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Special acknowledgement is due SEWRPC Principal Planner
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AMENDMENT TO THE
LAND USE PLAN FOR
THE TOWN OF WATERFORD
RACINE COUNTY, WISCONSIN

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AMENDMENT TO THE LAND USE PLAN FOR THE TOWN OF WATERFORD

INTRODUCTION

A land use plan was prepared for the Town of Waterford in 1994 with the assistance of Racine County and the Southeastern Wisconsin Regional Planning Commission. It is set forth in SEWRPC Community Assistance Planning Report No. 217, *A Land Use Plan for the Town of Waterford: 2010*, May 1995. The plan was prepared under the guidance of the Town of Waterford Land Use Plan Committee and was adopted by the Town Plan Commission in October 1994 and subsequently by the Town Board in February 1998.

The Town plan was intended to be used as a guide to help officials make decisions relating to development proposals. Good planning practice suggests that such community plans be re-evaluated regularly to ensure that they continue to reflect changing conditions and local land use objectives. With this in mind, the Town Plan Commission in 2001 re-evaluated the Town land use plan and determined that it should be amended in certain respects. The Town Plan Commission was assisted by Racine County and the Regional Planning Commission in this effort.

This report presents the amended land use plan for the Town of Waterford that resulted from the plan re-evaluation and revision process. The amended plan modifies slightly the proposed pattern of land use in the Town. The amended plan takes into account population forecasts through the year 2020 as well as changes in corporate limits resulting from recent annexation of former Town territory by the Village of Waterford. In addition to presenting an amended land use plan, this report discusses certain additional plan implementation measures that are available to the Town.

It should be noted the year 2010 Town of Waterford land use plan was developed based upon an extensive data base regarding the population, economy, and built and natural environments of the Town. This data base has been extensively documented in the aforementioned Town of Waterford planning report, which remains an important reference document.

2020 LAND USE PLAN

The recommended land use plan for the Town of Waterford for the design year 2020 is presented graphically on Map 1. Quantitative data relative to the plan are provided in Table 1.

The 2020 land use plan for the Town of Waterford is essentially the same as the existing 2010 plan with the following exceptions:

- Lands included in the 2010 plan, which have recently been annexed by the Village of Waterford, are excluded from the 2020 planning area.
- The location of the proposed neighborhood shopping center has been changed from the southwest quadrant of the intersection of STH 164 and North Lake Drive to the northeast and northwest quadrants of that intersection. The Town Plan Commission anticipates that this center will be developed with specialty service businesses (e.g. small engine repair, mini-storage) and not as a typical shopping center with a grocery store, bank, and related services.

- The area recommended for medium-low density residential uses at the intersection of CTH L and CTH O was enlarged to include existing adjacent residential lots.
- The area recommended for low-density residential uses at the intersection of CTH O and Pleasant Road was enlarged to include existing adjacent residential lots.
- The area recommended for extractive uses in the center of U. S. Public Land Survey Section 7 was enlarged to reflect the expansion of such uses.
- The area recommended for prime agricultural uses in the southwest quadrant of the intersection of Hill Valley Road and Maple Road was changed to extractive uses to reflect existing use.
- The plan map was refined to reflect four areas of existing commercial businesses in the Tichigan Lake area.
- The area recommended for commercial uses at the intersection of Kramer Drive and STH 36 was enlarged to reflect the expansion of such uses.
- The recommended use of an area along STH 164 in the northeast quarter of U. S. Public Land Survey Section 1 (existing salvage/recycling business) was changed from commercial to low-density residential to reflect the long term goals of the Town.
- The recommended uses of an area along STH 20, west of and adjacent to the Village of Waterford, was changed from extractive, other agricultural, rural residential, and open land, and prime agricultural land to suburban II residential (3.0 to 4.99 acres per dwelling unit). This is intended to provide a buffer/transition area between the Village of Waterford and the rural area of the Town.

In addition to the site specific changes described above, the plan also recommends that consideration be given to accommodating a joint private golf course/residential development in the Town. Coincidentally, the recently completed park and open space plan for Racine County¹ identified a need for additional privately owned golf courses in the County by the year 2020. While a specific site has not been identified for this purpose in the Town plan, any site considered for such development should generally meet the following criteria: 1) the site should encompass at least 200 acres; 2) the site should contain natural resource amenities such as woodlands, surface water, and uneven topography which provide a high quality setting for golf and the associated residential development, and at the same time the site should be able to be developed without significant adverse impacts on these resources; and 3) the site should be located along or near a state trunk highway or interstate highway to provide for easy accessibility. Associated residential development would be limited to an overall density of one housing unit per five acres within the development area, consistent with the rural residential development recommendations of the plan.

As shown on Map 1, the plan continues to identify an extractive resource area. This is intended to reflect areas of the Town underlain by potentially useable sand and gravel deposits. This is for informational purposes only and not a commitment by Town officials to allow for such uses.

¹ Documented in SEWRPC Community Assistance Planning Report No. 134 (2nd Edition), A Park and Open Space Plan for Racine County.

The land use pattern shown on Map 1 may be expected to accommodate growth and development in the Town through the year 2020 as envisioned in Regional Planning Commission projections. In 1997, the Regional planning Commission completed work on the fourth generation regional land use plan, as set forth in SEWRPC Planning Report No. 45, *A Regional Land Use Plan for Southeastern Wisconsin: 2020*. As part of the regional plan, two alternative population projections were prepared. One projection is based upon an intermediate-growth scenario with a centralized development pattern. The other projection is based on a higher-growth scenario with a decentralized development pattern. Under the alternative land use plans prepared, year 2020 population levels for the Town would range from about 6,000 persons under the intermediate-growth centralized regional plan, to as high as 8,900 persons under the high-growth plan. Current growth trends in the Town indicate that the year 2020 population in the Town would reach a level approximating the level envisioned under the high-growth plan. The 2020 land use plan for the Town would accommodate that range of possibilities.

IMPLEMENTATION

Many of the land use plan implementation measures available to the Town have been documented in the aforementioned Town of Waterford planning report. These include plan adoption; subdivision plat and certified survey map review; zoning; official mapping; and precise neighborhood unit planning. As part of this plan amendment, the Town Plan Commission is adding other plan implementation measures available to the Town that were not included in the existing Town plan. A description of those measures follows.

Conservation Subdivision Design

Conservation subdivision design, or rural cluster development, involves the grouping of dwellings on a portion of a development tract, preserving the remainder of the parcel in open space. Management options for the open space areas include, among others, preservation of existing natural features, restoration of natural conditions, and continued agricultural use. The open space may be owned by a homeowners' association, the local municipality, the State, Racine County, a private conservation organization, or the original landowner. Conservation easements and deed restrictions should be used to protect the common open space from future conversion to more intensive uses.²

Conservation subdivision design offers many benefits over conventional development involving the same number of dwelling units. Conservation subdivision design can help preserve the rural character of the landscape, preserve significant natural features, preserve agricultural land, and achieve better site design. Infrastructure installation costs borne by the developer and public infrastructure maintenance costs may be reduced due to shortened street and utility lengths.

It should be noted that the A-1, General Farming I district, and the C-2, Upland Resource Conservation district of the Racine County zoning ordinance are the only zoning districts that provide for the development of rural areas utilizing conservation subdivision designs. Consequently, it is recommended that the Town of Waterford and Racine County initiate action to create a PRD, Planned Rural Development Overlay District, in the Racine County Zoning Ordinance. The PRD would provide the Town and County a means, through zoning, of accommodating this type of development in other zoning districts as appropriate. Conservation subdivision designs would be required to maintain 70 percent of the parcel in open space or agricultural uses thereby providing for limited residential development while preserving the rural character of the Town.

² See SEWRPC Planning Guide No. 7, December 1996, for additional information regarding the rural cluster development concept and the manner in which it may be applied as a planning and zoning technique.

Purchase of Development Rights

Purchase of development rights programs, or PDR programs, are intended to ensure the long-term preservation of agricultural lands. Under a PDR program, the owner of farmland receives a payment for relinquishing rights to development. Deed restrictions are used to ensure that the lands concerned remain in agricultural or other open use. Such restrictions are attached to the land and remain in effect regardless of future sale or other transfer of the land.

PDR programs may be administered and funded by state, county, or local units of government, land trusts and other private organizations, or combinations thereof. The amounts paid to farmland owners under PDR programs may be calculated on the basis of the number of dwelling units permitted under existing zoning, on the basis of the difference between the market value of the land and its value solely for agricultural purposes, or on some other basis. The primary drawback of the PDR programs is the potentially high cost.

PDR programs can provide assurance that farmland will be permanently retained in open use. Landowners receive a potentially substantial cash payment, while retaining all other rights to the land, including the right to continue farming. The money paid to the landowner may be used for any purpose, such as debt reduction, capital improvement to the farm, or retirement income. Lands included in a PDR program remain on the tax roll and continue to generate property taxes. Since the land remains in private ownership, the public sector does not incur any land management responsibilities.

It is recommended that the Town consider undertaking a separate study to determine the feasibility of establishing a purchase of development rights program in the Town of Waterford.

Stormwater Management Planning

As the Town of Waterford has become more urbanized over time, stormwater runoff has become an increasing problem. The recently completed land and water resource management plan for Racine County³ recommends that detailed municipally based stormwater management plans be prepared. Such plans take into consideration both existing and planned land use conditions and recommend specific stormwater management facilities and the long-term maintenance responsibilities for those facilities. It is recommended that the Town enlist the help of a qualified engineering firm to assist the Town in the preparation of a town-wide stormwater management plan.

Intergovernmental Cooperation

The land use plan presented in this report includes land use recommendations for the entire civil Town of Waterford. The Town abuts the Village of Waterford and is within close proximity of the City of Muskego and the Village of Mukwonago. Under Wisconsin law, cities and villages have been granted a considerable measure of influence over development in adjacent town areas. Incorporated communities have extraterritorial subdivision plat approval authority; they may include adjacent unincorporated areas in their local master plans; they may administer extraterritorial zoning jointly with the adjacent town, where the incorporated community and adjacent town agree to such an arrangement; and ultimately, they may annex unincorporated areas.

It is recommended that the Town of Waterford and the neighboring communities take a cooperative approach to planning and decision-making regarding future land use in areas of mutual concern.

³Documented in SEWRPC Community Assistance Planning Report No. 259, A Land and Water Resource Management Plan for Racine County: 2000-2004, September 2000.

Activities in this respect could range from periodic meetings of Town and municipal officials for the purpose of discussing land use matters, to preparing and executing formal agreements regarding future boundaries and arrangements for the provision of public services, as provided under Sections 66.0307 and 66.0311 of the Wisconsin Statutes. Such cooperative efforts increase the likelihood for coordinated development along the boundary areas, achieving, insofar as practicable, both town and municipal land use objectives.

RELATIONSHIP TO STATE COMPREHENSIVE PLANNING LAW

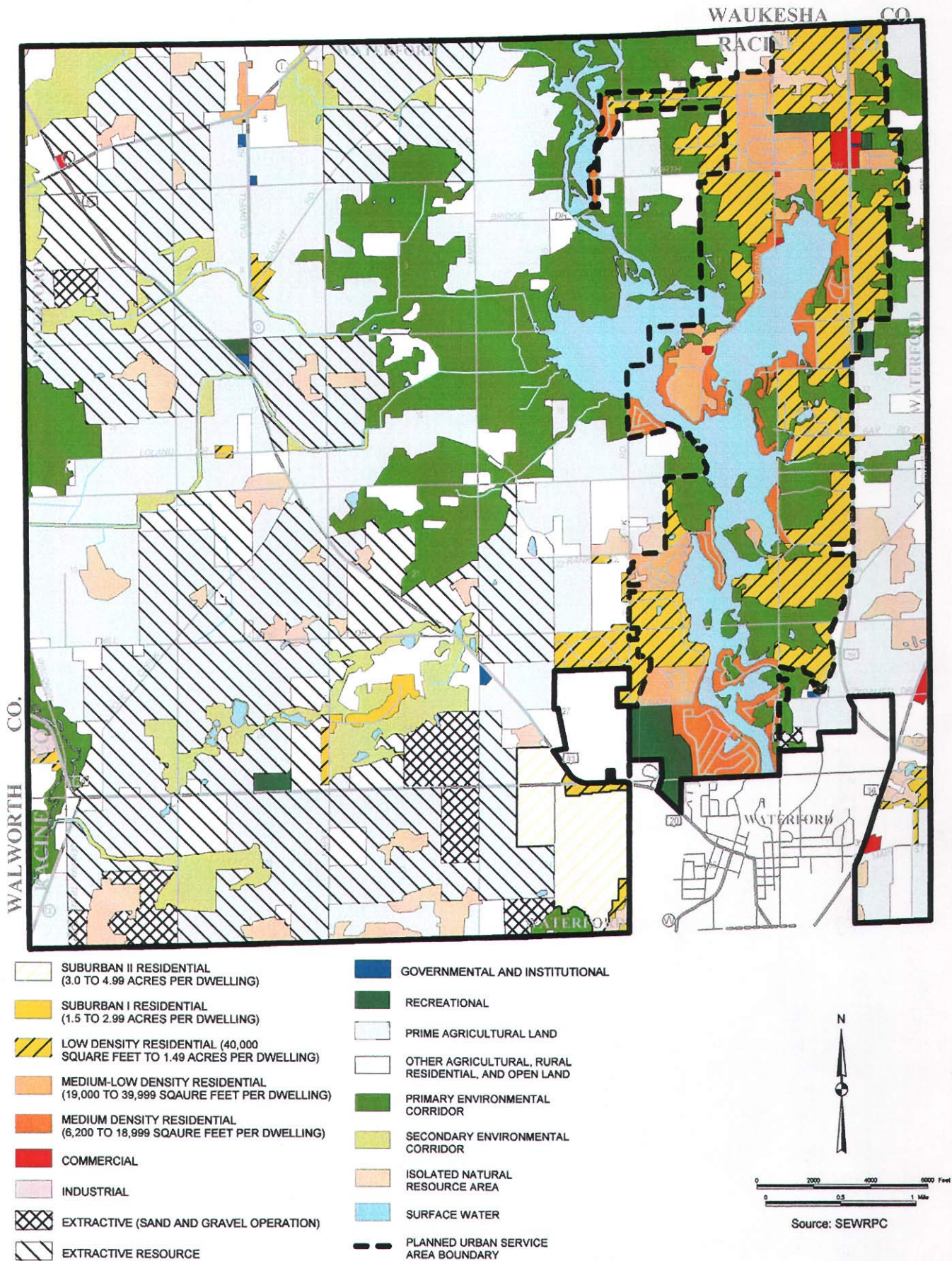
The Town land use plan, as amended, constitutes one element, the land use plan element, of the Town Master Plan. The Wisconsin Legislature in 1999 adopted new comprehensive planning legislation, which requires any action of a local government that affects land use, such as enforcement of zoning or subdivision ordinances, to be consistent with the community's comprehensive plan beginning on January 1, 2010. A new definition of a comprehensive plan, consisting of nine elements, was adopted as Section 66.1001 of the Wisconsin Statutes. The legislation also sets forth new requirements for public participation in the development of a comprehensive plan and requires that such a plan be adopted by ordinance of the local governing body.

The new legislation does not affect the ability of local governments to prepare and adopt master plans, or elements thereof, prior to 2010. However, this plan should be evaluated prior to 2010, and necessary changes made both to reflect new or changed development conditions and local land use objectives, and to incorporate additional information needed to comply with the new comprehensive planning legislation.

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Map 1

RECOMMENDED LAND USE PLAN FOR THE TOWN OF WATERFORD:2020



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Table 1

PLANNED LAND USE IN THE TOWN OF WATERFORD: 2020

Land Use Category ^a	1990		Planned Change: 1990-2020		2020	
	Acres	Percent of Total	Acres	Percent	Acres	Percent of Total
Urban						
Residential						
Suburban-Density II (3.0 to 4.99 acres per dwelling)	--	--	364	--	364	1.7
Suburban-Density I (1.5 to 2.99 acres per dwelling)	35	0.1	--	--	35	0.1
Low-Density (40,000 square feet to 1.49 acres per dwelling)	489	2.3	1,113	227.6	1,602	7.4
Medium-Low-Density (19,000 to 39,999 square feet per dwelling)	187	0.9	283	151.3	470	2.2
Medium-Density (6,200 to 18,999 square feet per dwelling)	357	1.6	87	24.4	444	2.1
Subtotal	1,068	4.9	1,847	172.9	2,915	13.5
Commercial	37	0.2	31	83.8	68	0.3
Industrial	23	0.1	--	--	23	0.1
Governmental and Institutional	20	0.1	2	10.0	22	0.1
Recreational	153	0.7	81	52.9	234	1.1
Other Urban	21	0.1	--	--	21	0.1
Subtotal	1,322	6.1	1,961	148.3	3,283	15.2
Nonurban						
Prime Agricultural Lands	9,437	43.8	-1,047	-11.1	8,390	38.9
Other Agricultural, Rural Residential, and Open Space Lands	3,821	17.7	-1,256	-32.9	2,565	11.9
Primary Environmental Corridors	4,882	22.7	48	1.0	4,930	22.9
Secondary Environmental Corridors	1,111	5.2	--	--	1,111	5.2
Isolated Natural Resource Areas	833	3.9	--	--	833	3.9
Extrative Uses	139	0.6	294	211.5	433	2.0
Subtotal	20,223	93.9	-1,961	--	18,262	84.8
Total	21,545	100.0	--	--	21,545	100.0

^aStreet and parking areas are included in the associated land use categories

Source: SEWRPC.