

Ordinance No. 2004-03-2010-02-2021

Town of Rush River

An Ordinance amending the local subdivision regulations in the Town of Rush River.

WHEREAS, under Sec. 236.45, Stats., the Town Board of the Town of Rush River, St Croix County, Wisconsin, has been granted authority and delegated power by the State of Wisconsin to establish subdivision regulations in the Town. and

WHEREAS, The Town has a planning agency, to-wit a Plan Commission, which Commission has reviewed and made recommendations concerning this Ordinance; and

WHEREAS notice of the hearing whereat this Ordinance was adopted was given by publication of a Class II notice in accordance with Sec. 238.45(4), Stats.;

NOW THEREFORE, the Town Board of the Town of Rush River do ordain as follows:

SECTION 1. The minimum lot size regulations established herein apply to all land divisions in the Town of Rush River, except a sale or exchange of parcels of land between owners of adjoining property where additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the Ordinance.

SECTION 2. All lands zoned R-1 (Residential) shall have and require a minimum lot size of 20 acres. Existing parcels of less than 20 acres are exempt provided they have been in existence, with separate legal description and tax parcel identification number prior to the date of the adoption of this Ordinance.

SECTION 3. On lands zoned R-1 a residence may only be erected on a lot having a minimum of 20 acres. With respect to parcels that were zoned R-1 prior to the enactment of the Ordinance in 2004, the minimum lot size for the same shall be 2 acres. The following are examples of residential dwelling allowances, upon Board approval, on land zoned R-1 prior to 2004:

- A) An existing 35-acre parcel can be divided into one 20-acre parcel and one 15-acre parcel with a residence allowed on each parcel.
- B) All existing 2-21-acre parcels may have one residence.
- C) An existing 22-acre parcel with an existing house can be divided into one 20-acre parcel and one 2-acre parcel with a residence on each.
- D) An existing 63-acre parcel can be divided into three 20-acre parcels and one 3-acre parcel.

SECTION 4. On lands zoned Ag-1 (Agricultural District) the minimum lot size shall be 35 acres. An adjoining parcel may be added to an existing Ag-1 parcel, but only the open lands (farm fields) on the added parcel may be consolidated into the existing parcel for the purpose of increasing the size of the existing parcel. The land upon which the buildings are located and the non-open lands on the added parcel shall remain a separate of parcel for the purpose of the Ordinance, will remain zoned Ag-1 and may not be further subdivided.

SECTION 4A Farm consolidation is:

- 1. The combination of two or more farms into a smaller number of farms or;
- 2. The separation of existing farm residences onto a separate lot where the compliant-sized remnant is deed restricted to retain it solely in agricultural use.

The Town Board of Rush River shall allow:

- 1. A (one) land division between two and five acres (two-acre minimum lot size, five-acre maximum lot size) leaving a minimum of a thirty-five (35) contiguous acre parcel
- 2. B (one) land division of up to twenty (20) acres with an existing residence and associated accessory structures is permitted for larger acreage farm consolidations under the same ownership if the residence in question was constructed prior to enactment of the 1997 Town of Rush River Zoning Ordinance and the parcel remaining contains a minimum of thirty-five (35) contiguous acres.
- 3. **C (one) land division separating existing residence and existing outbuildings into a 5-acre parcel. Remaining parcel could not be further sub divided and must stay in Ag-1 zoning.**

The Town Board of Rush River may also allow the creation of lots less than 35 acres for the purposes of farm consolidation, but the newly created lot will retain its classification in the Exclusive Ag zoning district. Such lots shall be approved provided the following note is included on the face of the plat, *“This land division is created for the purpose of farm consolidation only and is not intended for residential development.”*

No building permits shall be issued without the express written consent of The Town of Rush River Town Board.

Land divisions that create at least one but no more than two parcels or Building sites for purposes of this Ordinance:

1. 40 acres or less in size are considered minor land divisions requiring approval under this section.
2. Approval of a Certified Survey Map (CSM) shall be required.

This section provides for the preservation, maintenance and enhancement of quality agriculture, forestry, and natural areas for the benefit of farm operators and the general public in terms of production of food and fiber and environmental quality. Except for continuation of preexisting uses, this Ordinance will allow very few nonagricultural uses or developments, and future rezoning requests will be approved only where surrounding land uses have made continued farming, forestry, or natural uses unfeasible, or where specific findings, as required by Wis. Stat. 91.77(1), indicates rezoning is consistent with the public interest and the Town of Rush River Planning Commission Comprehensive Plan. This policy is intended to avoid conflicts, which occur when farm and non-farm uses are mixed and to reduce the adverse pressures upon farming caused by speculative land values and consequent increases in property taxes on farmlands.

SECTION 5. The Town Board is hereby authorized and directed to enjoin a violation hereof.

SECTION 6. This Ordinance shall take effect upon passage and posting as provided by law.

The provisions of this Ordinance shall be liberally construed in favor of The Town of Rush River and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of Rush River. If there is conflict between this Ordinance and any other Ordinance of the Town of Rush River or St. Croix County, the provisions of this Ordinance shall govern.

Passed and adopted this 10 Day of March, 2021

**Town of Rush River
St Croix County, Wisconsin**

By: Donald E. Schumacher
Donald E. Schumacher
Town Chairman

Asset: Sandi Hazer
Sandi Hazer
Town Clerk

Approved: Randy Stillings
Randy Stillings
Supervisor

Tim Halvorson
Tim Halvorson
Supervisor

I, Sandi Hazer, upon adoption of this Ordinance by the Town Board, did on the 11 day of March, 2021, post at the Town Hall and placed on the Towns Website.

Sandi Hazer, Clerk Sandi Hazer