



# *SEWRPC Regional Land Use Plan and the McAvoy Comments*

A large, light-colored circular seal is centered on the page. The seal features a map of Wisconsin in the center, with the text "SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION" overlaid on it. The outer ring of the seal contains the names of the counties: "KENOSHA · MILWAUKEE · OZAUKEE · WAUKESHA · WASHINGTON · WALWORTH · RACINE".

## *Environmental Justice Task Force Meeting*



# *The McAvoy Comments*

- *SEWRPC and Peter McAvoy go way back. From his Preface to SEWRPC Technical Report No. 6 (2<sup>nd</sup> Edition), Planning Law in Southeastern Wisconsin (1977):*  
  
*"...critical problems facing the implementation of effective areawide planning (include) the wide dispersal of authority to plan in Wisconsin (and) the pressing need for better coordination (of local government land use decisions)."*



# *The McAvoy Comments—continued*

- *From the minutes of the May 27, 2008, EJTF Meeting which summarized Peter McAvoy's comments and recommendations as to the regional water supply plan:*
  - *SEWRPC water supply plan is being designed to serve and support SEWRPC regional land use plan*
  - *EJTF should examine land use issues, including reinforcement of urban centers through infrastructure investment; the effect of low density development patterns on economic development; green development practices; environmental concerns, including global warming and stormwater management; and social costs attendant to low density development, including health concerns, access to transportation, and access to jobs.*
  - *That examination could well lead to amendments to regional land use plan.*
  - *Accordingly, progress toward completing regional water supply plan should be held in abeyance until EJTF weighs in on land use issues and the regional land use plan is appropriately amended.*



# *Regional Land Use Plan*

- *Cornerstone of overall plan for the Region—providing a basis for other plan elements (e.g., transportation, park and open space, drainage and flood control, sewerage and water supply).*
- *Intended to provide a regional framework for many aspects of county and local comprehensive plans.*
- *Periodically updated—the new plan for 2035 being the “fifth generation” of the regional land use plan.*



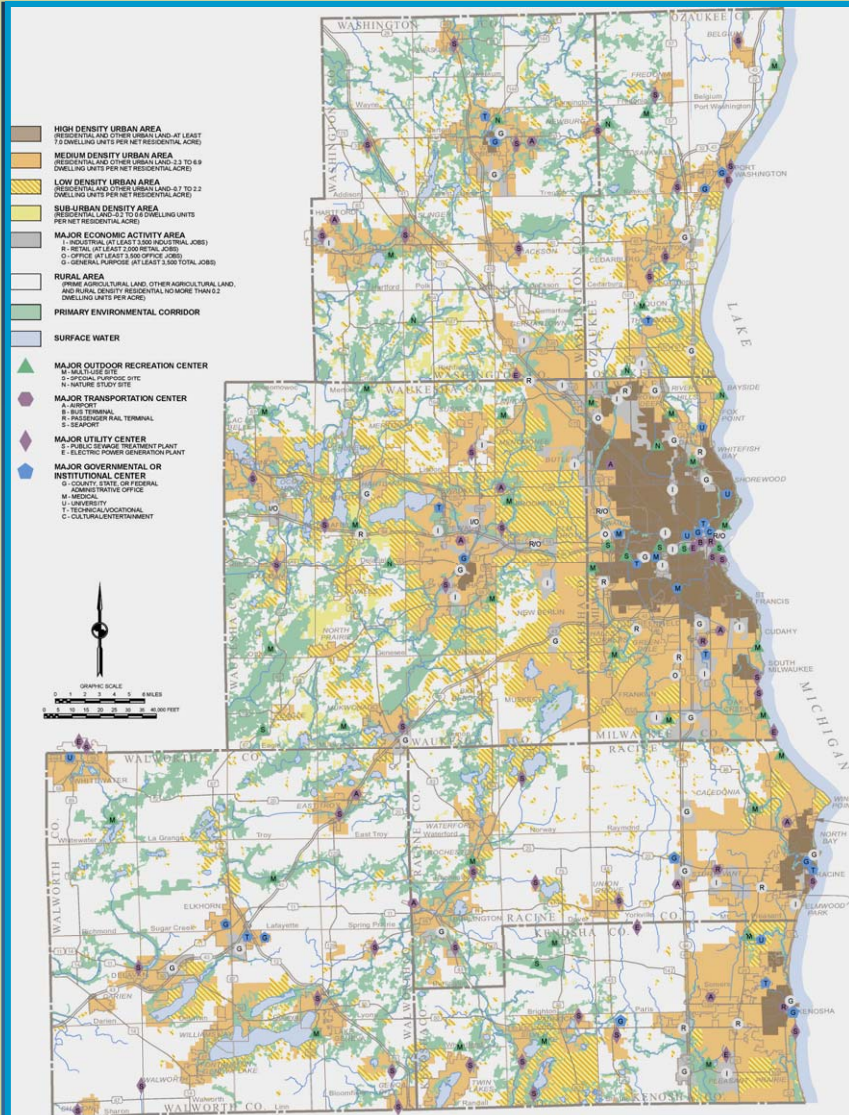
# *Key Regional Growth Projections*

*The regional land use plan was designed to accommodate the following projected changes in the Region over the period 2000 - 2035:*

- Population: + 345,000 (18 percent) to 2.28 million*
- Households: + 177,000 (24 percent) to 926,000*
- Employment: + 146,000 (12 percent) to 1.37 million jobs*



# 2035 Regional Land Use Plan

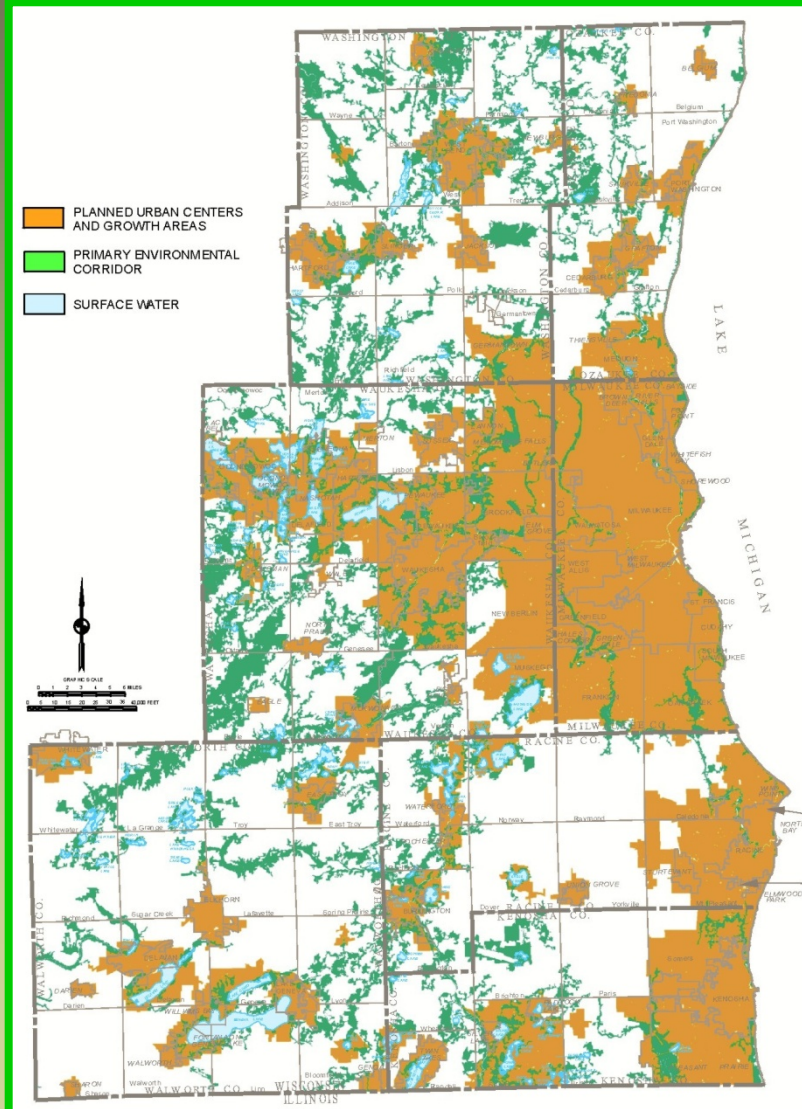


## Key components of plan:

- Urban service areas
- Environmentally significant land
- Rural areas



# Plan Recommendations for Urban Land



- *Urban development should occur in planned urban service areas that provide sanitary sewer, water supply, and other urban services.*
- *The plan envisions both infill and renewal of existing urban centers and orderly outward expansion of existing urban centers.*
- *Planned increase in urban land: 93 square miles (13 percent)—from 732 square miles in 2000 to 825 square miles in 2035.*



# *Plan Recommendations for Urban Land—continued*

## *Urban Residential Development:*

- Urban residential land would increase by 69 square miles (21 percent)—from 333 square miles in 2000 to 402 square miles in 2035.*
- About 88 percent of the projected increase in households would occur at medium or high densities (medium density—2.3 to 6.9 dwelling units per net acre; high density—7.0 or more dwelling units per acre).*
- Residential development is recommended to occur in both planned residential neighborhoods and in mixed use settings.*





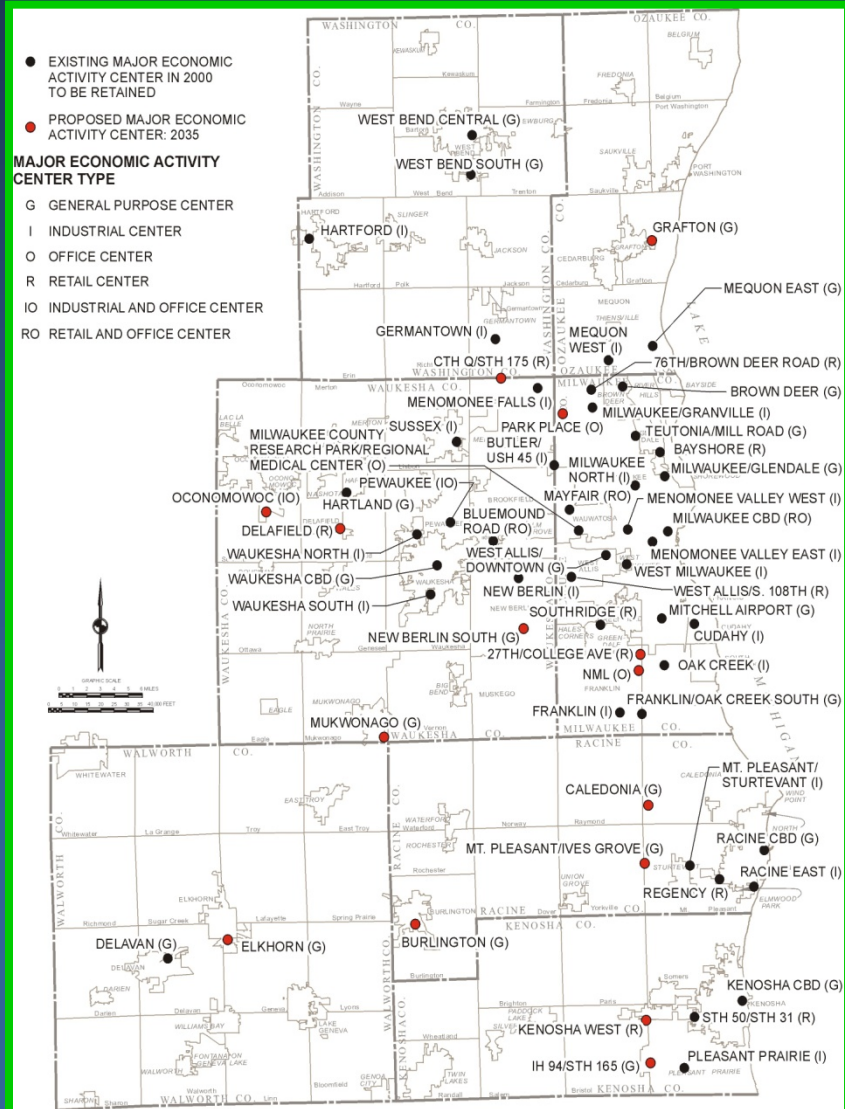
# *Plan Recommendations for Urban Land—continued*

## *Commercial and Industrial Land:*

- *Commercial and industrial land would increase by 18 square miles (28 percent)—from 63 square miles in 2000 to 81 square miles in 2035.*
- *Commercial and industrial development and redevelopment would be accommodated in various settings—including neighborhood, community, and regional commercial centers and community and regional industrial centers.*
- *The largest commercial and industrial centers—in terms of employment—have been identified as “major economic activity centers.”*



# Plan Recommendations for Urban Land—continued



- Plan recommends 60 major economic activity centers.
- Plan seeks to stabilize and revitalize existing central city centers and envisions continued development of other centers.
- Plan anticipates an increasing mix of activities and uses within major centers.
- Except for the planned site in Caledonia, each major center is currently developed, under development, or being redeveloped.



# *Plan Recommendations for Sub-urban Development*

*“Sub-urban density” residential development defined as 0.2 to 0.6 dwelling per acre—or single-family lots of 1.5 acres up to 5 acres.*

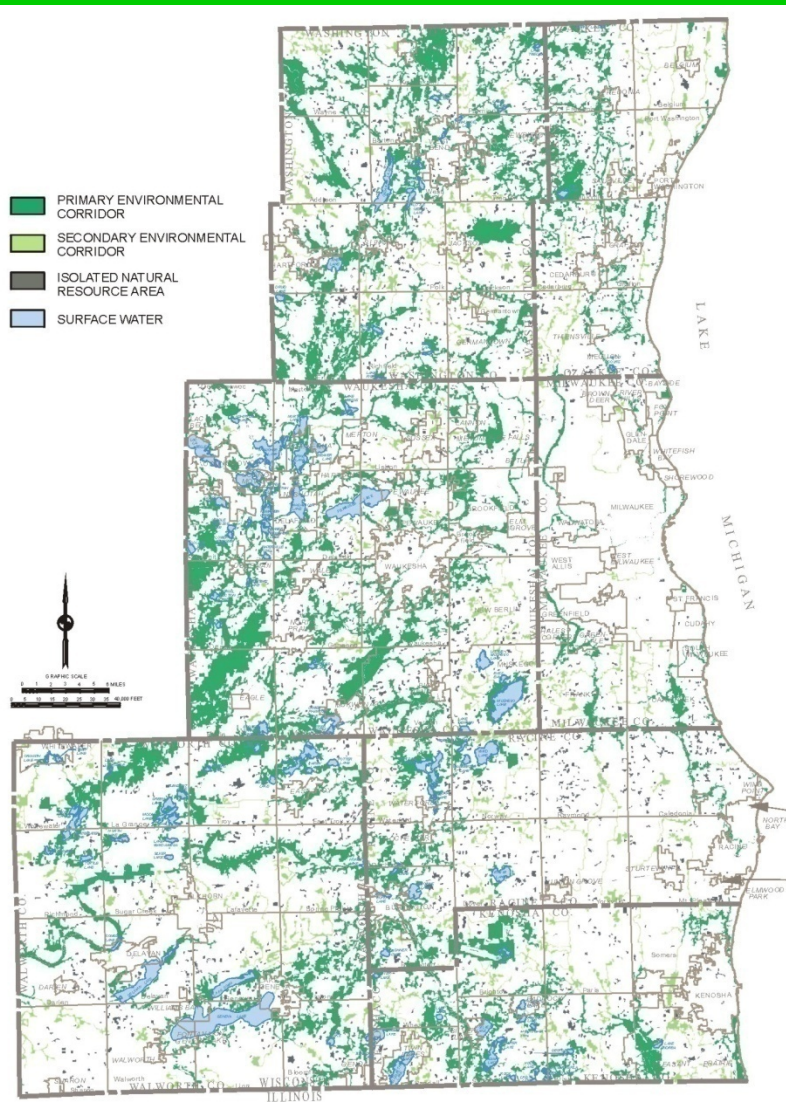
*Neither truly urban nor rural in character, sub-urban density development is difficult to serve with public utilities.*

*Plan recommendations:*

- Limit such development to that which is already committed in subdivision plats and certified surveys.*
- No additional sub-urban density—beyond such commitments—is recommended.*



# Plan Recommendations for Environmentally Significant Lands



## Primary Environmental Corridors:

- Regionally significant resource areas recommended to be preserved in essentially natural open uses
- 481 square miles (18 percent of Region)

## Secondary Environmental Corridors and Isolated Natural Resource Areas:

- Smaller resource areas that also warrant consideration for preservation—with determinations to be made in county- and local-level planning
- 140 square miles (5 percent of Region) 12



# *Plan Recommendations for Environmentally Significant Lands—continued*

*The plan recognizes that certain limited development may be accommodated in the environmental corridors and isolated natural resource areas without jeopardizing their overall integrity.*

*Under plan guidelines:*

- Certain transportation and utility uses may be located in such areas.*
- Limited residential and recreational uses may be located in such areas. Residential development within such areas should be limited to upland areas at a density of no more than one dwelling unit per five acres (conservation subdivision designs strongly encouraged).*
- In lieu of rural density residential development, up to 10 percent of the upland corridor area may be disturbed in order to accommodate urban-density residential, commercial, industrial, or other urban development (new provision under the 2035 plan).*

*Note: Guidelines should be applied to primary environmental corridors and may be applied to secondary environmental corridor and isolated natural resource areas—as determined in county and local planning.*



# *Plan Recommendations for Rural Areas*

*Lands beyond planned urban service areas (white areas on plan map): Should be retained in rural use—primarily agricultural use and rural density residential use.*

## *Prime Farmland:*

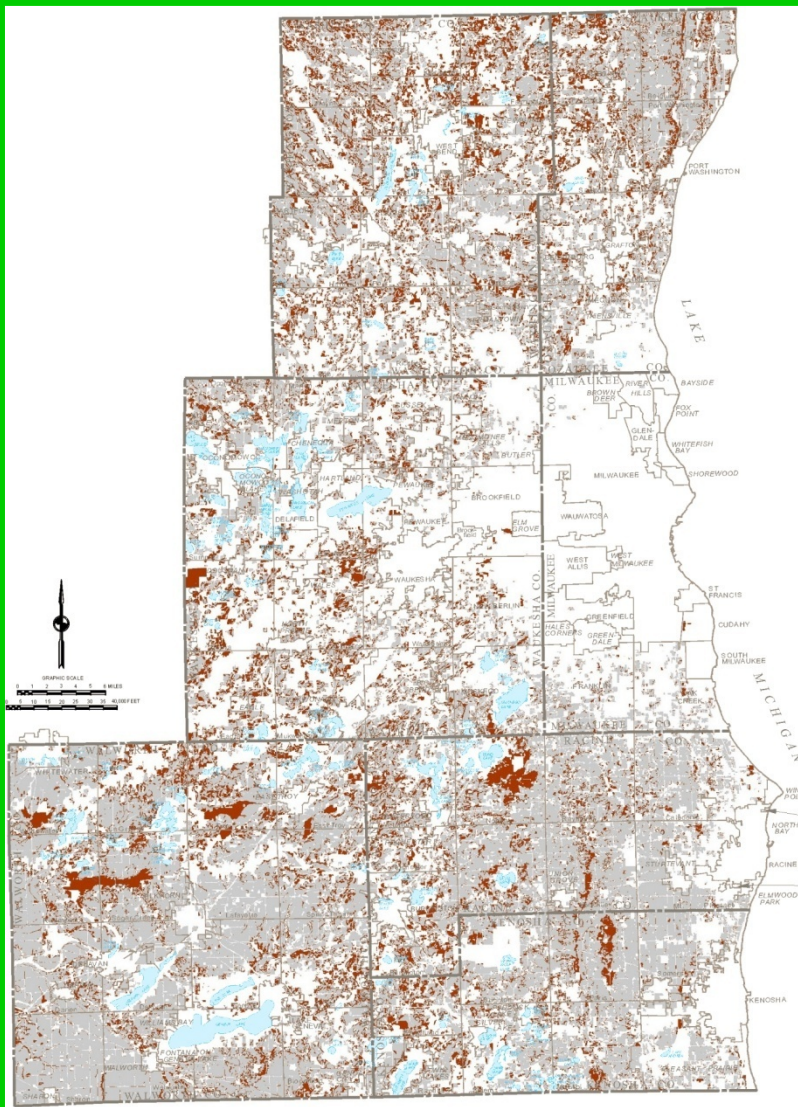
- Plan recommends preservation for agricultural use.*
- Responsibility for identifying prime farmland rests with counties in conjunction with the communities concerned.*
- Prime farmland criteria: Class I and II soils and other factors (e.g., size of farming areas, farm unit size, proximity to urban areas, availability of farm implement dealers).*

## *Non-Prime Farmland:*

- Plan encourages continued agricultural use (could be smaller farms, hobby farms, specialty farms).*
- Development should be limited to rural density residential at no more than one dwelling unit per 5 acres (conservation subdivisions encouraged).*



# Plan Recommendations for Rural Areas—continued



## Agricultural Lands in the Region: 2000



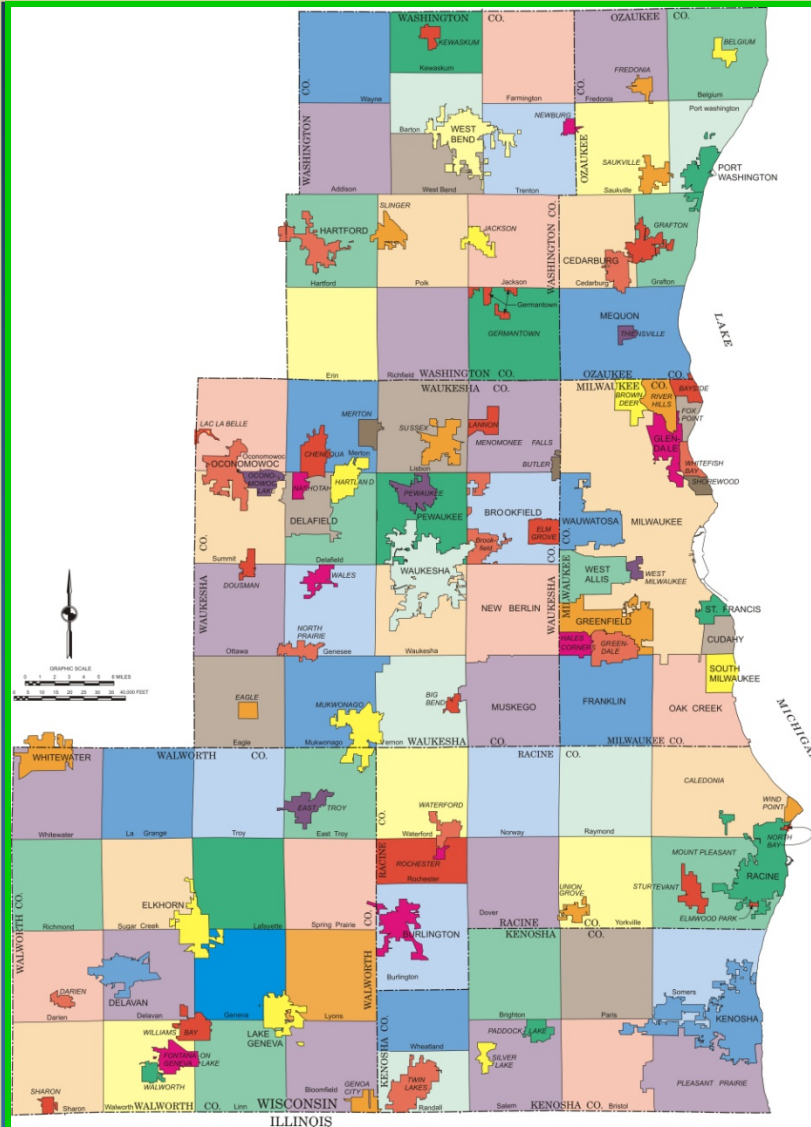
Agricultural land  
covered by Class I  
and Class II soils



Other Agricultural  
Land



# Land Use Decision-Making in Wisconsin: "Wide Dispersal of Authority"

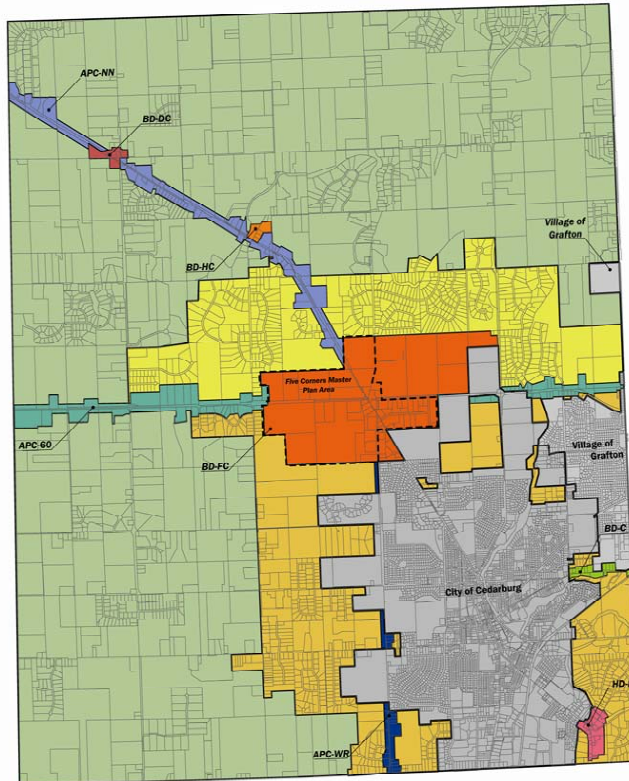


- All cities, villages, and towns—no matter how large, small or populous—have been granted by the State virtually unfettered land use development decision-making authority.
- Except for certain floodplain, wetland, and group home locational requirements, the State sets forth no substantive expectations in how land use development is to be regulated. The "Smart Growth" requirements are procedural in nature and lack substance.
- By State law, plans by regional planning commissions are advisory in nature.





# Town of Cedarburg's Smart Growth Land Use Plan: A Case of Conflict with Regional Plan



Shapes or colors represent general recommendations for future land use. Actual boundaries between different land use types and resources using districts may vary from what is shown on this map. Not all lands shown in a future developed land use category are immediately appropriate for development, housing or subdivision.

Town of Cedarburg  
**Future Land Use Plan**  
 April 2, 2009



Neighborhoods	Districts	Corridors
RN-C Rural Neighborhood - Countryside	BD-DC Business District - Dockers Corners	APC-NN Arterial Parkway Corridor - Highway NN
RN-N Residential Neighborhood - North	BD-HC Business District - Horns Corners	APC-60 Arterial Parkway Corridor - SH 60
RN-S Residential Neighborhood - South	HD-H Historic District - Hamilton	APC-WB Arterial Parkway Corridor - Wauwatosa Road
	BD-FC Business District - Five Corners	
	BD-C Business District - Columbia	

FIGURE 5: Land Use Plan Map

- Town area: 25 square miles
- Five Corners Business District. Impact on historic downtown Cedarburg?
- Rural countryside area. No agricultural land preservation. Accommodates sub-urban development densities (1.5 to 4.0 acre lots)
- No public sewer and water service in urban density areas
- No recognition of protection for environmental corridors.
- Facilitates strip commercial development.
- “Pressing need for better coordination”



# *SEWRPC's 1998 Proposal for a Better Approach to Land Use Development in Wisconsin*

- *State – Level Responsibilities*

- *Legislature adopts a set of land use policies relating to:*

- *Protection and preservation of natural resource base, including agricultural land and mineral resources*
- *The differentiation of urban and rural development, including criteria for the spatial location and densities of these forms of development*
- *The specification of the needed infrastructure to support both rural and urban forms of development*

- *Legislature establishes rules to ensure that state agency decisions and actions are consistent with land use policies*



# *SEWRPC's 1998 Proposal for a Better Approach to Land Use Development in Wisconsin—continued*

- *Preparation of Multi-county Regional Plans*
  - Legislature requires comprehensive regional plans to make the adopted State policies operational*
  - Regional plans subject to certification by State as meeting the adopted State policies*
  - Regional plans should be prepared in sufficient depth and detail to permit their adoption as county plans.*



# *SEWRPC's 1998 Proposal for a Better Approach to Land Use Development in Wisconsin—continued*

- *More Detailed Local Planning*

- Legislature requires that cities, villages, and towns carry regional plans into greater detail*
- Regional agency must certify that local plans are consistent with regional plans that implement the adopted State policies*

- *Plan Implementation*

- Legislature requires counties, cities, villages, and towns to exercise zoning and other land use development controls in a manner consistent with the adopted plans upon their certification.*



## *Some Concluding Comments*

- *While the Commission and its staff continue to try to more fully centralize and densify urban development patterns in the Region, those efforts are to some degree offset by continued decentralization of homes and jobs. This is a national phenomenon, not unique to the Milwaukee region. The State's so-called "Smart Growth" planning framework holds no real promise to change this situation.*
- *Whatever its shortcomings, the regional land use plan has to be reasonably realistic. Infrastructure planning and investment decisions are made largely in relation to the regional land use plan. Moreover, the Commission cannot ignore the new comprehensive plans of its 147 individual land use jurisdictions, some of which do not at all fit within the regional plan framework. Under the new State planning law, local plans by law become "blueprints for development", rather than guides.*



## *Some Concluding Comments— continued*

- *There would be nothing gained in holding up completion of the regional water supply plan while issues underlying the regional land use plan are once again addressed. While the water supply plan may well recommend expansion of the use of Lake Michigan for water supply purposes in the Region, analyses under the regional water supply study indicated that there is ample groundwater available to support the development pattern reflected in the regional land use plan.*
- *Realistically, any significant changes to the land use decision-making patterns in the Region will only come about if the State of Wisconsin, in one way or another, takes back some of the land use decision-making authority that it has given to every local jurisdiction. The 1998 SEWRPC proposal represents one such approach toward this end; the Portland and Twin Cities models of regional government represent other approaches.*



## *Some Concluding Comments— continued*

- If the EJTF desires to explore land use issues with Peter McAvoy and others, it is welcome to do so. The next regional land use plan will be prepared in the 2012-13 timeframe and any proposals that the EJTF may want to make relative to land use will be made available to the SEWRPC Land Use Planning Advisory Committee for use in that endeavor.*