin. Before development in an area occurs, the highways are constructed to meet the needs of the area. Many communities do not have master plans or comprehensive plans in place that adequately preserve

corridors for probable future needed highway improvements. As a result, many times the department must look to a relocation of a highway in order to meet the expanding needs of a community. It is becoming more difficult to bypass a community due to concerns over the environment and agriculture of an area and also due to the lack of available area around expanding cities.

In order to provide for a facility to serve the future community needs, the setbacks need to be in place. Setbacks are not automatically present along all state highways. They are restrictions placed upon developing land and only as the development occurs through land divisions. Without this planning tool, the future could be bleak with communities having to live with a substandard highway facility because it would not make sense to relocate half of a community's business district in order to provide for an expanded highway facility.

Not all practical uses of the area within the setback are being denied, just those that may preclude a future highway facility. If the cost to buy additional right of way is too great, either a needed project will not be built or the state trunk highway will be relocated. In either case property owners adjacent to the highway, particularly businesses, will be adversely impacted.

The highway setback area is 110 feet from centerline or 50 feet from the right of way line (whichever is greater) for the following:

- The National Highway System
- Principal arterials. See [FDM 4-1-15](#)
- Within incorporated areas and within 3 miles of the corporate limits of any city with a population of 10,000 or more, or within 1-1/2 miles of any village or any city with a population of less than 10,000.
- Highways and connecting highways with an ADT of 5,000 or more.
- Areas where the projected congestion is expected to be worse than level of service "C" within the next 20 years.
- Major intersections - the area within ½ mile of the intersection or interchange of any STH or connecting highway with a designated expressway, freeway, or interstate highway.

The highway setback area is 15 feet from the right of way line for any state trunk highway or connecting highway that does not fall into one of the above categories, with the exception of the area within the desirable stopping sight distance at the intersection of any STH or connecting highway with another STH or connecting highway. In essence, the area within the stopping sight distance of the intersection does not have a setback, but it is governed by the vision triangle criteria as stated in 233.105(2).

Special exceptions to the setback restrictions may be granted if the request is not contrary to the public interest. Local setbacks and master plans may be good reasons for special exceptions to reduce the setback distance. However, if local setbacks are more restrictive, they would govern. A special exception to WisDOT requirements does not supersede local regulations that are more restrictive, in fact WisDOT shall not grant special exceptions that would be in violation of local regulations. See "Special Exceptions" for additional information.

The setback line is established when the land division is created. The location of the setback line does not move when additional R/W is purchased from within the setback area. The setback area just becomes smaller. In other words, if there is a 50 foot setback and we buy 20 feet of new R/W from the property, there would then be a 30 foot setback, because the setback line itself does not move. So, highway R/W plats must show the remaining setback widths on land divisions.

If additional highway right of way is dedicated at the time of the land division, the setback is measured from the existing right of way line or centerline, not the newly dedicated right of way line.

The setback line will not follow the vision corner line, but rather will follow the normal R/W line extended. Vision corners have restrictions as stated in 233.105(2).

In areas where there is a parallel driveway or access easement within the normal setback area, the setback area will be expanded by the width of the driveway or easement. This expanded setback will be a condition of approval of the special exception to allow a driveway in the setback area.

On routes with planned improvements that require additional right of way but the real estate has not yet been purchased, the setback would apply to the right of way as it exists at the time of the recording of the land division. In such a case, the department may want to do an advanced acquisition to establish the new right of way line prior to the creation of the land division. If the property owner is agreeable, the setback line can be set at the appropriate distance from the proposed right of way line, but the department cannot force the land owner to accept a larger setback area than what is required based on the existing right of way.

Improvements and Structures

Structures and improvements that existed prior to the start of the land division process do not require a special exception nor will compensation be denied if they must later be removed from the setback for a highway improvement project. {See 233.012(2)} However, they must be shown on the plat to prove that they existed at

the time of the land division. No additional structures or expansions to existing structures may be built in the highway setback area.

If a disaster should befall a structure that was existing in the highway setback area prior to a land division (“grandfathered in”), as far as WisDOT is concerned, the structure could be rebuilt upon the original footprint, with no expansion. However, there may be local ordinances that prohibit the rebuilding.

Following are lists of prohibited improvements and acceptable features. These lists are not all inclusive. A determination for features not listed shall be jointly made by staff from the Systems Planning and Operations Section of the appropriate district and the Access Management Coordinator in the Bureau of Highway Development (BHD). The BHD Access Management Coordinator will be responsible for maintaining a list of previously undetermined features that have been ruled on.

Prohibited Improvements in the setback after land division. These features are typically relatively expensive to install and are not portable so they are usually expensive and time consuming to relocate. Any feature that is vital to the continued use of the rest of the property is prohibited from placement in the setback area.

As defined in 233.015

- Parking lots
- Loading docks
- Wells
- Septic systems
- Retaining walls
- Signs
- In-ground swimming pools
- Buildings
- Drainage facilities
- Building appendages such as porches
- Driveways other than those that are perpendicular to the highway.

Acceptable improvements in the setback after land division. Generally, these features will be relatively inexpensive to install and are portable or relatively easy and inexpensive to relocate even if not totally portable. The remainder of the property must not be dependent on these features to be used to its fullest potential.

As defined in 233.015:

- Sidewalks
- Terraces
- Patios
- Landscaping
- Open fences

As interpreted by WisDOT:

- Gardens and flower beds
- Playground equipment
- Residential satellite television dishes
- Berms
- Above ground swimming pools
- Trailer mounted signs
- Portable swing sets
- Movable lawn sheds without pads or footings

Building any structures is prohibited in the setback after land division. This includes (as interpreted by WisDOT):

- Garages
 - Non-portable sheds
 - Subdivision entry way walls and gate houses
 - Building appendages would include decks and loading docks
- Features that are NOT considered structures include:

As defined in 233.015:

- Portable swing sets
- Movable lawn sheds without pads or footings
- Above ground swimming pools without decks

As interpreted by WisDOT:

- Trailer mounted signs
- Gazebos

Utility Facilities In Setback

Any utility facility may be placed in the setback. Only the future compensation is affected by the presence of, or lack of, notice to WisDOT. They are compensable only under the following scenarios:

- Utility facility is erected or installed before the land division map is recorded.
- Utility facility is erected or installed on a recorded utility easement that was acquired prior to February 1, 1999.
- Utility facility is erected or installed after the land division map is recorded, but with prior notice in writing to the WisDOT and WisDOT does not file a notice of Non- Compensability (see below).
- Utility facility is erected or installed before the land division map is created, but modified after that date in a manner that increases the cost to remove or relocate the facility. In this case, the WisDOT pays the cost for the original facility only, unless the modification was made with prior notice in writing to WisDOT.

Compensation is further restricted by the following:

1. On connecting highways, the utility facility is compensable only if it is compensable under the applicable local setbacks.
2. WisDOT will review the notice of a proposed utility facility and determine whether it conflicts with a planned highway project within the 6-year improvement program or a major highway project. If WisDOT determines that a conflict exists, WisDOT will notify the utility in writing and request the utility to consider alternative locations that will not conflict with the planned highway work. If WisDOT and the utility are not able to avoid or mitigate the conflict, the utility may proceed with the work but WisDOT can not pay compensation or other damages relating to the utility facility if it conflicts with the planned highway project. When the parties fail to agree on a non-conflicting location, the district must file a **"Notice of Non-Compensability"** in the county Register of Deeds office for the area under dispute.

The law requires utilities to give WisDOT the following minimum prior notification:

Normal utility work	30 days prior to starting work	all activities not classified as routine or major
Routine work	5 days prior	single residential distribution facilities and similar inexpensive work. Would include all annual service connection permit-type of work
Major utility work	60 days prior	includes transmission towers, communication towers, water towers, pumping stations, lift stations, regulator pits, remote switching cabinets, pipelines, electrical substations, wells, gas substations, antennae, satellite dishes, treatment facilities, electrical transmission lines and facilities of similar magnitude

The time frames for the utilities notifying WisDOT and for WisDOT to reply to the utilities are the same. This means that if they give WisDOT the minimum notification (5, 30 or 60 days prior to construction) WisDOT would have to reply by the day that construction starts. In reality, if WisDOT has a problem with the proposed plans and waits until the last day to reply, it is too late, the utility may be unable or unwilling to change their plans. WisDOT must reply earlier than the time allowed in order to get cooperation in changing the location of the proposed facility. It is in WisDOT's best interest to reply as soon as possible.

"Utilities" Includes Cable TV: There is a little confusion on the part of some people regarding cable TV. Cable TV is not a regulated utility, but it is covered by TRANS 233, and they must abide by the setback restrictions.

Unrecorded Easements: Some utilities have unrecorded easements, or verbal agreements with property owners allowing them to place utility facilities on private property. This was especially common prior to 1960. Sometimes property owners didn't want to sign any legal documents but gave their permission to place utility facilities on their property, generally in exchange for service. If the utility can prove that they have some sort of permission to be there, or if they can prove their facilities were there prior to the land division being recorded, WisDOT will consider their facilities to be compensable.

Potential Conflicts: In order to request that a utility change their proposed plan to locate in the setback, WisDOT must have a Major project in the program or a project in the 6-year improvement plan, or a project that was in the plan but has been delayed for some reason. Once a project is in the 6-year plan it is considered to still be a part of the improvement plan even though it was delayed for a few years.

If there is a highway plan in development, the proposed utility plan should be compared to the highway plan to determine if conflicts exist. If a highway plan is not sufficiently developed to determine potential conflicts, a "best-guess" should be made and that decision shall stand in the event there is a change later. For example, if it appears that there will not be a conflict and the utility plans are OK'd by WisDOT, but there later turns out to be a conflict, the utility facility involved will be considered compensable.

If there are no highway projects scheduled in the area under consideration, a letter stating such should be sent to the utility. Any utility facilities placed in accordance with the proposed utility plan under consideration will be compensable in the future.

Service facilities for a single lot are generally not a concern and prior notice does not have to be given. Also, low cost utility facilities, such as small distribution lines, are not a concern. Large, expensive, or difficult to relocate facilities should be placed outside of any proposed highway grading areas. Also consider potential conflicts with overhead structures such as signs, lighting, signals, bridges, sound barriers and retaining walls. Any proposed WisDOT landscaping plans should also be reviewed for potential conflicts.

Any easements existing before February 1, 1999 have been exempted by the rule, even if no facilities existed in the easement on that date. Any facilities placed in easements that were recorded prior to February 1, 1999 do not have to comply with the prior notice requirement. However, it is in the utility's best interest to give prior notice.

If there is an existing utility easement in the highway setback area, include the recording information of the easement on the plat or map. If the easements are being created via this land division, a note indicating such must be shown, or it could be identified in the legend. Something like "utility easements created via this plat" would suffice.

Setbacks in Place Prior to February 1, 1999

The following note was placed on plats beginning about a year before the revised TRANS 233 took effect. The note may sometimes have been labeled "highway setback" and sometimes "building setback". A similar note is placed on the current land divisions.

"No improvements or structures are allowed between the right-of-way and the setback line. Improvements include but are not limited to signs, parking lots, parallel driveways, wells, septic systems, drainage facilities, etc., it being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to section 236.293, Wisconsin Statutes and shall be enforceable by the Department of Transportation. Contact the Wisconsin Department of Transportation District office for more information. The phone number may be obtained by contacting your County Highway Department."

It is our intention to deny compensation for improvements that are made whenever this note was used, regardless of whether it was placed on a plat processed under the old rule or on a land division map processed under the new rule. An exception to that would be when a special exception was granted to allow something to be constructed within the setback. Under the new rule we plan to require the owner to sign a waiver of damages as a condition of approval of the special exception, so that compensation will no longer be a contested issue.

In summary, if a plat that is approved and recorded prior to February 1, 1999 contains this note and did not have a setback special exception, any improvement constructed after the date the plat was recorded is not compensable. If it contains the note but there was a special exception to the setback for this improvement, it is compensable. Any improvement that existed at the time the plat was created should have been shown on the plat, and would be compensable. If a plat approved before February 1, 1999 does not contain this note, any improvements within the setback are compensable.

Outdoor Advertising Signs in the Setback

Scenario: A sign is permitted within 50 feet of the highway right of way, or 110 feet from the centerline of the highway, whichever is more restrictive (farther from the centerline). After February 1, 1999 the land owner divides the property, either via a subdivision, CSM, deed, or any other means. This land division subjects the property to TRANS 233 highway setback restrictions. No signs are allowed in the setback area, but since the sign is existing at the time of the land division, it is grand-fathered in and allowed to remain.

At some point in time after the land division is recorded, the sign owner wants to change the sign to something more expensive. This change, whatever it might be, requires a new sign permit. When WisDOT receives the new sign permit application they notify the applicant that the change will require them to sign a "Notice of Non-compensation" if they want to pursue the change. The notice states that if future relocation is necessary because of a highway improvement project, WisDOT will pay only for the type of sign that was in place when the land division was created. Any improvements after that point in time will not be paid for.

The sign owner has the option of moving the sign out of the highway setback area, or proceeding at the old location with the knowledge that future compensation will only apply to the original structure.

NOISE (233.105)

The district must determine if the proposed land division may be adversely affected by noise generated by the highway. The land owners and prospective buyers of land adjacent to an existing state highway facility must be advised that noise levels on some or all of the divided lands may exceed federal standards, and that the department will not be responsible for mitigating the noise. It places the burden of the mitigation upon the owner. (See Trans. 405)

The land divider is responsible for placing a **noise note** on the land division documents. See Trans. 233.105(1) for the required note.

The noise note is required only on land division documents where the district knows of a problem or where it is likely there will be a problem in the future. The rule does not say that noise barriers must be built. Whether or not they are provided will depend upon whether the land divider, prospective buyers or people who have already bought lots feel they are necessary and also upon whether any of those people are willing to pay for them. The intent of this section is to inform all concerned that WisDOT will not construct or finance noise barriers for land divisions next to existing highways. The land divider is accepting the risk on his own behalf or on behalf of subsequent buyers if he chooses to develop close to an existing state trunk highway which may now or in the future adversely affect owners of the created land divisions. The land divider's responsibility for noise abatement

expires when the lots are sold. If and when an owner feels noise abatement is necessary, it shall be their responsibility to provide it.

[FDM 23-5 Attachment 1.1](#) provides the Federal Noise Abatement Criteria. [FDM 23-50-1](#) mentions the WisDOT responsibility in reviewing abutting plats and states that we should consider the noise impacts in our review.

For noise purposes, an existing highway would be the roadway in place at the time the land division is created or the roadway resulting from the future rehabilitation or reconstruction if done substantially along the same alignment and containing an equal number of travel lanes. If the highway is subsequently revised so that it is moved significantly closer to the land division or the number of travel lanes is increased, there could be a noise impact to adjacent properties due to the change. In that case WisDOT would no longer consider it to be the "existing" highway for purposes of 233.105(1). In those situations WisDOT will evaluate the changed noise levels on those properties and, if practical and effective, mitigate the affects of the increased noise levels significantly affecting the properties. Mitigation may consist of measures other than constructing noise barriers. Noise barriers are not effective where there are many openings such as driveways, thus they are typically installed only along freeways.

The note that is placed on the land division at its creation is in effect for perpetuity. Subsequent buyers are responsible for noise abatement.

All land divisions abutting four lane highways, high volume two lane highways, and highways with a high percentage of truck traffic shall have the noise note added. Other things to consider include whether there is a quarry, trucking firm or similar operation nearby, and whether there is a steep grade that may require trucks to do a lot of braking.

Vision Corners (233.105)

Vision corners are areas controlled by the WisDOT at intersections. Vision corners are required as a safety necessity. The purpose of the vision corner is to provide a clear line of sight for vehicles approaching or waiting at an intersection. Vision corners are sometimes called "vision triangles" because they are generally triangular in shape. These areas must be kept free of any objects which may obstruct the necessary line of sight for drivers on either the highway or the side road.

The district must review the need for vision corners at any intersection with a state trunk highway. Some of the items to consider are the speed limit on the highway, the location of the land division (i.e., rural or within the corporate limits of a city or village), the land use proposed and the grades in the area. If the highway speeds are low and visibility is adequate without the need for the dedication, it will not be required. Vision corners should be required at all locations with high truck volumes, high total volumes, or any time that the geometrics of the intersection are less than desirable. The safety of the traveling public should be a major consideration.

Right-of-way or easement requirements for vision corners are located in [FDM 11-10-5](#). Guidance for vision corners on low speed side roads (below 40 MPH) is found in the AASHTO's "A Policy on Geometric Design of Highways and Streets." Generally, the slope of the land will also affect this design if additional grading is required to provide the appropriate sight lines.

Right-of-way dedication is preferred because it gives WisDOT more control over the property. If easements are used, problems frequently arise because future owners do not understand the need for the easement and feel they should be able to do anything they wish with their property. Easements can be used, along with the note mentioned below if the dedication of the property presents a problem for complying with local ordinances.

Wording of note to be added to the land division document if the vision corner is by easement:

"No structure or improvement of any kind is permitted within the vision corner. No vegetation within the vision corner may exceed 30 inches in height."

No compensation is required for the dedication of vision corners. The land divider is the initiator of the action (dividing the property) and is receiving something of value (a new or upgraded connection to the state trunk highway) in return for the dedication. The land divider can avoid this by connecting to a road other than the state trunk highway or by not dividing the property.

Drainage (233.105)

Wisconsin DOT-owned drainage systems are designed for the use of the state highways they serve. Allowances are made during design to accommodate the surface drainage sloping naturally towards the highway and in the existing condition of imperviousness (land use) experienced at the time of design of the storm water conveyance system.

All abutting land divisions shall be reviewed for impact on the existing STH drainage system. The post-development storm water flows shall be equal to the pre-development flows. If there is a possible adverse effect on existing drainage or if there is a significant amount of water flow toward the highway right-of-way from the development, the land divider must provide the district with a drainage study certified by a Wisconsin licensed professional engineer, landscape architect or hydrologist experienced in drainage computations. The study,

which shall illustrate both the before and after condition for full build-out, shall be reviewed by the district for its accuracy and conformance with WisDOT policy. The district shall review the proposal before the plat is certified.

Drainage information will be required when there is a:

- Residential land division with a gross aggregate area of 5 acres or more;
- Residential land division with a gross aggregate area of at least 3 acres, but less than 5 acres, if it creates at least 1.5 acres of impervious surfaces;
- Non-residential land division, with a gross aggregate area of 1.5 acres or more, or which creates an impervious area of .5 acres or more;
- Land division of any size that, in the opinion of the department, is likely to result in storm water runoff which exceeds the safe capacity of the existing drainage facilities or receiving body of water, which causes undue channel erosion, which increases water pollution by scouring or the transportation of particulate matter, or which endangers property or public safety. (A copy of the construction site storm water management plan as required under NR 216 may be required);
- Land division that is smaller than the minimum applicability criteria if such land division is part of a larger common plan of development or sale that meets any of the above criteria, even though multiple separate and distinct land divisions may take place at different times on different schedules.

The land divider is responsible for providing the drainage computations and information. WisDOT requests land dividers contact the district before they expend resources on drainage plans. The district can work with the developer to determine the extent of drainage information needed to meet this requirement. See [FDM 7-50 Attachment 5.4](#) of this procedure for a checklist of items that can be required of the land divider. The district will check the needed items for the particular land division before sending the checklist to the land divider. If the hydraulic and hydrologic calculations are required, the district will send the land divider a copy of [FDM 7-50 Attachment 5.5](#) for them to complete.

If the owner is merely dividing the land now, with no specific development plans, they must have some idea of what may be planned based upon zoning alone. That information shall be used to develop drainage information using commonly accepted factors for the type of development anticipated. (See [FDM 13-10-5](#))

Downstream properties may be any publicly or privately owned lands through which the runoff flows. The computations need to show that the post-development flow is not greater than the pre-development flows. The computations do not need to show the effect on downstream properties.

Post-development peak runoff rates must not exceed the pre-development peak runoff rates for the 2-year through 50-year design storms, unless the downstream system is designed for a larger event. Emergency overflows must be provided to handle the 100-year discharge. Computations shall be done for the 2-, 10-, 25-, 50-, and 100-year storms.

Storm drainage outfall lines will be allowed to cross the setback area. The type of drainage facilities that cannot be replaced elsewhere are the kind of facilities that need to be kept out of the setback area, such as storm water detention basins.

Note: State law requires that developers obtain a Stormwater Permit in compliance with NR 216.

Special Exceptions (233.11)

The department may approve special exceptions to land division requirements, provided that the special exception shall not have the effect of nullifying the intent and purpose of these requirements. The department shall not approve special exceptions unless the evidence presented to it supports the following:

- The granting of the special exception will not be detrimental to the public safety, health, or welfare or injurious to other property;
- The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- The relief sought will not in any manner vary the provisions of the local zoning ordinance, master plan, comprehensive plan or official map, except that those documents may be amended in a manner prescribed by law.

In approving special exceptions, the department may require such conditions as will, in its judgment, secure substantially the purposes described in Chapter 236, State Statutes.

A special exception is effective only when it is recorded in the office of the register of deeds. See 233.11(7).

Blanket Special Exceptions

In areas with existing development and where local ordinances have less restrictive requirements, such as a reduced setbacks, the local unit of government may apply for a blanket special exception. This special exception would apply to an entire area. Once granted, all development in that area would be governed by the specifics of the special exception. For example, the entire central business district could have reduced setbacks and access could be granted according to local zoning requirements. However, the local access requirements must be restrictive and not general.

The local unit of government must submit a request for a blanket special exception to the appropriate WisDOT district office. The request shall include:

- A copy of the zoning regulations for the area.
- A letter indicating a need for the blanket special exception, the type of special exception needed and the reasons the municipality is requesting such a special exception.
- An aerial photo of the area under consideration for the special exception. If such a photo is not available, a map showing existing structures and improvements would suffice.

A blanket special exception does not negate the need for WisDOT review of land divisions in the affected area, it will just make the review simpler and quicker.

Blanket special exceptions must be recorded with the register of deeds office or the department shall provide other suitable public notice of the special exception.

Applicant Requirements

The applicant shall request in writing a special exception for the use they are proposing. The district may send the applicant instructions for requesting a Special Exception if their original request does not contain all of the needed information.

A request for a special exception must comply with local regulations and restrictions. Proof of approval by the local government, such as an approved resolution, may be required. WisDOT will not approve a special exception that is contrary to the wishes of the local governments.

Cost is not a hardship. It can be a factor, but by itself the additional cost of conforming to a Trans. 233 requirement is not a sufficient reason to grant a special exception.

Waiver of Future Compensation

One purpose of this provision is to assure that there will be an area available to expand the highway when development requires a needed improvement. WisDOT pays fair market value for the land it acquires. With a waiver, those portions of the land on a lot containing improvements would be valued at the same rate as those portions containing no improvements. It is detrimental to the owner, to WisDOT, to the community and society in general to remove development to make way for a highway project when it can be avoided by preserving space for such projects. If the owner insists on placing improvements in the setback area, they are accepting the risk of damages in the future.

Setback Exceptions

Special exceptions for setback areas must be analyzed on a case by case basis. Section 233.11(3)(b) to (f) spell out the various items that should be considered when ruling on a special exception to the setback area and other applicable requirements.

Performance Bond (233.12)

A performance bond is needed when there must be a guarantee that certain work will be done at some point in the future, such as the removal of a temporary access point.

Fees (233.13)

Fees must be charged for each formal submittal to the WisDOT that requires a formal response. Conceptual reviews are not subject to the fee and will not require a formal response. Many municipalities require that the roads be constructed before they will approve the final plat. Therefore, WisDOT must review the plat twice, once during the preliminary plat stage and once during the final plat stage. The fee will be assessed each time a preliminary and a final plat is submitted.

WisDOT does not require both a preliminary and a final review for every land division, but it does require review and approval prior to any construction of street infrastructure, which in effect requires a preliminary review when the municipality requires such construction prior to final plat approval.

Drainage Information Checklist for Trans. 233 Land Divisions

Purpose

This Checklist should help WisDOT reviewers request the information that is needed from a land divider so that an assessment can be made as to the land division's impact on the drainage system of the state highway. The reviewer will use the requested information to evaluate flow, water surface elevation and erosive impacts and changes to WisDOT drainage facilities. WisDOT drainage facilities include but are not limited to storm sewer systems, culverts, ditches, and detention ponds. Providing complete and clearly labeled information will expedite the review.

Development Name _____
 Highway _____
 County _____
 Date _____

Required Information **The checked items must be provided**

- ___ USGS Quadrangle Map (1:24000) to delineate the site location. The map should show 1 mile on each side of the site. **Note: USGS maps are available for no charge on the internet at www.usgs.gov**
- ___ Proposed site grading plan with contours (including buildings, roads, drainage systems, etc.)
- ___ Delineate floodplain and floodway boundaries (if applicable)
- ___ Plans of proposed and existing stormwater conveyance systems
- ___ Outlet control details and erosion control details for affected WisDOT drainage facilities
- ___ Energy dissipation calculations and details to control outlet velocities
- ___ Connection details to WisDOT system if prior written approval is granted by WisDOT
- ___ Hydrologic and hydraulic design calculations, including drainage area mapping, land use areas, time of concentration flow paths and calculations, and ditch capacity and shear calculations for WisDOT ditches
- ___ Certification signed by a Wisconsin Registered Professional Engineer, Landscape Architect, or Hydrologist
- ___ Drawing or plan illustrating the links between the hydraulic and hydrologic model components and the physical features of the design (drainage areas, pipes, ditches, ponds, etc.)

Local Agency Storm Water Ordinance Requirements

Since many local agency requirements for either flow or storage volume can be more restrictive than WisDOT's requirements, please include local agency requirements in the design calculations.

Drainage Design Summary for Trans. 233 Land Divisions

Land Division Name: _____

District Log # _____

Drainage Calculation Method

Select only one:

- ___ NRCS TR55 Graphical
- ___ NRCS TR55 Tabular
- ___ TR20
- ___ Rational Method (Triangular Hydrograph)
- ___ HEC-1
- ___ Other (specify) _____ Note: you should get approval from the district prior to using a method that is not listed above.

Please provide input and output printouts for all range of flows when computer applications are used.

Data Summary

Q= discharge, V= velocity, and Vol. = runoff volume

Required storage volume is the difference between the proposed and existing conditions.

	Existing			Proposed			Proposed Outflow		Required Storage Volume Cubic Feet
	Q	V	Vol.	Q	V	Vol.	Q	V	
Frequency									
2-year									
10-year									
25-year									
50-year									
100-year									
Drainage Area	Acres			Acres					
Design	Storage	Volume	(cubic ft)						

Certification

I, _____, certify that the proposed stormwater
(Print Name)

runoff from this land division is discharged into the WisDOT storm water conveyance system at a flow rate equal to or less than the existing flow rate conditions, the velocity discharged is properly dissipated, and the designed storage volume is adequate for the appropriate frequency listed above. The design is based on the attached hydrologic and hydraulic calculations which are summarized above.

_____, P.E./Landscape Architect/Hydrologist
(Signature) (circle one of the above)

Date

Wisconsin Professional License Number _____