

Chapter 9

IMPLEMENTATION AND INTERGOVERNMENTAL COOPERATION

IMPLEMENTATION RECOMMENDATIONS OVERVIEW

The recommended plan provides a design for the attainment of the specific development objectives set forth in Chapter 2. In a practical sense, however, the plan is not complete until the steps required to implement the plan—that is, to convert the plan into action policies and initiatives are specified. Accordingly, this chapter is presented as a guide for use in the implementation of the Comprehensive Plan for Waukesha County and the Village of Chenequa. More specifically, this chapter outlines the actions that should be taken by various agencies and units of government in efforts to implement the Comprehensive Plan for Waukesha County and the Village of Chenequa.

Through out the planning process, various subcommittees participated in a facilitated discussion to identify the strengths, concerns and weaknesses associated the various elements of a comprehensive plan such as the agricultural, natural and cultural resources; community facilities and utilities; economy; transportation; housing; and land use elements. The comments provided by the various subcommittees are presented in the applicable chapters.

In addition, each subcommittee was asked to develop a series of implementation recommendations. The recommendations were based upon the results of the public opinion survey, an analysis of the issues and consideration of the data presented in the chapters. The following is a list of the implementation recommendations contained in the various chapters of this Plan.

CONSISTENCY AMONG PLAN ELEMENTS

The comprehensive planning law requires that the implementation element "describe how each of the elements of the comprehensive plan shall be integrated and made consistent with the other elements of the plan." All elements of this comprehensive plan were prepared simultaneously by the same staff with great care given to ensure internal consistency among the various elements. In addition, the planning objectives and standards described in Chapter 2 were also simultaneously prepared. It should be recognized that it is unlikely that the Plan can meet all of the standards completely. It should also be recognized that some objectives are complementary, with the achievement of one objective supporting the achievement of others. Conversely, some objectives may be conflicting, requiring reconciliation through consensus building and/or compromise.

AGRICULTURAL, NATURAL AND CULTURAL RESOURCES

Chapter 3 of this Plan presents an inventory and analysis of the agricultural, natural and cultural resource base of Waukesha County and the Village of Chenequa. Included is descriptive information pertaining to climate, air quality, physiography, bedrock geology, topography, soils, groundwater resources, surface water resources, wetlands, woodlands, natural areas and critical species habitat sites, park and open space sites, environmental corridors, historic and cultural resources and agricultural lands.

The Agricultural, Natural and Cultural Resources Element chapter presented the following implementation recommendations:

1. Following completion of the Regional Water Supply Plan or availability of sufficient data, the planning objectives and standards used to prepare this plan may need to be refined to address groundwater supply and recharge issues.
2. Amend land use categories to direct development away from areas with seasonally high groundwater one-foot or less from the surface and steep slopes (12% or greater) and to discourage development of below grade structures on soils with groundwater limitations less than 3 feet from the surface. Amend applicable zoning and land division codes to establish a minimum of one-foot separation between structures (including basements) and the seasonally high groundwater level.
3. Amend applicable zoning codes, land division and storm water management ordinances to more stringent site design and storm water management requirements necessary to address thermal and other runoff impacts detail to cold-water communities, outstanding water resources and exceptional water resources.
4. Provide to the municipalities in Waukesha County the lists of historical sites that are eligible for historic designation but have not been designated and the list of potentially eligible sites that need additional evaluation for inclusion as eligible sites.
5. In an effort to prevent land use conflicts with nonmetallic mining operations in the County, the Waukesha County Mineral Extraction Advisory Committee developed a series of recommendations. They are:
 - a. Within appropriate land use regulatory codes, create a Mineral Extraction Notification Overlay District that extends beyond the property lines of nonmetallic mining operations. Creation of the Overlay District would require notifications to appear on recorded documents associated with land divisions within the District denoting the parcel's proximity to an active or planned mining operation. Loudoun County, Virginia is an example of the use of overlay districts.
 - b. Within appropriate land use regulatory codes, a minimum setback from nonmetallic mining operations and adjoining properties should be established. Landscape berms and vegetative screening could be provided in the setback area.
 - c. New wells placed on properties immediately adjacent to nonmetallic mining operations should be constructed to minimize the impacts from mining operations.
6. The Village of Chenequa developed and adopted a Cluster Development Ordinance to encourage the protection and preservation of primary and secondary environmental corridors and isolated natural areas. The Village of Chenequa should continue to maintain and enforce this ordinance.
7. The Village of Chenequa will make all efforts to limit the expansion of any transportation or utility use where degradation of environmental corridors would occur.
8. In an effort to protect water quality and public health the Village of Chenequa and the Wisconsin Department of Natural Resources should uphold their agreement that no additional public boat access sites be developed within the borders of the Village.

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COMMUNITY FACILITIES AND UTILITIES

Chapter 4 of this Plan presents a discussion of the major community facilities and utilities within the county and Village of Chenequa including telecommunications infrastructure, public and private utilities, school districts, libraries, cemeteries, healthcare facilities, childcare facilities, and public safety. The Community Facilities and Utilities chapter presented the following implementation recommendations facilities:

1. The County should work with the Southeastern Wisconsin Regional Planning Commission (SEWRPC) as part of the regional water supply planning process to identify groundwater aquifers that can sustain planned development.

2. The County should consider modifying its Park and Open Space Planning process to identify lands that may need to be preserved for municipal groundwater supplies, specifically meeting the use isolation distances required for high capacity wells.
3. Municipalities should be encouraged to work on a county-wide basis to plan for the future placement and current use of emergency service facilities to optimize emergency response times and to eliminate overlap of service areas and equipment.
4. Since watershed boundaries rarely follow municipal boundaries, municipalities and Waukesha County should work to develop storm water system plans based on watershed areas.
5. Where unique surface water resources exist in Waukesha County (Outstanding or Exceptional Resource Waters or Cold Water Streams), local and County planning efforts should combine land use and storm water planning together with a review of related local regulatory and educational efforts to prepare watershed protection plans.
6. Waukesha County, in cooperation with SEWRPC and local municipalities, should develop a long-range wireless facilities plan to enhance business competitiveness, public safety and government communications.
7. School Districts should be encouraged to work with Waukesha County and the Village of Chenequa to use the demographic data and land use projections contained in this Plan for facility and sub-district planning. Often, School Districts are in a reactionary mode in responding to increases and decreases in the school age population. The population and trend data as well as the land use projections contained in a comprehensive development plan can be invaluable information to forecast facility demands for the school age population. In addition, it is suggested that school districts use the information contained in this Plan as baseline and conduct an annual assessment of actual enrollment to verify projections contained in this Plan.
8. In 2000, the Waukesha County Land Development Workgroup, consisting of many of the municipalities in the County, addressed several issues created by current land division and development processes. The goal was to create a consistent definition for land development projects to be considered subdivisions as well as a uniform checklist for the review of subdivisions. Municipalities in the County should continue to consistently use and cooperatively amend the review checklist as necessary.
9. The Village of Chenequa intends to continue to move forward with the Village of Nashotah and City of Delafield with regards to merging the Lake Country Fire Department with the City of Delafield.

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HOUSING

Chapter 5 of this Plan presents an analysis of the age, structural condition, value, and occupancy characteristics of existing housing stock in the County the Village of Chenequa and local governments that participated in this planning process. In addition, the chapter provided a description of government programs which facilitate the provision of housing, including affordable housing and information on community policies established for the percentage distribution of single-family, two-family, and multi-family units. The Housing chapter presented the following implementation recommendations:

Housing Supply

1. Each community within the County should identify a projected number of additional housing units to meet housing demand through year 2035. Land needed to accommodate additional housing units should be included on the planned land use map based on the population trend information presented in Chapter 2 of this Plan. The ViPlan. The Village of Chenequa with the exception of a few remaining lots is built out as a residential community. It is the intent of the Village and its residents to maintain the current

character of the Village as described in this plan and enforced through its building and zoning codes.

2. While community comprehensive plans in most cases should address the need for adequate consumer housing choices, the Village of Chenequa's desire to preserve its rural character through rural density zoning precludes planning for multifamily dwellings.
3. Promote construction design concepts such as Universal Design¹ and Visitability. Visitability is a movement to change home construction practices so that all new homes, not just custom built homes, offer a few specific features that make the home easier for people with mobility impairment to live in at least one zero-step entrance approached by an accessible route on a firm surface no steeper than a 1:12 grade from a driveway or public sidewalk.

Housing Mix

1. Communities that seek to attract jobs, as reflected in the accommodation of new commercial and industrial development, should ensure that a broad range of housing styles, types and price ranges are provided to provide opportunities to minimize geographic imbalances between job and residence locations. The Village of Chenequa does not seek to attract jobs and commercial development. It seeks to remain a residential community.
2. Communities should establish policies concerning housing mix to provide a full range of housing choices. Comparing housing types and affordability to existing and projected jobs and wages will be beneficial to establishing effective housing mix policies. The Village of Chenequa is a built out community with only a few lots available for future development.
3. Communities should analyze the population trend information presented in Chapter 2 and the employment projection information presented in Chapter 6 to ensure that a range of housing stock to meet the needs of an aging population. This analysis should be repeated annually to determine the effectiveness of the housing mix policy.
4. Communities should analyze existing housing stock to establish baseline conditions for the existing affordable housing. As part of this planning project, Waukesha County worked with the Town of Mukwonago to develop a sample methodology to analyze the value of existing housing stock. The following criteria were used to provide more accurate data on the actual housing stock within the municipality.
 - a. Equalized improved value of the property was greater or equal to \$40,000 based on tax and assessment information.
 - b. Equalized total value (land plus improvements) was less than or equal to \$208,700.
 - c. Land area was less than 10 acres to exclude large farms.
 - d. Special attention was given to removing parcels with partial assessments, parcels with only larger accessory structures, and parcels that had multiple living units or multi-family units.

The residents of Chenequa feel that their homes are affordable. Data shows that based upon income levels, their median percentage of monthly income spent on housing is below the HUD standard for affordability.

Housing Affordability and Housing Costs

1. Households should not have to pay more than 30 percent of their adjusted gross income in order to secure decent, safe, and sanitary housing, including, in addition to the contract rent payment or the payment of the principal, interest, and taxes, the necessary insurance, utility, and other attendant costs.
2. The County should work with municipalities to study the feasibility of an affordable housing trust fund to assist in meeting the projected employment housing needs.
3. Encourage use of energy conservation measures to reduce costs as spelled out in the Village of

¹ Accessibility for the disabled can be increased by providing homes with wider doors and hallways, level surfaces, and other features, often referred to as "Universal Design."

Chenequa's building code for remodeling of existing homes and new home construction.

Household Size

The average household size in the County in 1960 was 3.66 persons per household. The projected 2035 household size is 2.48. County projections show that the population of people aged 65 and over will more than double in size increasing from 26,763 people in 2000 to 56,678 in 2035. A higher percentage of smaller housing units, multi-family, independent and assisted living units may be required to better meet the housing needs of smaller households, including the increase in one- and two-person empty nester and elderly households and persons with disabilities.

Transition from Renter to Home Owner Occupied Housing

Utilize existing local, state, and federal programs to educate young adults and families in the County to transition from renter to home owner. About 20 percent of housing units in Waukesha County are renter occupied and 80 percent are owner occupied. However, in several communities within the County renter occupied units are over 40 percent of total housing units.

Housing Vacancy

The supply of vacant and available housing units should be sufficient to maintain and facilitate ready housing consumer turnover. Rental and homeowner vacancy rates at the county level should be maintained at a minimum of four (4) percent and a maximum of six (6) percent for rental units and a minimum of one (1) percent and a maximum of two (2) percent for homeowner units over a full range of housing types, sizes, and costs.

Land Use Regulation

1. The County and municipalities should examine regulatory codes to identify the extent to which they permit or exclude relatively lower cost housing, and make appropriate changes to facilitate the provision of such housing. This review should primarily focus on the structure types permitted (single-family, two-family, multi-family); development densities; minimum lot area requirements; and minimum dwelling unit floor area requirements.

ECONOMIC DEVELOPMENT

Chapter 6 of this Plan provides an overview of the methodology and assumptions that underlie the economic and employment projections of southeastern Wisconsin and Waukesha County. Included is descriptive information pertaining to measures of economic activity and employment projections. The Economic Development chapter presented the following implementation recommendations:

1. In order to enhance the viability of existing industrial, office and retail centers, the following standards shall be included in the Land Use Chapter of this Plan (Chapter 7), to guide the placement of new industrial, retail and office uses, such as:
 - a. Access to available adequate water supply, sanitary sewer service, storm water drainage facilities, and power supply.
 - b. Ready access to the arterial street and highway system.
 - c. Adequate on-street and off-street parking and loading areas.
 - d. Provision for properly located points of ingress and egress appropriately controlled to prevent congestion on adjacent arterial streets.
 - e. Site design emphasizing integrated nodes or centers, rather than linear strips.
 - f. Site design appropriately integrating the site with adjacent land uses.
 - g. Served by a transit service. (This standard applies to industrial, retail, and office uses located within, or in proximity to, medium- and high-density areas).

2. To address cyclical overdevelopment of commercial space or buildings, in particular office space, municipalities should avoid pre-zoning lands. For example, communities should not create zoning patterns within a community that are not justifiable in the marketplace or for which the above standards have not been met.
3. Promote the use of other comprehensive land development tools and techniques in advising communities regarding planning and zoning actions and decisions.
4. Officials in the County should annually review the capital improvement plans or programs of local governments in an effort to coordinate transportation and other improvements that aid in the delivery of goods, services, and employment.
5. Officials in the County should coordinate access to state and federal resources to assist in funding County and local transportation improvements.

Tax Increment Financing

1. The conservation and renewal of viable urban areas can enhance their viability.
2. Tax Incremental Financing should be used for brownfield and other redevelopment projects.
3. To encourage viable urban centers, increase the use of Tax Incremental Financing in cities and villages.
4. To discourage public subsidizing of development that can occur with lower development costs that cannot be justified. Discourage use of Tax Incremental Financing for development of agricultural lands.

Housing Development

1. In anticipation of projected employment sector growth, promote and provide an adequate supply of new housing of sufficient quantity and density within reasonable proximity to new and existing employment centers (Refer to Chapter 5).

Education, Jobs and Business Growth

1. In response to existing and projected skilled workforce needs, Waukesha County, in cooperation with appropriate business and community organizations, should work with the University of Wisconsin and other higher education systems to provide greater access to bachelor degree programs in Waukesha County.
2. To enhance higher paying jobs, support initiatives to increase development of the bioscience manufacturing industry, especially in the area of medical equipment.
3. Create partnerships between local economic development organizations and colleges and universities to promote entrepreneurial programs, industry collaborations, technology transfer and seed capital.
4. Collaborate with the Milwaukee 7, the Waukesha County Economic Development Corporation, Waukesha County Technical College and UW-Extension to conduct a labor market analysis for Waukesha County and the Region that assesses the existing and anticipated supply and demand for labor as well as employer and employee training needs.
5. To add to the livability of the County and enhance an employer's ability to attract workforce, update the County Park and Open Space Plan in cooperation with municipalities in the County to provide sufficient recreational facilities, including comprehensive trail system, to the resident population.
6. The Village of Chenequa will continue to support access to DSL and other communication technologies to provide improved global communications for Village residents.
7. To maintain and enhance its role as a home for professional executives and heads of businesses, the Village of Chenequa should retain rural density residential land uses.

Government Services and Taxes

1. In an effort to reduce property taxes in Waukesha County, consider consolidations, mergers, shared services or legislative measures to reduce the number of governmental jurisdictions.

LAND USE

The recommended land use plan presented in Chapter 7 provides a design for the attainment of rural development and open space preservation objectives contained in this comprehensive development plan. The implementation recommendations pertaining to the rural development areas, environmentally sensitive areas and other land use plan implementation measures are summarized below:

Implementation for Rural Development Areas

As defined in Chapter 7, rural development areas are *sparse developed areas where land is used primarily for farming, resource extraction, landfills, very low density residential uses (one unit per five acres or less), or other open spaces uses, and includes corridors and isolated natural resource areas*. Rural development areas exist in several cities, villages and towns in Waukesha County. Planning and Zoning in the Village of Chenequa should be carried out in such a manner as to preserve rural character. First, new residential development should be limited to an overall density of no more than one dwelling unit per five acres of open land within the planning area unless a density bonus is allowed as a result of utilizing the open space or cluster design concept discussed in Chapter 7. This density is intended to provide a basis for determining the maximum number of additional dwelling units, which should be accommodated. Within the implementation recommendations, Chapter 7 presents the methodology for calculating the overall density within rural development areas and the status of the five (5) acre density standard at various planning stages.

Second, to the maximum extent possible, the dwelling units, which may be accommodated in accordance with the overall five-acre density, should be developed by using residential cluster designs, in which dwelling units are grouped together on a relatively small portion of the site. The residential clusters should be limited in size, surrounded by open space, and, as may be necessary, contain open space. The clustered lots should be no larger than necessary to accommodate the residential structures, driveways, and desired yards, including, as necessary, space for an onsite soil-absorption sewage-disposal system and replacement system area. This can usually be accomplished on lots no greater than one acre in size.

Third, to the extent possible, residential clusters should be located in areas which are visually screened from public roadways, so that existing rural vistas are maintained; should be carefully adjusted to topographic and other natural features, taking full advantage of the settings provided by those features without causing undue disturbance; and should be buffered from nearby agricultural and mineral extraction lands, as appropriate, so as to minimize conflicts between farming or mining and residential uses.

Fourth, other intensive land uses should be limited to uses which are consistent with the rural character of the area or otherwise essential to the area, including, among others, animal hospitals and veterinary clinics, riding stables, and garden shops. In general, office, commercial, industrial, and storage uses and the types of retail and service uses that are provided as a matter of convenience and necessity in urban residential neighborhoods should not be considered appropriate within rural development areas.

Fifth, lands within the rural development areas, which are not designated for residential or other compatible intensive use, should be retained in general agricultural and other open space use. Potential agricultural uses include traditional farming, hobby farms, and community supported agriculture. Land not used for farming should be kept free of development, except for recreational trail facilities and access facilities for the benefit of those who own an interest in the land.

It should be noted that, in many cases, it will be necessary to revise zoning and subdivision control ordinances to accommodate the recommended residential cluster development designs. Clustering may be accommodated in rural areas through a variety of zoning approaches. Clustering may be permitted by conditional use or by right in a basic district or through an overlay district. In addition, when the concept of the transfer of development rights is used, residential clustering principles can be used on a community wide basis to achieve better site designs and

preserve open space. Subdivision regulations regarding street improvement standards, sewer and water facilities, storm water management, landscaping, and open space preservation may also need revision to adequately promote and regulate cluster development. Residential cluster zoning provisions should require the use of legal restrictions to ensure the preservation of lands, which are to be permanently preserved in agricultural or other open space use.

Implementation for Environmentally Sensitive Lands

Areas which have been identified as primary environmental corridors, secondary environmental corridors, and isolated natural resource areas occur within both urban and rural development areas and within prime agricultural areas. Environmental corridors and isolated natural resource areas should be placed in one of several zoning districts, depending upon the type and character of the natural resource features to be preserved and protected. All lakes, rivers, streams, wetlands, and associated undeveloped floodlands and shorelands should be placed in lowland conservancy or floodplain protection districts. Upland woodlands and areas of steep slopes should generally be placed in appropriate upland conservancy, rural-density residential, or park and recreation districts. Through proper zoning, residential development should be confined to upland portions of environmental corridors, excluding areas of steep slopes, and should be limited to a density of no more than one dwelling unit per five acres, with provisions made as may be appropriate for clustering. Zoning applied to the environmental corridors should, however, accommodate necessary public facilities, such as crossings by streets and highways, utility lines, and engineered flood control facilities, but should require that the location, design, and development of the facilities concerned be sensitive to the protection of the existing resource features, and require that, to the extent possible following construction, disturbed areas be restored to preconstruction conditions.

Implementation Measures for Other Open Lands to be Preserved

Areas which have been identified in the Other Open Lands to be Preserved category are being mapped in both Urban and Rural areas. Lands identified in this category are mapped in part due to severe to very severe limitations for development of structures from high seasonal groundwater conditions, unstable soils, hydric or organic soil conditions or are generally poorly drained. For planning purposes, soil data available through the Soil Survey of Milwaukee and Waukesha Counties from the United States Department of Agriculture – Natural Resources Conservation Service was used.

Since the soil survey data is generalized, additional site-specific soil data analysis is necessary for individual development project review. It is recommended that the County and municipalities, through regulatory processes, provide a procedure to allow infield detailed investigation and soils analysis using the COMM 85 procedures, established in the Wisconsin Administrative Code, to assist in determining actual on-site soil conditions. Such procedures should identify and document whether or not seasonal high groundwater, soil instability, hydric or organic conditions exist. Where site-specific soil analysis indicates that soil conditions are suitable to accommodate development, an adjustment to the land use category or associated development density may be warranted and would not require a formal amendment request to an adjacent upland development land use category through the annual amendment process outlined in Chapter 9. The land use category which should be used for adjustment from the Other Lands to be Preserved category should be the adjacent upland land use category mapped on the Proposed Land Use Plan. For example, the land being adjusted from the Other Open Lands to be Preserved category are surrounded by lands in the Suburban I category and are found to be acceptable for development, not having the hydric soil conditions and high groundwater table conditions, the subject Open Lands category could be modified to the Suburban I category. There would, however, have to be a recognition and documentation of such change and the information used to justify the change so that appropriate measures are taken to incorporate the changes on the land use maps being maintained by the County and the affected municipality. A record of the documentation and information used to justify the change shall be filed with the County and the community, and an appropriate notation or identification on the Land Use Plan maps made with a reference to the location of the documentation shown on the map should be provided. It should also be noted that the new land use category, which has been modified, from the Other Lands to be Preserved category, can utilize similar densities as used for this new category as if the land were originally all designated in the new land use category.

Lands with soil conditions determined to be unsuitable for development, consistent with the planning standards detailed in Chapter 2 of this Plan, should be retained in open space uses, but can be included within lot boundaries. In addition, these lands may also be included in calculation for density standards as set forth in the Planned Unit Development or Cluster Development standards identified above. It is recommended that the County and municipalities establish, through regulatory processes, a density credit for retaining these lands in open space use. For years, the County used 20 percent of the acreage of lands in this category when calculating densities for proposed developments in the attached or adjoining upland areas. It would be appropriate that a range of 20 percent to 40 percent be used for these lands, subject to specific local community regulations. Further, it may be appropriate to grant a density of one (1) unit per five (5) acres for those lands in the Other Open Lands to be Preserved category.

Regulatory Implementation

Land use regulatory ordinances are an important tool available to county and local units of government to shape growth and development in accordance with adopted land use objectives. Under the State comprehensive planning law (S.66.1001 of the Wisconsin Statutes), "beginning on January 1, 2010, if a local governmental unit engages in official mapping, subdivision regulation, zoning ordinance enacted or amended and zoning of shorelands or wetlands in shorelands, those actions shall be consistent with that local governmental unit's comprehensive plan". Accordingly, upon adoption of their comprehensive plans, the county, cities, villages, and towns should review the text of their ordinances and adjust as necessary to carry out the various implementation recommendations contained in this Plan. Such changes should include rezoning to use districts consistent with present uses so as not to prezone, consider allotment system to evaluate and grade proposed developments, which carry out the recommendations in this Plan and review of developments for consistency with the recommendations of this Plan.

Zoning in Rural Areas

Zoning in rural areas should be administered in accordance with county and local comprehensive plans, which refine the rural-area recommendations of this Comprehensive Development Plan. The following is recommended:

- Prime agricultural lands identified in county and local comprehensive plans should be placed into an exclusive agricultural zoning district, which essentially permits only agricultural and agriculture-related uses. Such a district should provide for a residential density of no more than one dwelling unit per 35 acres and should prohibit incompatible urban development.
- Areas recommended in county and local comprehensive plans for rural residential development should be placed into a rural residential zoning district that limits development to no more than one dwelling unit per five acres and that encourages, or even requires, the use of conservation subdivision designs to accommodate the permitted development.
- Non-farmed wetlands should be placed in a lowland conservancy or shoreland-wetland zoning district, as appropriate. Farmed wetlands should remain in an agricultural zoning district as long as the parcel remains in agricultural use; with consideration given to placing a conservancy overlay zone on the wetland. Wetlands identified as farmed wetlands should be placed in a lowland conservancy district at the time farming activities on the wetland parcel cease and an application for residential or other urban development of the upland portion of the parcel is approved by the unit of government having zoning authority. Floodplains should be placed in the appropriate floodplain zoning district (floodway, floodfringe, flood storage, or general floodplain). Primary environmental corridors should be placed, and other natural resource areas, including secondary environmental corridors and isolated natural resource areas, may be placed, in a conservancy or other appropriate zoning district (such as a park or rural residential zoning district).

Official Mapping

Adoption of local official maps can contribute significantly to the implementation of the recommended County land use plan. Local units of government should prepare and adopt local official maps pursuant to Section 62.23(6) of the Wisconsin Statutes, showing thereon lands needed for future public use as streets, highways, transit ways, parkways, drainage ways, parks and playgrounds. The official map should be amended from time to time to incorporate the additional street and other public land requirements identified in detailed neighborhood unit development plans or rural area development plans, as those plans are prepared over time.

Land Division Ordinances

Land division ordinances should be adopted by the County and local units of government as a basis for the review and approval of subdivision plats and certified survey maps. Any proposed departure from adopted land use plans should be carefully considered and approved only if such departures are found to be in the public interest and the land use plan map is amended to a category that would allow the proposed subdivision. It should be noted that the existing Waukesha County subdivision control ordinance applies only to the statutory shorelands within the unincorporated areas of the County.

In 1999, Waukesha County created a Land Development Workgroup to analyze and address issues created by land division and development processes being used at that time. The Workgroup recommended:

1. The County should modify existing county transportation related ordinances to require pre-review of potential access points prior to recording of certified survey maps and subdivision plats.
2. Municipalities and the County should uniformly apply a development review checklist prepared by the Workgroup. The intent of the checklist is to set forth consistent standards for the review of development proposals by county municipalities, and to clearly express to development sponsors what should be contained in a proper development proposal. The Workgroup further recommended that each municipality in the County amend appropriate local codes incorporating and adhering to the checklist or a more stringent version in development reviews.
3. Another issue raised by the Workgroup was the variety of subdivision definitions used by Waukesha County municipalities. The variety in definitions has led to larger scale residential developments proceeding as certified surveys as opposed to a platted subdivision.
4. To address this issue, the Workgroup developed a minimum definition of a subdivision to be applied in Waukesha County. The definition reads "A subdivision is the division of land by the owner, subdivider, or his successor in title, for the purpose of transfer of ownership or building development where the division creates more than four (4) residential lots less than 1.5 acres in five (5) years or where the division creates more than six (6) residential parcels or building sites of any size within five (5) years." A remnant parcel in excess of 10 acres in size may be excluded from the plat by action of the municipality upon application by the owner. Upon receipt of an application, the municipality will notify the County.
5. County staff should continue to host training workshops on land use planning and development review topics for local officials.
6. The County should define a Development Review Team process to enhance communication between the county, towns, cities, villages and developers regarding land development projects and issues.
7. The County should evaluate the existing County Storm Water Management Ordinance and Program to identify opportunities for addressing watershed based storm water issues.
8. The County should engage in a process to comprehensively update the Street and Highway Width Map and Jurisdictional System Plan.

This Plan recommends that municipalities and the County continue to follow the recommendations made by the Land Development Workgroup.

Regulation of Public Sanitary Sewerage Systems

In Wisconsin, the comprehensive water quality management planning program has led to the development of State regulations which have the effect of requiring the preparation of sanitary sewer service area plans for each public sewage treatment plant. In the Region, these plans are prepared cooperatively by the concerned local unit of government and the Regional Planning Commission, with ultimate approval authority resting with the Wisconsin Department of Natural Resources. Sewer service area plans have now been prepared for nearly all of the public sanitary sewerage systems in the Region. These plans define sewer service limits and delineate environmentally sensitive lands within those service limits to which service should not be provided. Chapter NR 110 and Chapter Comm 82 of the *Wisconsin Administrative Code* require that the Wisconsin Department of Natural Resources, with respect to public sanitary sewers, and the Wisconsin Department of Commerce, with respect to private sanitary sewers, make a finding that all proposed sanitary sewer extensions are in conformance with adopted area wide water quality management plans and the sanitary sewer service areas identified in such plans before approving such extensions.

Under Chapter NR 121, sewer service areas must be sized in a manner that is consistent with long-range population projections. As a practical matter, this requirement is considered to be met if the buildout population of the sewer service area—that is, the population that could be accommodated if the sewer service area were completely developed at locally planned residential densities—is within the projection range envisioned under the regional land use plan. In sizing their sewer service areas, many communities choose to plan for the high end of the projected population range in order to retain flexibility in terms of the location of future urban growth.

Historically, communities in the Region, with the assistance of SEWRPC, have amended their sewer service area plans from time to time in response to changing needs and conditions. This may be expected to continue in the years ahead, particularly as communities complete their required local comprehensive plans.

As noted above, sanitary sewer service area plans are an important part of the basis for State agency review and approval of proposed sewer extensions. Policies adhered to by the Wisconsin Department of Natural Resources and Department of Commerce prohibit or otherwise limit the extension of sanitary sewers to serve development in certain environmentally significant lands identified in local sewer service area plans. The following restrictions were in effect in 2007:

- The extension of sanitary sewers to serve new development in primary environmental corridors is confined to limited recreational and institutional uses and rural-density residential development (maximum of one dwelling unit per five acres) in areas other than wetlands, floodplain, shorelands, and steep slope (12 percent or greater).
- The extension of sanitary sewers to serve development in portions of secondary environmental corridors and isolated natural resource areas comprised of wetlands, floodplains, shorelands, or steep slopes is not permitted.

Park and Open Space Plan Implementation

Achievement of the outdoor park and recreation and open space preservation objectives of the land use plan requires continued public interest acquisition of land for outdoor recreation and open space uses. The county park and open space plan, as a refinement of the regional park and open space plan, recommends public interest acquisition (that is, acquisition by local, county, State and Federal government and by private conservancy interests) of land for recreation and resource protection purposes. The regional natural areas and critical species habitat protection and management plan also includes recommendations for public interest acquisition for most of the natural areas and critical species habitat sites identified in that plan. Moreover, cities, villages, and towns may acquire other lands for park and open space purposes as recommended in local comprehensive or park and open space plans. Each of the concerned units and agencies of government should continue or begin land acquisition programs in accordance with such plans. Private conservancy organizations are encouraged to supplement public open space acquisition efforts, as appropriate, to ensure the preservation of important natural areas. The detailed County Park and Open Space Plan is presented in Appendix A of this Plan.

Transfer of Development Rights

Under transfer-of-development-rights programs, or “TDR” programs, the right to develop a specified number of dwelling units under existing zoning may be transferred from one parcel, which would be maintained in open space use, to a different parcel, where the number of dwelling units permitted would be correspondingly increased. When the parcels are held by the same owner, the development rights are, in effect, simply transferred from one parcel to the other by the owner; when the parcels are held by different landowners, the transfer of development rights involves a sale of rights from one owner to another, at fair market value. In either case, the result is a shift in density away from areas proposed to be maintained in farming or other open use toward areas recommended for development. The transfer of development rights may be permanent or may be for a specific period of time or set of conditions.

The transfer of development rights may be implemented only if authorized under county or local zoning. To enable the transfer of development rights, the zoning ordinance must establish procedures by which the TDR technique will be administered, including the formula for calculating the number of residential dwelling units, which may be transferred from the “sending” area to the “receiving” area. The zoning district map must identify the sending and receiving areas, or at least identify the districts within which development rights can be transferred from one parcel to another. As of 2007, the Waukesha County Zoning Code contains provisions for the transfer of development rights. The Village of Chenequa does not have a transfer of development rights provision within its zoning code.

Municipal Boundary and Utility Extension Agreements

The recommendations of the land use plan concerning the location and density of new urban development are formulated without regard to the location of city, village, and town boundaries. Rather, those plan recommendations are based upon a consideration of such factors as the location of existing utility infrastructure, including public sanitary sewer and water supply systems; the location of environmentally sensitive lands; and the availability of lands considered to be suitable for urban development. Where cities and villages own and operate essential public utilities not provided by adjacent towns, the plan assumes that cities and villages will either annex unincorporated territory recommended in the plan for urban development and provide extensions of essential utility services to serve such development, or that the cities and villages will reach agreement with adjacent unincorporated towns on the extension of those essential services without the need for annexation and municipal boundary change.

The *Wisconsin Statutes* establish a number of arrangements for cooperation among communities with regard to sharing of municipal services and cooperatively determining community boundaries, as indicated below:

- Section 66.0301: This section of the Statutes provides broad authority for intergovernmental cooperation among local units of government with respect to the provision and receipt of services and the joint exercise of their powers and duties.
- Section 66.0307: This section of the Statutes allows any combination of cities, villages, and towns to determine the boundary lines between themselves under a cooperative plan, subject to oversight by the Wisconsin Department of Administration. Section 66.0307 envisions the cooperative preparation of a comprehensive plan for the affected area by the concerned local units of government and prescribes in detail the contents of the cooperative plan. Importantly, the cooperative plan must identify any boundary change and any existing boundary that may not be changed during the planning period; identify any conditions that must be met before a boundary change may occur; include a schedule of the period during which a boundary change shall or may occur; and specify arrangements for the provision of urban services to the territory covered by the plan.
- Section 66.0225: This section of the Statutes allows two abutting communities that are parties to a court action regarding an annexation, incorporation, consolidation, or detachment, to enter into a written stipulation compromising and settling the litigation and determining a common boundary between the communities.

Cooperative approaches to the identification of future corporate limits and the extension of urban services can contribute significantly to attainment of the compact, centralized urban growth recommended in the land use plan. Conversely, failure of neighboring civil divisions to reach agreement on boundary and service extension matters may result in development at variance with the plan—for example, by causing new development to leap past logical urban growth areas where corporate limits are contested, to outlying areas where sewer and water supply service are not available. Accordingly, it is recommended that neighboring incorporated and unincorporated communities cooperatively plan for future land use, civil division boundaries, and the provision of urban services, as provided for under the *Wisconsin Statutes*, within the framework of the land use plan.

Municipal Revenue Sharing

Additional opportunity for intergovernmental cooperation is provided under Section 66.0305 of the *Wisconsin Statutes*, entitled “Municipal Revenue Sharing.” Under this statute, two or more cities, villages, and towns may enter into revenue sharing agreements, providing for the sharing of revenues derived from taxes and special charges. The agreements may address matters other than revenue sharing, including municipal services and municipal boundaries. Municipal revenue sharing can provide for a more equitable distribution of the property tax revenue generated from new commercial and industrial development within urban areas and help reduce tax-base competition among communities, competition that can work against the best interests of the urban area as a whole.

A good example of municipal revenue sharing under this statute is the revenue sharing agreement included in the Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement entered into by the City of Racine and neighboring communities in 2002. Under this agreement, the City of Racine receives shared revenue payments from neighboring communities for use in renovating older residential areas, redeveloping brownfield sites, and supporting regional facilities like the City zoo, fine arts museum, and library. In return, the City of Racine agreed to support the incorporation of the adjacent Towns of Caledonia and Mt. Pleasant; refrain from annexations without the consent of the Towns; refrain from using extraterritorial zoning and plat review powers; and move ahead with sewerage system improvements that will accommodate growth in the Towns. It should be noted that the Towns of Mt. Pleasant and Caledonia were incorporated as villages in 2003 and 2005, respectively.

Brownfield Redevelopment

Factors contributing to the abandonment or underutilization of older commercial and industrial sites vary from site to site, but often include structures which are obsolete in terms of accommodating current manufacturing, warehousing, and office needs; inadequate site access to the freeway system; and insufficient site area for horizontally-oriented structures, contemporary parking and loading requirements, and possible future plant expansion needs.

Once abandoned, the re-use of former commercial and industrial sites is frequently constrained by contamination problems created by past industrial and commercial activities, giving rise to the term “brownfields”—sites, which are underutilized or abandoned due to known or suspected environmental contamination. While brownfields tend to be concentrated in older areas, they also occur in outlying areas. Redevelopment of brownfields is often hindered by high cleanup costs, and, even where contamination is only suspected, the potential for high cleanup costs tends to dampen private-sector interest in redevelopment.

In order to maintain the viability of existing urban areas, special efforts to promote the reuse of brownfields are required. Local units of government should include the cleanup and re-use of brownfields as a key element in their planning for the revitalization of urban areas and promote such re-use through such tools as tax-incremental financing. Limited State and Federal financial assistance has been made available in support of the cleanup and re-use of contaminated sites. Local units of government should make full use of, and assist private developers in securing, available State and Federal financial assistance.

The re-use of brownfield sites need not be limited to industrial use, but may include a mix of residential, commercial, recreational, and other development, in accordance with local development objectives. Properly carried out, the cleanup and re-use of brownfields has many potential benefits in addition to the underlying environmental benefits: elimination of blight, increase in the property-tax base, expansion of the housing stock, provision of jobs in close proximity to concentrations of the labor force, and increased use of existing public infrastructure.

Storm water System Planning

Storm water runoff pollution performance standards for new development, existing urban areas, and transportation facilities are set forth in Chapters NR 151 and NR 216 of the *Wisconsin Administrative Code*. The County should coordinate with municipalities to develop a storm water management plan to coordinate the management of storm water within defined watersheds, which often transcend municipal boundaries. Storm water management practices appropriate for each urban area can best be developed through the preparation of a system management plan. These practices should be developed in a manner that integrates development needs and environmental protection, including integrated water resources protection. Such practices should reflect both storm water runoff quantity and quality considerations, as well as groundwater quantity and quality protection. Practices that are designed to maintain the natural hydrology should be encouraged.

TRANSPORTATION

The 2035 Regional Transportation System Plan for Southeastern Wisconsin is multi-modal in nature, dealing with public transit, bicycle and pedestrian, travel demand management, transportation systems management, and arterial streets and highways. The plan is designed to serve, and be consistent with, the Year 2035 Regional Land Use Plan drafted by the SEWRPC. The process for the development of the recommended multi-modal program began with consideration and development of the travel demand management, transportation systems management, bicycle and pedestrian and public transit elements of the plan. Arterial street and highway improvement and expansion was then considered only to address the residual high traffic volumes and attendant traffic congestion, which may not be expected to be alleviated by travel demand management, transportation systems management, bicycle and pedestrian facilities, and public transit.

Chapter 8 of this Plan contains a series of recommendations set forth in the Year 2035 Regional Transportation System Plan for Southeastern Wisconsin.

The following additional recommendations were developed based upon inventory data, a public opinion survey, and transportation development objectives, principles, and standards presented in Chapter 2:

1. Waukesha County should work with the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to conduct a major review and reevaluation of the jurisdictional transfer recommendations in the year 2035 Regional Transportation System Plan.
2. The fact that improvements to State Highway 83 in the Village of Chenequa are necessary to meet state highway standards and would result in extensive destruction of trees and extensive road bed widening, the Village of Chenequa and Town of Merton propose that as part of the review and reevaluation of the 2035 Regional Transportation System Plan that State Highway 83 be located on County Highway P or another road better suited for state highway designation. The State Highway 83 road segment within the Village of Chenequa and the Town of Merton should be transferred to Waukesha County and renamed a County Trunk Highway. The Village and Town should work with the County, SEWRPC, and the Wisconsin Department of Transportation to implement this recommendation
3. Waukesha County should refine the proposed system of off street bicycle paths and surface arterial streets and highway system accommodation of bicycles contained in the 2035 Regional Transportation System Plan. In addition, the County should integrate bikeway accommodations into planning for upgrades and modifications to the county trunk highway system consistent with the refined county transportation plan

and facilitate communication with local municipalities and bordering counties to address bikeway linkages and connectivity.

4. Discuss with Jefferson County opportunities to expand the Lake Country Recreation Trail from Oconomowoc to Watertown in Jefferson County.
5. The County and municipalities should implement the transportation system development planning objectives, principles and standards contained in Chapter 2.
6. The County and municipalities should evaluate dedicated funding sources for county wide shared taxi service to meet the needs of a growing elderly population in all 37 municipalities.
7. As a consequence of increasing rail freight traffic, the County should establish additional rail quiet zones and invest in railroad grade separations as a safety priority at county trunk highway crossings.
8. The County should work with local municipalities and the Wisconsin Department of Transportation's Bureau of Aeronautics to determine if maintaining Capitol Airport as an aviation facility is consistent with future transportation and land use plans.
9. Evaluate for implementation the public transit recommendations contained in the 2035 Regional Transportation System Plan for Southeastern Wisconsin such as car pool lanes, van pool and bus guide ways.

PLAN ADOPTION

Upon initiation of the cooperative planning process used to prepare this Comprehensive Development Plan for Waukesha County, several municipalities inquired as to whether individual municipal plans would have to be prepared or if a municipality could adopt this Plan to satisfy the provisions of Chapter 66.1001 Wisconsin Statutes. In August 7, 2002 correspondence to Waukesha County, staff from the Wisconsin Department of Administration – Office of Land Information Services opined: "If a municipality chooses to plan with Waukesha County two different outcomes will ensue as part of the planning process. First, a municipality may choose to adopt the plan document developed by the county as its own comprehensive plan provided it has sufficient local detail. Second, some municipalities may require additional information to address in greater detail the land use issues of that particular municipality. The plan document adopted by this municipality would include additional addenda." The Village of Chenequa decided to incorporate additional local data into the plan and also include additional recommendations specific to the Village. This decision was made to serve the best interests of the residents of the Village of Chenequa.

As presented in Chapter 1, the Wisconsin comprehensive planning law, set forth in Section 66.1001 of the Wisconsin Statutes, requires that comprehensive plans be completed and adopted by local governing bodies by January 1, 2010 in order for a county, city, village, or town to enforce its zoning, subdivision, or official mapping ordinances. According to this law, a comprehensive plan means:

1. For a county, a development plan that is prepared or amended under s.59.69 (2) or (3).
2. For a city or a village, or for a town that exercises village powers under s. 60.22 (3), or a master plan that is adopted or amended under s. 62.23 (2) or (3).

It is the intent of this Plan to satisfy the comprehensive planning requirements contained in s.66.1001 of the Wisconsin Statutes.

MONITORING AND UPDATING THE PLAN

Annual Plan Amendment

Amendments will be made to the Comprehensive Development Plan for Waukesha County on an annual basis. The Department of Parks and Land Use will make available a plan amendment request form for property owners and towns wishing to propose a change to the Plan. The deadline for plan amendment request forms will be the end of the workday on January 15th. If that date falls on a weekend, the submittal deadline will be extended to the end of the workday on the following Monday. All applications for plan amendments will be scheduled for a

public hearing and advertised according to statutory procedures. As with proposed zoning changes, property owners within a minimum of 300 feet of the property subject to the plan amendment will be notified in writing by regular mail. A review and recommendation for each request will be prepared and submitted to the Park and Planning Commission, Land Use, Parks and Environment Committee and County Board for consideration. Under special circumstances, the Waukesha County Park and Planning Commission may authorize plan amendments to be processed in addition to the schedule outlined herein.

Regional or Countywide Plan Refinements

Due to the complexity of comprehensive planning, it is very difficult to complete all detailed planning initiatives in advance of comprehensive amendments to a Development Plan for Waukesha County. As identified in the implementation recommendations, it is anticipated that the Regional Water Supply Plan, Jurisdictional Highway System Plan and Bicycle and Pedestrian Facilities System Plan will be updated or completed following the adoption of this Plan. The products of those regional or countywide planning initiatives will be evaluated and appropriate amendments to this comprehensive development plan will be proposed.

Amendments by Cities and Villages

When cities and villages amend land use plans, the adopted plan amendments will be forwarded digitally to the Department of Parks and Land Use in a timely manner to provide for updating of the planned land use map on the Waukesha County Land Information System.

Comprehensive Amendment

The Comprehensive Development Plan for Waukesha County should be updated no less than once every 10 years. In anticipation of the continued development of the County, it is recommended a comprehensive reevaluation, update, and revision, as appropriate, of this Plan be conducted following the availability of the Year 2020 Census data. Initiating a comprehensive plan review using Year 2020 data will allow for the evaluation of planning projections made as part of the Year 2020 Regional Land Use Plan adopted in 1997 and the first generation Waukesha County Development Plan adopted in 1996, as well as this Plan. It is further recommended that the comprehensive reevaluation use a similar intermunicipal cooperative approach used in the preparation of this Plan.

Land Development Plan Monitoring

On an annual basis, the staff of the Waukesha County Department of Parks and Land Use will evaluate plan amendment requests for consistency with the planning objectives and standards contained in Chapter 2 of the Plan. Staff recommendations to the County Park and Planning Commission and County Board will be consistent with the planning standards. On an on-going basis, the staff will evaluate rezoning requests for their consistency with Plan. For rezoning requests inconsistent with the Plan, the applicant will be advised of the inconsistency and recommended to request a plan amendment. Plan amendments and data associated with the Plan will be made available through the County's website.