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SEWRPC Community Assistance Planning Report No. 288, 2<sup>nd</sup> edition  
A MULTI-JURISDICTIONAL COMPREHENSIVE PLAN UPDATE FOR WALWORTH COUNTY

### **Chapter 3**

## **UPDATE OF INVENTORY INFORMATION**

### **INTRODUCTION**

Information regarding existing conditions and historic trends with respect to key information on land uses, natural resources, public facilities and services, park and open space sites, and land use regulations is essential in the preparation of this update to the Walworth County comprehensive plan. This chapter presents a summary of the updated inventories of those features.

### **EXISTING LAND USES**

The Regional Planning Commission's land use inventory delineates and quantifies the area devoted to various urban and non-urban land uses throughout the Southeastern Wisconsin Region. The most recent inventory was completed in 2015. The inventory findings as they pertain to Walworth County are presented on Map 3.1 and in Table 3.1, and are summarized below. Table 3.2 presents the existing land use inventory by civil division.

#### **Land Uses**

Agriculture was the predominate land use in the County in 2015, accounting for 57 percent of the County area. Natural resource areas, consisting of nonfarmed wetlands, woodlands, and surface waters (rivers, streams, and ponds) accounted for another 23 percent of the total area of the County. Nonurban land uses, including agriculture, natural resource areas, open land, and extractive and landfill uses together encompassed about 86 percent of the County in 2015, compared to about 87 percent in 2000 (the date of existing land use information in the 2009 comprehensive plan). The major changes between 2000 and 2015

with regard to rural land uses was an increase of about 9,463 acres, or 89 percent, in the amount of land in unused rural use.

The remaining 14 percent of the County was developed for urban uses in 2015, with residential, streets and highways, and recreational uses making up most of the urban land uses. Residential uses accounted for the largest percentage of lands developed for urban use, encompassing about 23,400 acres, or about 6 percent of the County. About 13 percent of the County was developed in urban uses in 2000.

The number of acres in all urban land use categories increased between 2000 and 2015, with the exception of railroads, which decreased from 682 to 588 acres. The amount of land in residential use increased from about 20,260 to 23,400 acres. There were also an increase of 1,800 acres or more devoted to streets and highway uses and an additional 451 acres for recreational uses, including the new White River County Park located in the Town of Lyons.

### **Business Parks**

Existing business parks located in the County are shown on Map 3.2 and listed in Table 3.3. Business parks, as defined by SEWRPC, have each of the following characteristics:

- A planned internal street system
- Typically, sanitary sewer service and public water service or availability
- Single ownership at the time the park was subdivided
- A minimum area of 10 acres
- Land that was platted or divided by certified survey map, except for brownfield sites

In 2016, there were 21 business parks in the County, encompassing 2,930 acres. About 12 percent of the parcels within the business parks were available for development. Developments located in business parks are traditionally industrial and office uses; however, retail and service uses may also be appropriate for business parks. Table 3.3 also includes information on proposed business parks in Walworth County.

Wisconsin is creating consistent standards for certification of industrial sites with a minimum of 50 contiguous acres. A "Certified In Wisconsin" site has the key reviews, documentations, and assessments most commonly required for industrial uses. Certification criteria have been developed based on

representative needs of advanced manufacturing projects.<sup>1</sup> As of 2016, there was one certified site in Walworth County—the Whitewater University Technology Park. The Whitewater Technology park is a 122-acre park, located in proximity to the Whitewater Innovation Center and UW-Whitewater.

## **TRANSPORTATION FACILITIES AND SERVICES**

### **Streets and Highways**

Walworth County is served by a well-developed highway transportation system consisting of 1,526 lane miles of public streets and highways in 2011. Map 3.3 shows existing streets and highways serving the County. Major changes to the arterial street and highway system in the County since 2009 include the development of the STH 11 bypass and the classification of South Road south of STH 50 as a local arterial.

### **Public Transportation**

Public transportation service in the county continues to be limited to shared-ride taxi service, provided by Browns Cab Service, which serves local travel in, and immediately adjacent to, the City of Whitewater. Although local or interregional bus service is not provided in the County, it should be noted that Waukesha County contracts with Wisconsin Coach Lines, Inc. to provide fixed-route bus service over a route between the Village of Mukwonago and the Milwaukee central business district. Operated over I-43 in Waukesha County, this route terminates at I-43 and STH 83, just northeast of Walworth County.

### **Bicycle Facilities**

Walworth County had approximately 128 miles of bicycle facilities in 2014, compared to 47 miles in 2007. Accommodation of bicycles on surface arterial streets and highways includes 107 miles of available paved shoulders and 3.4 miles of separate path within the right-of-way of roads. Approximately 17 miles of existing off-street bicycle paths are located in the County. There have been no notable additions to the off-street path system, but paved shoulders have been added to the following arterial streets:

- USH 12 from STH 67 west to CTH P in the City of Whitewater
- STH 120 from I-43 south to STH 36

### **Rail Freight Services**

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<sup>1</sup> *Certified In Wisconsin* (<http://inwisconsin.com/why-wisconsin/available-sites/certified-in-wisconsin/>).

Rail freight service provided in Walworth County has remained unchanged since the 2009 Comprehensive Plan. The four active rail service in the county are operated by Wisconsin & Southern Railroad Company, Union Pacific Railroad, the Canadian National Railway, and the Municipality of East Troy Wisconsin Railroad.

### **Airport**

There have been no changes to the availability of public-public use airports in Walworth County since the development of the 2009 Comprehensive Plan. Five public-use airports are located in the county, including two publicly owned airports - East Troy Municipal Airport and Burlington Municipal Airport— and three privately owned airports – Grand Geneva Resort, Lake Lawn, and Big Foot Airfield.

### **SANITARY SEWERS**

Areas served by public sanitary sewer service in Walworth County in 2010 encompassed a total of about 30.3 square miles, or 5 percent of the County, with an estimated resident population of 70,500 persons, or 69 percent of the County population. These areas include most of the developed portions of the County's cities and villages, along with certain lake area communities and other urban enclaves in towns—including the Delavan Lake area in the Town of Delavan; the Potter Lake area in the Town of East Troy; the Geneva National and Lake Como Estates areas in the Town of Geneva; and the unincorporated community of Lyons, the Grand Geneva area, and the Country Estates area in the Town of Lyons. The existing sewer service areas were served by nine public sewage treatment plants. The planned sewer service areas in 2015 and the area provided with sewer service in 2010 are shown on Map 3.4.

### **EXISTING PARK AND OPEN SPACE SITES**

A comprehensive areawide inventory of park and open space sites was conducted in 1973 under the initial regional park and open space planning program.<sup>2</sup> The inventory is updated periodically, and was updated in 2007 as part of the Walworth County Comprehensive Plan. The inventory of park and open space sites in the County was updated again in 2010 for use in preparing the Walworth County Park and Open space plan in 2014. The inventory includes all park and open space sites owned by the State, Walworth County, and local units of government, as well as privately owned recreation and open space sites. Map 3.5 shows the

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<sup>2</sup> *The regional park and open space plan is documented in SEWRPC Planning Report No. 27, A Regional Park and Open Space Plan for Southeastern Wisconsin: 2000, November 1977.*

open space preservation element of the 2035 Walworth County Park and Open Space Plan.<sup>3</sup>

### **Park and Open Space Sites Owned by Walworth County**

Since the development of the last comprehensive plan, the County established a new park, the White River County Park, in the Town of Lyons. The addition of the White River County Park in 2014 increased the total County-owned park space from 224 acres to 419 acres. The other three existing County parks include the Price Conservancy in the Town of Lafayette, Natureland Park in the Town of Richmond, and Veterans Park in the City of Elkhorn.

### **Park and Open Space Sites Owned by the State of Wisconsin**

In 2010, there were 47 State-owned park and open space sites in Walworth County, encompassing 14,934 acres, or about 4 percent of the total area of the County. Of these 47 sites, 41 sites, encompassing 14,300 acres, were owned by the Wisconsin Department of Natural Resources; one site, encompassing 14 acres, was owned by the University of Wisconsin; and five sites, encompassing 620 acres, were owned by the Wisconsin Department of Transportation.

### **Park and Open Space Sites Owned by Local Governments or School Districts**

In addition to the County- and State-owned park and open space sites in Walworth County, there was a total of 199 sites owned by local units of government or school districts, encompassing 2,670 acres, or about 1 percent of the total area of the County. Local governments own 161 park and open space sites and public school districts own 38 sites. The acreage attributed to school district sites includes only those portions of the site used for recreational or open space purposes.

### **Private and Public-Interest Park and Open Space Sites**

The 2010 inventory of park and open space sites also identified a total of 162 privately owned resource-oriented recreation sites, encompassing 11,085 acres, and 10 sites owned by private organizations for natural resource protection purposes, encompassing 1,076 acres. Examples of privately owned recreation sites include hunting clubs, stables, golf courses, boat access sites, campgrounds, subdivision parks, and recreation areas associated with private schools. Of the 10 sites owned for resource preservation purposes,

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<sup>3</sup> SEWRPC Community Assistance Planning Report No. 135 (3<sup>rd</sup> Edition), A Park and Open Space Plan for Walworth County, March 2014.

seven sites are owned by The Nature Conservancy and three site are owned by the Kettle Moraine Land Trust.

In addition to the private resource protection sites and recreation sites in Walworth County, there are 28 privately owned open space and environmentally sensitive sites, encompassing 1,156 acres, that are protected under conservation easements. In general, conservation easements are voluntary contracts between a private landowner and a land trust or government body that limit, or in some cases prohibit, future development of the parcel. The property owner sells or donates a conservation easement for the property to a land trust or government agency, but retains ownership. The owner is not prohibited from selling the property, but future owners must abide by the terms of the conservation easement. Conservation easements typically do not include any provision for public access.

## **AGRICULTURAL RESOURCES**

The Regional Planning Commission's land use inventory indicates that agricultural land encompassed about 210,987 acres (329.7 square miles) of the County in 2015. This figure includes cultivated land, pasture land, land used for horticulture and nurseries, and land occupied by farm buildings; it excludes wetland and woodland areas on existing farm units.

As reported in the most recent Federal Census of Agriculture, the number of farms in the County decreased from 988 to 870, a loss of 118 farms, from 2000 through 2012. Under the Census of Agriculture, farms are defined as operations from which at least \$1,000 of agricultural products were sold, or normally would be sold, during the year. As reported in the Census of Agriculture, a farm includes land owned and operated by the farmer as well as lands rented from others.

## **NATURAL RESOURCES**

### **Surface Water Resources**

Surface water resources, consisting of streams and lakes, form a particularly important element of the natural resource base. Surface water resources provide recreational opportunities, influence the physical development of the County, provide for wildlife habitat, and enhance its aesthetic quality. Surface water resources and major watersheds in the County are shown on Map 3.6.

The County includes portions of two major watersheds: the Fox River and Rock River watersheds. The Fox River and Rock River watersheds are tributary to the Mississippi River system. There are approximately 173 miles of perennial streams - streams that maintain, at a minimum, a small continuous flow throughout the year except under unusual drought conditions.

There are 27 major lakes (lakes of 50 or more acres) located entirely, or partially, within Walworth County. These lakes encompass about 12,600 acres within the County. The two largest lakes within Walworth County are Geneva Lake, with a surface area of about 5,262 acres, and Delavan Lake, with a surface area of about 2,072 acres.

### **Floodplains**

Floodplains are the wide, gently sloping areas contiguous to, and usually lying on both sides of, a stream channel. For planning and regulatory purposes, floodplains are normally defined as the areas adjacent to rivers, streams, and lakes that are inundated during the 1-percent-annual-probability (100-year recurrence interval) flood event. Floodplain areas are generally not well suited to urban development, not only because of the flood hazard, but also because of the presence of high water tables and, generally, of soils poorly suited to urban uses such as hydric soils. Floodplain areas often contain important natural resources, such as high-value woodlands, wetlands, and wildlife habitat and, therefore, constitute prime locations for parks and open space areas. Every effort should be made to discourage incompatible urban development on floodplains, while encouraging compatible park and open space uses. As shown on Map 3.6, approximately 52.4 square miles, or about 9 percent of the total area of the County, were located within the 1-percent-annual-probability flood hazard area.

### **Wetlands**

Wetlands are important resources for the ecological health and diversity of the County. They provide essential breeding, nesting, resting, and feeding grounds and provide escape cover for many forms of fish and wildlife. Wetlands also contribute to flood mitigation, because such areas naturally serve to store excess runoff temporarily, thereby tending to reduce peak flows. Wetlands may also serve as groundwater recharge and discharge areas. In addition, wetlands help to protect downstream water resources from siltation and pollution by trapping sediments, nutrients, and other water pollutants. The location and extent of wetlands in the County in 2010, as delineated by the Regional Planning Commission, are shown on Map 3.6. At that

time, wetlands covered about 53.6 square miles, or about 9 percent of the County. Included in the 53.6 square miles of wetlands are 2.2 square miles which have been classified as “farmed wetlands.” These areas meet the definition of a wetland, but were being actively farmed in 2010.

### **Natural Areas and Critical Species Habitat Sites**

A comprehensive inventory of natural areas and critical species habitat sites in Southeastern Wisconsin was completed by WDNR and SEWRPC in 1994 and updated in 2009.<sup>4</sup> Map 3.7 and Table 3.4 show the findings of the 2009 inventory of natural areas and critical species habitat sites and reflect the protection recommendations contained in the 2014 County park and open space plan. Natural areas are defined as tracts of land or water so little modified by human activity, or sufficiently recovered from the effects of such activity, that they contain intact native plant and animal communities believed to be representative of the pre-European-settlement landscape. Natural areas are classified into one of the following three categories: natural areas of Statewide or greater significance (NA-1), natural areas of countywide or regional significance (NA-2), or natural areas of local significance (NA-3). Classification of an area into one of these three categories is based on consideration of the diversity of plant and animal species and community types present; the structure and integrity of the native plant or animal community; the extent of disturbance by human activity, such as logging, grazing, water level changes, and pollution; the commonness of the plant and animal communities present; any unique natural features within the area; the size of the area; and the educational value and animal communities believed to be representative of the landscape before European settlement. As shown on Map 3.7 and in Table 3.4, eighty-three natural areas, including seven of statewide or greater significance (NA-1), fifteen of countywide or regional significance (NA-2) and 61 of local significance (NA-3), have been identified and recommended for acquisition in the County.

Critical species habitat (CSH) sites are defined by the Regional Planning Commission as areas outside natural areas that support rare, threatened, or endangered plant or animal species. Thirty-three critical species habitat sites have been identified and recommended for acquisition in the County (See Map 3.7 and Table 3.4).

### **Environmental Corridors and Isolated Natural Resource Areas**

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<sup>5</sup> *The results of the 1994 inventory are documented in SEWRPC Planning Report No. 42, A Regional Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin, September 1997. The plan update is documented in SEWRPC Amendment to Planning Report No. 42, Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin, December 2010.*



One of the most important tasks completed under the regional planning program for Southeastern Wisconsin has been the identification and delineation of those areas in the Region in which concentrations of the best remaining elements of the natural resource base occur. The preservation of such areas in essentially natural, open uses is vital to maintaining a high level of environmental quality in the Region, protecting its natural heritage and beauty, and providing recreational opportunities in scenic outdoor settings.

Identification of environmental corridors is based upon the presence of one or more of the following important natural resource features: 1) rivers, streams, lakes, and associated shorelands and floodplains; 2) wetlands; 3) woodlands; 4) prairies; 5) wildlife habitat areas; 6) wet, poorly drained, and organic soils; and 7) rugged terrain and high relief topography. Certain other features with recreational, aesthetic, ecological, and natural resource values, including existing and potential parks, open space sites, natural areas, historic sites, and scenic viewpoints, are also considered in the delineation of environmental corridors.<sup>5</sup>

The delineation of these natural resource and resource-related elements on a map results in an essentially linear pattern of relatively narrow, elongated areas which have been termed "environmental corridors" by the Regional Planning Commission. Primary environmental corridors include a wide variety of important natural resource and resource-related elements and are at least 400 acres in size, two miles in length, and 200 feet in width. Secondary environmental corridors serve to link primary environmental corridors, or encompass areas containing concentrations of natural resources between 100 and 400 acres in size and at least one mile long. Where secondary corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Isolated natural resource areas consist of smaller concentrations of natural resources, have a minimum of five acres, and are separated physically from the environmental corridors by intensive urban or agricultural land uses. Environmental corridors and isolated natural resource areas within Walworth County in 2010 are shown on Map 3.8 and in Table 3.5.

### **Primary Environmental Corridors**

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<sup>5</sup> A detailed description of the process of refining the delineation of environmental corridors in Southeastern Wisconsin is presented in SEWRPC Technical Record, Vol. 4, No. 2, Pages 1 through 21, *Refining the Delineation of Environmental Corridors in Southeastern Wisconsin*, March 1981 (available at [www.sewrpc.org/SEWRPC/LandUse/EnvironmentalCorridors.htm](http://www.sewrpc.org/SEWRPC/LandUse/EnvironmentalCorridors.htm) or by contacting the Commission).

As shown on Map 3.8, about 106 square miles, comprising about 18 percent of the total area of the County, were encompassed within primary environmental corridors. The primary environmental corridors in the County are mainly situated along major rivers and their tributaries, around major lakes, in large wetland areas, and in the Kettle Moraine. The primary environmental corridors contain almost all of the best remaining woodlands, wetlands, and wildlife habitat areas in the County and are, in effect, a composite of the best remaining elements of the natural resource base. Such areas have immeasurable environmental and recreational value. The protection of the primary environmental corridors from additional intrusion by incompatible land uses, and thereby from degradation and destruction, is one of the principal objectives of the 2014 Walworth County Park and Open Space Plan and this comprehensive plan.

### ***Secondary Environmental Corridors***

As further shown on Map 3.8, approximately 14 square miles, about 2.4 percent of the total area of the County, were encompassed within secondary environmental corridors. Secondary environmental corridors in the County are primarily situated along the small perennial and intermittent streams. Secondary environmental corridors contain a variety of resource elements and are often remnant resources from primary environmental corridors that have been developed with agricultural or urban uses. Secondary environmental corridors facilitate surface water drainage and provide corridors for the movement of wildlife and for the dispersal of seeds for a variety of plant species. Such corridors should be considered for preservation in natural, open use or incorporated as drainageways, stormwater detention or retention areas, or as local parks or recreation trails, in developing areas.

### ***Isolated Natural Resource Areas***

As also shown on Map 3.8, isolated natural resource areas encompass about 15 square miles, comprising about 2.7 percent of the total area of the County. Such areas include a geographically well-distributed variety of isolated wetlands, woodlands, and wildlife habitat. Isolated natural resource areas may provide the only available wildlife habitat in an area, provide good locations for local parks and nature areas, and lend aesthetic character and natural diversity to an area. Such areas should be preserved in natural open uses insofar as practicable, being incorporated for use as parks and open space reservations or stormwater detention or retention areas where appropriate.

## **LAND USE REGULATIONS**

## General Zoning

With the exception of areas subject to extraterritorial zoning, most of the unincorporated areas of Walworth County are under the jurisdiction of the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance (Chapter 74 of the County Code of Ordinances). The County Zoning Ordinance is jointly administered by Walworth County and the towns in the County (Town of Bloomfield administers its own zoning ordinance). The County Shoreland Zoning Ordinance includes provisions for the protection of floodplains and shorelands in compliance with State-mandated floodplain and shoreland regulatory requirements. The Shoreland Zoning Ordinance applies to shorelands within unincorporated areas, as defined under the Statutes.<sup>6</sup> While the responsibility for administering this ordinance rests with Walworth County, the County routinely receives and considers input from the towns on shoreland zoning matters.

Map 3.9 shows the pattern of basic zoning districts established under the Walworth County Zoning and Shoreland Zoning Ordinances for the unincorporated area of Walworth County, excluding areas subject to extraterritorial zoning. The extent of the various districts as applied in the County zoning jurisdiction area in 2017 is presented in Table 3.6 and described below.

- Agricultural-related zoning districts were in place on about 213,124 acres (333 square miles) of land, or 64 percent of the County zoning jurisdiction area. The A-1 Prime Agricultural District, which is necessary for participation in the Wisconsin Farmland Preservation Program, accounted for 180,952 acres (283 square miles), or 54 percent of the County zoning jurisdiction area, and about 85 percent of the agricultural-related zoning.
- Conservancy districts were in place on about 74,546 acres (116 square miles) of land, or 22 percent of the County zoning jurisdiction area. This includes about 35,091 acres of land in the C-2 Upland Resource Conservation District, about 37,111 acres in the C-1 and C-4 Lowland Conservation Districts, and about 2,344 acres in the C-3 Conservancy Residential District.

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<sup>6</sup> *Shorelands are defined as lands within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds, and flowages; or within 300 feet of the ordinary high-water mark of navigable rivers and streams or to the landward side of the floodplain, whichever distance is greater. The shoreland protection established under the County Shoreland Zoning Ordinance remains in effect on lands annexed to cities and villages after May 7, 1982; alternative administrative arrangements in this respect are set forth in Section 59.692(7) of the Wisconsin Statutes.*

- About 32,344 acres (51 square miles) of land, or nearly 10 percent of the County zoning jurisdiction area, were in various residential, commercial, industrial, recreational, and institutional districts. Land in residential districts encompassed nearly half (14,792 acres) of this area.
- The balance of the County zoning jurisdiction area—12,759 acres (20 square miles)—was comprised of surface water, most of this being zoned conservancy.

Major changes to the Walworth County Zoning Ordinance since the 2035 comprehensive plan was adopted in 2009 include an update of the A-1 Prime Agricultural Land District regulations and maps to comply with new Wisconsin Farmland Preservation Program requirements (Chapter 91 of the Statutes), which were enacted by the Legislature in 2009. The County ordinance was also amended in 2009 to include optional requirements to accommodate the development of conservation subdivisions, where homes on a parcel proposed to be subdivided are clustered on a portion of the development parcel and the remaining land remains in protected common open space.

### **County Subdivision Control Ordinance**

The division of land in the unincorporated area of Walworth County is subject to the Walworth County Subdivision Control Ordinance (Chapter 58 of the County Code of Ordinances). That ordinance includes design, land dedication/reservation, and improvement requirements for subdivisions and condominium projects. Under the ordinance, "subdivision" means the division of a lot, outlot, parcel, or tract of land by the owner or his agent for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 15 acres each or less in area, or where the act of division creates five or more parcels or building sites of 15 acres or less in area by successive divisions within a period of five years. The ordinance also requires the preparation of a certified survey map for minor subdivisions. Under the ordinance, "minor subdivision" means a division resulting in the creation of not more than four parcels or building sites, any one of which is 15 acres in size or less, or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcel or building sites without changing the exterior boundaries of the block, lot, or outlot concerned. In addition to regulation under the Walworth County Subdivision Ordinance, the subdivision of land in the unincorporated area of Walworth County is subject to subdivision control ordinances of individual towns that have adopted their

own subdivision ordinances. Moreover, cities and villages have subdivision plat approval authority over proposed plats in statutorily defined extraterritorial plat approval jurisdiction areas.

### **Shoreland and Floodplain Zoning**

Shoreland and floodplain regulations are set forth in the Walworth County Shoreland Zoning Ordinance. This ordinance includes zoning districts and special regulations for shoreland areas, defined as all lands lying within the following distances of the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; or 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. The shoreland regulations include restrictions on the removal of vegetation and earth movement and structural setback requirements from streams and lakes. The Walworth County Shoreland Zoning Ordinance also includes the County's floodplain regulations, which apply to all lands within the 1-percent-annual-probability flood hazard areas. County floodplain regulations prohibit virtually all new structures in the floodplain, including the floodway and flood fringe areas, in accordance with sound floodplain management practice.

The Federal Emergency Management Agency and DNR are working to update floodplain maps across Wisconsin. New floodplain maps for that portion of Walworth County within the Rock River watershed were completed in 2013 and adopted by the County in 2014. Updated floodplain mapping for the portion of the County in the Fox River watershed is underway.