



Credit: SEWRPC

An important step in the plan update process was a review of the existing framework of areawide and local plans and related land use regulations. This chapter presents a summary of that review. Plans and ordinances described in this chapter summarize those documents as they existed in 2016. Plans summarized in this chapter may conflict with the recommendations regarding various issues made in this comprehensive plan.

2.1 REGIONAL PLANS

VISION 2050 - Regional Land Use and Transportation Plan

VISION 2050, the Region's advisory long-range land use and transportation plan,² sets forth the fundamental concepts that are recommended to guide the development of the seven-county Southeastern Wisconsin Region. The plan includes two major components, a recommended land use component and a recommended transportation component. Implementation of the plan ultimately relies on the actions of local, county, State, and Federal agencies and units of government in conjunction with the private sector.

VISION 2050 recognizes that the Region has reached a pivotal time in its development, and more than ever the Region will need to compete with other areas to attract residents and businesses. In that light, VISION 2050 proposes to build on our strengths and seeks to improve where we do not compete well with our peers. In short, VISION 2050 recommends the following:

- Preserving the Region's most productive farmland and primary environmental corridors, which encompass the best remaining features of the natural landscape.
 - The plan includes guidelines for development that can be considered compatible with primary environmental corridors, which are shown in Table 2.1. The guidelines can also be applied to isolated natural resource areas if a county or local government chooses to protect these areas in addition to primary environmental corridors.
 - The Washington County farmland preservation plan, which was updated in 2013, identifies recommended farmland preservation areas in the County, and is described in Section 2.2.

² Documented in SEWRPC Planning Report No. 55, VISION 2050: A Regional Land Use and Transportation Plan for Southeastern Wisconsin: 2050. The plan was adopted by the Regional Planning Commission on July 28, 2016.

**Table 2.1
Guidelines for Development Considered Compatible with Primary Environmental Corridors and Isolated Natural Resource Areas**

Component Natural Resource and Related Features Within Environmental Corridors ^a	Permitted Development (see General Development Guidelines below)																	
	Transportation and Utility Facilities								Recreational Facilities								Rural-Density Residential Development	Other Development
	Streets and Highways	Utility Lines and Related Facilities	Engineered Stormwater Management Facilities	Engineered Flood Control Facilities ^b	Trails ^c	Picnic Areas	Family Camping ^d	Swimming Beaches	Boat Access	Ski Hills	Golf	Playfields	Hard- Surface Courts	Parking	Buildings			
Lakes, Rivers, and Streams	-- ^e	-- ^{f,g}	--	-- ^h	-- ⁱ	--	X	X	--	--	--	--	--	--	--	--		
Riparian Buffer ^j	X	X	X	X	X	X	X	X	--	X	--	--	X	X	X	--		
Floodplain ^k	-- ^j	X	X	X	X	X	X	X	--	X	X	X	X	X	X	--		
Wetland ^m	-- ^j	X	--	--	X ⁿ	--	--	X	--	-- ^o	--	--	--	--	--	--		
Wet Soils	X	X	X	X	X	--	X	X	--	X	--	--	X	X	--	--		
Woodland	X	X	X ^p	--	X	X	X	X	X	X	X	X	X	X	X ^q	X		
Wildlife Habitat	X	X	X	--	X	X	X	X	X	X	X	X	X	X	X	X		
Steep Slope	X	X	--	--	-- ^r	--	--	--	X ^s	X	--	--	--	--	--	--		
Prairie	--	-- ^g	--	--	-- ^r	--	--	--	--	--	--	--	--	--	--	--		
Park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	--		
Historic Site	--	-- ^g	--	--	-- ^r	--	--	--	--	--	--	--	X	X	--	--		
Scenic Viewpoint	X	X	--	--	X	X	--	X	X	X	--	--	X	X	X	X		
Natural Area or Critical Species Habitat Site	--	--	--	--	-- ^g	--	--	--	--	--	--	--	--	--	--	--		

Note: An "X" indicates that facility development is permitted within the specified natural resource feature. In those portions of the environmental corridors having more than one of the listed natural resource features, the natural resource feature with the most restrictive development limitation should take precedence.

APPLICABILITY

These guidelines indicate the types of development that can be accommodated within primary environmental corridors and isolated natural resource areas while maintaining the basic integrity of those areas. Throughout this table, the term "environmental corridors" refers to primary environmental corridors and isolated natural resource areas.

Under the regional plan:

- As regionally significant resource areas, primary environmental corridors should be preserved in essentially natural, open use in accordance with the guidelines in this table.
- Isolated natural resource areas warrant consideration for preservation in essentially natural open use, as determined in county and local plans and in a manner consistent with State and Federal regulations. County and local units of government may choose to apply the guidelines in this table to isolated natural resource areas.

GENERAL DEVELOPMENT GUIDELINES

- Transportation and Utility Facilities: All transportation and utility facilities proposed to be located within the important natural resources should be evaluated on a case-by-case basis to consider alternative locations for such facilities. If it is determined that such facilities should be located within natural resources, development activities should be sensitive to, and minimize disturbance of, these resources, and, to the extent possible following construction, such resources should be restored to preconstruction conditions.

The above table presents development guidelines for major transportation and utility facilities. These guidelines may be extended to other similar facilities not specifically listed in the table.

Table continued on next page.

Table 2.1 (Continued)

- Recreational Facilities: In general, no more than 20 percent of the total environmental corridor area should be developed for recreational facilities. Furthermore, no more than 20 percent of the environmental corridor area consisting of upland wildlife habitat and woodlands should be developed for recreational facilities. It is recognized, however, that in certain cases these percentages may be exceeded in efforts to accommodate needed public recreational and game and fish management facilities within appropriate natural settings. In all cases however, the proposed recreational development should not threaten the integrity of the remaining corridor lands nor destroy particularly significant resource elements in that corridor. Each such proposal should be reviewed on a site-by-site basis.
- The above table presents development guidelines for major recreational facilities. These guidelines may be extended to other similar facilities not specifically listed in the table.
- Rural-Density Residential Development: Rural-density residential development may be accommodated in upland environmental corridors, provided that buildings are kept off steep slopes. The maximum number of housing units accommodated at a proposed development site within the environmental corridor should be limited to the number determined by dividing the total corridor acreage within the site, less the acreage covered by surface water and wetlands, by five. The permitted housing units may be in single-family or multifamily structures. When rural residential development is accommodated, cluster subdivision designs are strongly encouraged.
- Other Development: In lieu of recreational or rural-density residential development, up to 10 percent of the upland corridor area in a parcel may be disturbed in order to accommodate urban residential, commercial, or other urban development under the following conditions: 1) the area to be disturbed is compact rather than scattered in nature; 2) the disturbance area is located on the edge of a corridor or on marginal resources within a corridor; 3) the development does not threaten the integrity of the remaining corridor; 4) the development does not result in significant adverse water quality impacts; and 5) development of the remaining corridor lands is prohibited by a conservation easement or deed restriction. Each such proposal must be reviewed on a site-by-site basis.
- Under this arrangement, while the developed area would no longer be part of the environmental corridor, the entirety of the remaining corridor would be permanently preserved from disturbance. From a resource protection point of view, preserving a minimum of 90 percent of the environmental corridor in this manner may be preferable to accommodating scattered home sites and attendant access roads at an overall density of one dwelling unit per five acres throughout the upland corridor areas.
- Pre-Existing Lots: Single-family development on existing lots of record should be permitted as provided for under zoning at the time the Commission adopted the regional land use plan.
- All permitted development presumes that sound land and water management practices are utilized.

FOOTNOTES

- ^a *The natural resource and related features are defined as follows:*
Lakes, Rivers, and Streams: Includes all lakes greater than five acres in area and all perennial and intermittent streams as shown on U.S. Geological Survey quadrangle maps.
Riparian Buffer: Includes a band 50 feet in depth along both sides of intermittent streams; a band 75 feet in depth along both sides of perennial streams; a band 75 feet in depth around lakes; and a band 200 feet in depth along the Lake Michigan shoreline.
Floodplain: Includes areas, excluding stream channels and lake beds, subject to inundation by the 1 percent annual probability flood event.
Wetlands: Includes areas that are inundated or saturated by surface water or groundwater at a frequency, and with a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
Wet Soils: Includes areas covered by wet, poorly drained, and organic soils.
Woodlands: Includes areas one acre or more in size having 17 or more deciduous trees per acre with at least a 50 percent canopy cover as well as coniferous tree plantations and reforestation projects; excludes lowland woodlands, such as tamarack swamps, which are classified as wetlands.
Wildlife Habitat: Includes areas devoted to natural open uses of a size and with a vegetative cover capable of supporting a balanced diversity of wildlife.
Steep Slope: Includes areas with land slopes of 12 percent or greater.
Prairies: Includes open, generally treeless areas which are dominated by native grasses; also includes savannas.
Park: Includes public and nonpublic park and open space sites.
Historic Site: Includes sites listed on the National Register of Historic Places. Most historic sites located within environmental corridors are archaeological features such as Native American settlements and effigy mounds and cultural features such as small, old cemeteries. On a limited basis, small historic buildings may also be encompassed within delineated corridors.
Scenic Viewpoint: Includes vantage points from which a diversity of natural features such as surface waters, wetlands, woodlands, and agricultural lands can be observed.
Natural Area and Critical Species Habitat Sites: Includes natural areas and critical species habitat sites as identified in the regional natural areas and critical species habitat protection and management plan.

- ^b Includes such improvements as stream channel modifications and such facilities as dams.
- ^c Includes trails for such activities as hiking, bicycling, cross-country skiing, nature study, and horseback riding, and excludes all motorized trail activities. It should be recognized that trails for motorized activities such as snowmobiling that are located outside the environmental corridors may of necessity have to cross environmental corridor lands. Proposals for such crossings should be evaluated on a case-by-case basis, and if it is determined that they are necessary, such trail crossings should be designed to ensure minimum disturbance of the natural resources.

Table continued on next page.

Table 2.1 (Continued)

- ^d Includes areas intended to accommodate camping in tents, trailers, or recreational vehicles which remain at the site for short periods of time, typically ranging from an overnight stay to a two week stay.
- ^e Certain transportation facilities such as bridges may be constructed over such resources.
- ^f Utility facilities such as sanitary sewers may be located in or under such resources.
- ^g Electric power transmission lines and similar lines may be suspended over such resources.
- ^h Certain flood control facilities such as dams and channel modifications may need to be provided in such resources to reduce or eliminate flood damage to existing development.
- ⁱ Bridges for trail facilities may be constructed over such resources.
- ^j Previous editions of these guidelines identified this category as "Shoreland," rather than "Riparian Buffer." Riparian buffers, as defined in footnote "a" of this table, typically would be located within a State-defined shoreland area. (see Chapters NR 115 and NR 117 of the Wisconsin Administrative Code).
- ^k Consistent with Chapter NR 116 of the Wisconsin Administrative Code.
- ^l Streets and highways may cross such resources. Where this occurs, there should be no net loss of flood storage capacity or wetlands. Guidelines for mitigation of impacts on wetlands by Wisconsin Department of Transportation facility projects are set forth in Chapter Trans 400 of the Wisconsin Administrative Code.
- ^m Any development affecting wetlands must adhere to the water quality standards for wetlands established under Chapter NR 103 of the Wisconsin Administrative Code.
- ⁿ Only an appropriately designed boardwalk/trail should be permitted.
- ^o Wetlands may be incorporated as part of a golf course, provided there is no disturbance of the wetlands.
- ^p Generally excludes detention, retention, and infiltration basins. Such facilities should be permitted only if no reasonable alternative is available.
- ^q Only if no alternative is available.
- ^r Only appropriately designed and located hiking and cross-country ski trails should be permitted.
- ^s Only an appropriately designed, vegetated, and maintained ski hill should be permitted.

Source: SEWRPC

- Encouraging more compact development, ranging from high-density transit-oriented development to neighborhoods with homes within walking distance of parks, schools, and businesses.
- Keeping existing major streets in good repair and efficiently using the capacity of existing streets and highways.
- Strategically adding capacity on highly congested streets and highways, incorporating “complete streets” roadway design concepts to provide safe and convenient travel for all, and addressing key issues related to moving goods within and through the Region.
- Enhancing the Region’s bicycle and pedestrian network to improve access to activity centers, neighborhoods, and other destinations.
- Significantly improving and expanding public transit to support compact growth and enhance the attractiveness and accessibility of the Region.

Map 2.1 and Table 2.2 present the recommended development pattern from the VISION 2050 land use component as it pertains to Washington County. Examples of typical development within residential and mixed-use land use categories are depicted in Figure 2.1. Additional information regarding the recommendations of the transportation component of VISION 2050 is included in the Transportation Element (Chapter 8).

Development in Urban Service Areas

The land use component of VISION 2050 presents a development pattern and recommendations that accommodate projected growth in regional population, households, and employment with a focus on compact development within defined urban service areas. The compact development recommended under VISION 2050 ranges from high-density development such as transit-oriented development (TOD) to neighborhoods in smaller communities with housing within walking distance of amenities. VISION 2050 recommends that residential and urban development occur largely as infill, redevelopment, and new development within urban service areas at densities that can efficiently be supported by public sanitary sewerage, water supply, and other services, including parks, schools, and businesses. New urban development at lower densities, including Medium Lot Neighborhood and Large Lot Neighborhood development, is encouraged to occur on existing vacant lots, as infill development in existing neighborhoods with similar densities, or where commitments have been made to such development through approved subdivision plats or certified survey maps.



VISION 2050 recommends that residential and urban development occur largely as infill, redevelopment, and new development within urban service areas.

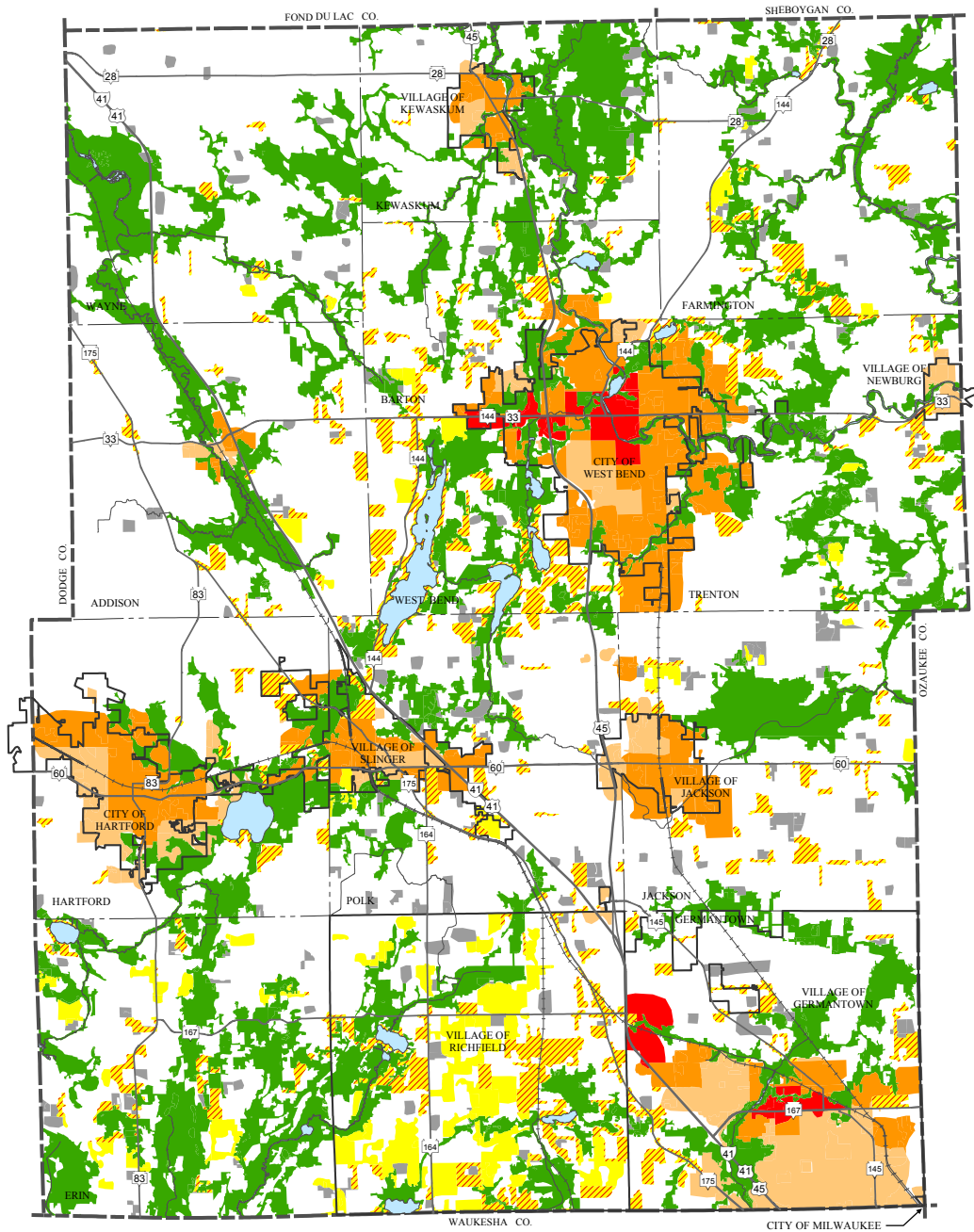
Development Outside Urban Service Areas

In addition to preserving environmentally significant lands and productive agricultural lands, VISION 2050 seeks to maintain the rural character of other lands located outside planned urban service areas. The plan encourages minimizing impacts on natural and agricultural resources, maintaining rural character, and avoiding excessive demands on rural public facility and service systems in such areas. VISION 2050



VISION 2050 recommends preserving productive agricultural land and minimizing the impacts of new urban development on such lands.

Map 2.1
VISION 2050 Regional Land Use Plan as it Pertains to Washington County



- | | |
|--|---|
| <ul style="list-style-type: none"> MIXED-USE TRADITIONAL NEIGHBORHOOD
(Residential and Other Urban Land—At Least 7.0 to 17.9 Dwelling Units per Net Residential Acre) SMALL LOT TRADITIONAL NEIGHBORHOOD
(Residential and Other Urban Land—At Least 4.4 to 6.9 Dwelling Units per Net Residential Acre) MEDIUM LOT NEIGHBORHOOD
(Residential and Other Urban Land—At Least 2.3 to 4.3 Dwelling Units per Net Residential Acre) LARGE LOT NEIGHBORHOOD
(Residential and Other Urban Land—At Least 0.7 to 2.2 Dwelling Units per Net Residential Acre) | <ul style="list-style-type: none"> LARGE LOT EXURBAN
(Residential Land—0.2 to 0.6 Dwelling Units per Net Residential Acre) RURAL ESTATE
(0.1 To 0.2 Dwelling Units per Acre) AGRICULTURAL AND OTHER OPEN LANDS PRIMARY ENVIRONMENTAL CORRIDOR SURFACE WATER |
|--|---|

Source: SEWRPC

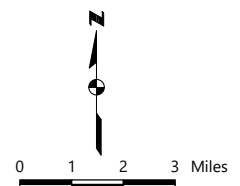


Table 2.2
Recommended Land Uses in Washington County Under VISION 2050

Land Use	Washington County (square miles)		
	2010	Change	2050
Urban			
Residential			
Mixed-Use City Center ^a	0.0	0.0	0.0
Mixed-Use Traditional Neighborhood ^b	0.6	0.5	1.1
Small Lot Traditional Neighborhood ^c	4.6	5.2	9.7
Medium Lot Neighborhood ^d	7.1	0.5	7.6
Large Lot Neighborhood ^e	19.9	0.2	20.2
Large Lot Exurban ^f	8.3	1.1	9.4
Rural Estate ^g	6.6	2.0	8.6
Residential Subtotal	47.0	9.5	56.5
Commercial	2.7	1.6	4.3
Industrial	2.9	1.1	4.1
Transportation, Communication, and Utilities	26.3	1.8	28.0
Governmental and Institutional	2.7	0.2	3.0
Recreational ^h	6.5	0.4	6.9
Unused Urban Land	3.1	-1.8	1.3
Urban Subtotal	91.2	12.9	104.1
Nonurban (Rural and Natural Resources Areas)			
Agricultural ⁱ	203.0	-8.8	194.2
Natural Resource Areas			
Surface Water	8.0	0.0	8.0
Wetlands	72.7	0.0	72.7
Woodlands	37.6	0.0	37.6
Natural Resource Areas Subtotal	118.3	0.0	118.3
Unused Rural and Other Open Land ^j	23.0	-4.0	19.0
Nonurban Subtotal	344.3	-12.9	331.4
Total	435.6	0.0	435.6

Note: Off-street parking area is included with the associated use.

^a 18.0 or more dwelling units per net residential acre.

^b 7.0-17.9 dwelling units per net residential acre.

^c 4.4-6.9 dwelling units per net residential acre.

^d 2.3-4.3 dwelling units per net residential acre.

^e 0.7-2.2 dwelling units per net residential acre.

^f 0.2-0.6 dwelling unit per net residential acre.

^g No more than 0.2 dwelling unit per acre.

^h Includes only developed or intensively used recreational land.

ⁱ Includes farmed wetlands.

^j Includes landfills and mineral extraction sites.

Source: SEWRPC

recommends that local and county government land use policies limit Large Lot Neighborhood and Large Lot Exurban development beyond urban service areas to commitments made during the VISION 2050 planning process (additional households allocated to each sewered and unsewered area in the County are shown on Table 3.19 in Chapter 3). VISION 2050 recommends that the demand for homes in rural areas be accommodated on a limited basis through Rural Estate development where there would be no more than one dwelling unit per five acres. Where Rural Estate development is accommodated, VISION 2050 encourages the use of cluster subdivision design, with homes grouped together on relatively small lots surrounded by permanently preserved agricultural, recreational, or natural resource areas such as

Figure 2.1
VISION 2050 Land Use Categories

The recommended VISION 2050 land use pattern was developed by allocating new households and employment envisioned for the Region under the Commission’s year 2050 growth projections to a series of seven land use categories that represent a variety of development densities and mixes of uses.



MIXED-USE CITY CENTER
 Mix of very high-density offices, businesses, and housing found in the most densely populated areas of the Region



MEDIUM LOT NEIGHBORHOOD (showing lots of about 15,000 square feet)
 Primarily single-family homes on ¼- to ½-acre lots found at the edges of cities and villages



LARGE LOT NEIGHBORHOOD (showing lots of about ½ acre)
 Primarily single-family homes on ½-acre to one-acre lots found at the edges of cities and villages and scattered outside cities and villages



MIXED-USE TRADITIONAL NEIGHBORHOOD
 Mix of high-density housing, businesses, and offices found in densely populated areas



LARGE LOT EXURBAN (showing lots of about 1.5 acres)
 Single-family homes at an overall density of one home per 1.5 to five acres scattered outside cities and villages



SMALL LOT TRADITIONAL NEIGHBORHOOD (showing lots of about 7,000 square feet)
 Mix of housing types and businesses with single-family homes on lots of ¼-acre or less and multifamily housing found within and at the edges of cities and villages



RURAL ESTATE (showing a cluster subdivision with one-acre lots)
 Single-family homes at an overall density of one home per five acres scattered outside cities and villages

Source: SEWRPC

woodlands, wetlands, or prairies sufficient to maintain the maximum recommended density of no more than one home per five acres. VISION 2050 also recommends limiting other development outside urban service areas to highway-oriented business, utility, and recreational uses.

Comprehensive Economic Development Strategy

The Commission completed work on a Comprehensive Economic Development Strategy (CEDS) for the Southeastern Wisconsin Region in 2015. The CEDS is a strategic plan designed to strengthen the economy in Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties. The Southeastern Wisconsin Regional Planning Commission (SEWRPC) prepared the plan on behalf of and with the assistance of the Regional Economic Partnership (REP). The REP includes a representative from each of the county economic development organizations or staffs within the Region, the City of Milwaukee, the Milwaukee 7 (M7), and We Energies, with additional assistance from staff from the Wisconsin Economic Development Corporation (WEDC).

The strategy identifies six key business clusters, which comprise 1) energy, power, and controls; 2) water technologies; 3) food and beverage production and manufacturing; 4) finance and insurance services; 5) corporate headquarters and business services; and 6) medical technology, bioscience, and health services, as having the best potential for economic growth, expansion, and attraction in the Region. The CEDS recommends that economic development efforts throughout the Region enhance the export capability of businesses; align workforce development with growth opportunities in the key clusters; enhance innovation and entrepreneurship; focus on economic place-making in the central cities and strategic locations throughout the Region; modernize regional infrastructure; and enhance inter-jurisdictional cooperation. Each County in the Region has identified one or more of the key clusters and recommendations that will be the focus of the County economic development efforts (additional information on Washington County efforts is presented in the Economic Development Element (Chapter 10)). The Washington County Board adopted the CEDS on October 27, 2015.

Regional Housing Plan

A regional housing plan³ was adopted by the Regional Planning Commission in March 2013. The vision of the plan is to provide decent and affordable housing for all residents of the Region. The plan includes the following recommendations for county and local governments and other agencies and organizations to help achieve that vision:

- Support economic development in the Region by providing housing affordable to the existing and projected future workforce
- Help provide enough accessible housing to meet the needs of people with disabilities
- Help provide enough subsidized housing to meet the needs of very low income households, and also help address the problem of dilapidated, substandard, and unsafe housing in the Region
- Help address the concentration of minority and low-income populations in the cities of Kenosha, Milwaukee, and Racine, and increase diversity in all communities in the Region
- Review local ordinance requirements (street widths and façade requirements, for example) that apply to new housing development to determine if changes could be made that would reduce the cost of housing without compromising the safety, functionality, and aesthetic quality of new development



The regional housing plan recommends that local governments with sanitary sewer service ensure their comprehensive plans and zoning ordinances address the need for additional affordable housing for lower- and moderate-income households.

³ Documented in SEWRPC Planning Report No. 54, A Regional Housing Plan for Southeastern Wisconsin: 2035, March 2013.

A key recommendation of the housing plan is that local governments with sanitary sewer service review their comprehensive plans and zoning ordinances, and consider changing the plans and ordinances if necessary, to address the need for additional affordable housing for lower- and moderate-income households. Housing costs are considered affordable if they do not exceed 30 percent of a household's monthly income. Specifically, the plan recommends that plans and ordinances in sewerred communities allow for the development of modest multifamily housing at a density of at least 10 housing units (apartments) per acre, and modest single-family housing at a density of about four units per acre (10,000 square foot lots or smaller) to provide market-rate (nonsubsidized) housing for households with incomes between 50 and 135 percent of the Region's median income (about \$27,000 to \$73,000 per year). Housing developed by non-profit agencies or subsidized by the public will likely be needed to provide affordable housing to households with incomes less than 50 percent of the median income. A variety of affordable market-rate housing is available to households with incomes more than 135 percent of median income. Additional information about the housing plan is provided in the Housing Element (Chapter 7).

Regional Natural Areas Plan

The regional natural areas plan as it pertains to Washington County is depicted on Maps 5.21 and 5.22 in Chapter 5. The plan identifies the most significant remaining natural areas, critical species habitats, geological sites, and archaeological sites in the Region, and recommends means for their protection and management.⁴ The plan also identifies potential sites to be placed in public or private protective ownership, and other sites to be protected, insofar as it is possible, through zoning or other regulatory means without protective ownership. It recommends that a detailed management plan be prepared and implemented for each site placed under protective ownership. The recommendations of the regional natural areas plan were incorporated into, and adjusted by, the Washington County 2020 park and open space plan. This plan contains an inventory of natural areas, critical species habitat sites, and geological areas in the County in the Agricultural, Natural, and Cultural Resources Element (Chapter 5) as well as recommendations for the acquisition and management of these features in the Recommendations Element (Chapter 12).

Regional Park and Open Space Plan

The Commission adopted a regional park and open space plan for Southeastern Wisconsin in December 1977. The plan has an open space preservation element and an outdoor recreation element. The regional plan has been updated through park and open space plans adopted by each county in the Region. The Washington County park and open space plan is summarized in Section 2.2.

Regional Water Quality Management Plan

In 1979, the Regional Planning Commission adopted an areawide water quality management plan for Southeastern Wisconsin as a guide to achieving clean and healthy surface waters within the seven-county Region.⁵ The plan was designed, in part, to meet the Congressional mandate that the waters of the United States be made "fishable and swimmable" to the extent practical. In 1995, the Commission completed a report documenting updates to the plan, reflecting amendments made over the plan's first 15 years.⁶ The plan has five elements: a land use element; a point source pollution abatement element; a non-point source pollution abatement element; a sludge management element; and a water quality monitoring element. The point source pollution abatement element of the regional water quality management plan is of particular importance to land use planning. That plan element recommends major sewage conveyance and treatment facilities and identifies planned sewer service areas for each of the sewerage systems in Southeastern Wisconsin. Under Wisconsin law, major sewerage system improvements and all sewer service extensions must conform to the water quality management plan. A list of adopted sewer service area plans in Washington County is set forth in Table 2.3. Chapter 9 provides additional information and a map (Map 9.1) of sewer service areas and sewerage facilities in Washington County.

⁴ Documented in *SEWRPC Planning Report No. 42, A Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin, September 1997. An update to the plan was published in December 2010.*

⁵ Documented in *the three-volume SEWRPC Planning Report No. 30, A Regional Water Quality Management Plan for Southeastern Wisconsin – 2000, June 1979.*

⁶ Documented in *the three-part SEWRPC Memorandum Report No. 93, A Regional Water Quality Management Plan for Southeastern Wisconsin: An Update and Status Report, March 1995.*

**Table 2.3
Sewer Service Area Plans and Amendments in Washington County: 2016**

Sanitary Sewer Service Area	SEWRPC Report Number	Date of Adoption by:			Wisconsin Department of Natural Resources
		Community	SEWRPC		
Allenton Area Village of Germantown	Community Assistance Planning Report No. 103 (2nd Edition), March 2004	01/26/04	03/03/04		06/16/04
	Community Assistance Planning Report No. 70, July 1983	06/20/83	09/08/83		03/19/84
	Amended March 1989	05/01/89	03/06/89		06/05/89
	Amended March 1998	10/06/97	03/03/98		01/05/99
	Amended December 2003	11/17/03	12/03/03		06/16/04
	Amended June 2009	05/04/09	06/17/09		08/03/09
City of Hartford and Environs	Amended June 2015	05/18/15	06/17/15		07/22/15
	Community Assistance Planning Report No. 92 (3rd Edition), September 2001	08/28/01	09/12/01		05/09/02
	Amended June 2005	05/24/05	06/15/05		09/08/05
	Amended December 2005	11/22/05	12/07/05		03/10/06
	Amended September 2006	08/22/06	09/13/06		01/03/07
Village of Jackson and Environs	Amended June 2011	04/19/11	06/15/11		07/20/11
	Community Assistance Planning Report No. 124 (2nd Edition), September 1997	08/27/97	09/10/97		08/03/98
	Amended September 2001	08/14/01	09/12/01		03/08/02
	Amended June 2003	05/29/03	06/18/03		07/09/03
	Amended June 2004	06/08/04	06/16/04		09/24/04
Village of Kewaskum and Environs	Amended June 2008	06/10/08	06/18/08		01/23/09
	Community Assistance Planning Report No. 161, March 1988	02/29/88	03/07/88		12/07/89
	Amended June 2001	05/07/01	06/20/01		11/13/01
	Amended December 2004	11/15/04	12/01/04		01/18/05
Village of Newburg and Environs	Amended December 2005	11/21/05	12/07/05		03/10/06
	Community Assistance Planning Report No. 205, March 1993	02/25/93	03/03/93		06/21/93
	Community Assistance Planning Report No. 128 (3rd Edition), December 1998	11/18/98	12/04/98		08/31/99
Village of Slinger and Environs	Amended June 2002 (Village of Slinger)	06/17/02	06/19/02		08/15/02
	Amended September 2003	09/09/03	09/10/03		12/30/03
City of West Bend and Environs	Community Assistance Planning Report No. 35 (2nd Edition), June 1998	06/01/98	06/17/98		03/29/99

Source: SEWRPC

Regional Water Quality Management Plan Update

The Commission worked with the Milwaukee Metropolitan Sewerage District (MMSD) to update the regional water quality management plan for the area defined as the Greater Milwaukee Watersheds, which includes the Kinnickinnic River, Menomonee River, Milwaukee River, Root River, and Oak Creek watersheds; the Milwaukee Harbor estuary; and the adjacent nearshore areas draining to Lake Michigan.⁷ The interagency effort used the U.S. Environmental Protection Agency's recommended watershed approach, which uses a watershed's topographic and geological boundaries instead of municipal boundaries, to both update the water quality management plan and to develop the MMSD's 2020 Facilities Plan for the study area, which encompasses all of the Greater Milwaukee Watersheds.⁸

Each watershed within the Greater Milwaukee Watersheds drains to Lake Michigan and is located either in whole or in part within the Southeastern Wisconsin Region. The portion of Washington County that is east of the subcontinental divide, which amounts to approximately 59 percent of the County, is included within the study area. As illustrated on Map 5.16 in Chapter 5 of this plan, the portion of the County east of the subcontinental divide falls within the Milwaukee River and Menomonee River watersheds. In addition to a reevaluation of and revisions to the land use element and the point and nonpoint source pollution abatement elements contained in the original regional water quality management plan, the plan update features an added groundwater element. Like the original plan, which recommends standards to control both point and nonpoint pollution sources, the plan update provides the basis for decisions on community, industrial, and private waste disposal systems.

MMSD Facilities Plan

In 2002, MMSD partnered with the Wisconsin Department of Natural Resources (WDNR) and SEWRPC to establish the Water Quality Initiative (WQI) as a basis for a facilities planning effort. The resulting document, the 2020 Facilities Plan, incorporated scientific analysis and public input to assess water resources within the Greater Milwaukee Watersheds.⁹ The primary focus of the plan is to achieve the highest level of water quality improvement in the most cost-effective manner while meeting existing regulatory and permitting requirements. Thus, the plan presents recommendations for facility, program, and operational improvements and policies that are intended to establish a means to provide a target level of protection for sanitary sewer overflows and adequate treatment under the projected 2020 population and land use conditions for the Greater Milwaukee Watersheds. The plan includes measures to be undertaken by municipalities served by MMSD that are intended to prevent increases in infiltration and inflow through the plan design year. The Village of Germantown's sewerage system is connected to MMSD treatment facilities.

Sewer Service Area Plans

As the designated water quality management planning agency for the Southeastern Wisconsin Region under the Federal Clean Water Act, SEWRPC has the ongoing responsibility to work with local governments and sewerage agencies in the Region to prepare and adopt sanitary sewer service area plans. Upon approval by the WDNR, which oversees sanitary sewerage and water supply services in Wisconsin, these plans become regulatory documents that constrain State decision-making on locally proposed sanitary sewer extensions. Sanitary sewer service area plans identify the outer boundary of the area within which sanitary sewers may be extended. The plans also identify the extent of environmentally sensitive lands within each sewer service area, wherein sanitary sewer extensions will be approved only on a special exception basis. SEWRPC works with local governments and sewerage agencies at the request of the wastewater treatment plant operator to amend sanitary sewer service area plans where necessary to accommodate growth and development anticipated by the local government comprehensive plan.

⁷ Documented in *SEWRPC Planning Report No. 50, A Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds, December 2007.*

⁸ *Plan findings and recommendations are summarized in Inside the Greater Milwaukee Watersheds: A Summary of the Southeast Wisconsin Regional Water Quality Management Plan Update (2007), a project of Southeast Wisconsin Watersheds Trust, Inc. (Sweet Water), which was established to help implement the plan.*

⁹ *The Commission staff was assisting MMSD in the preparation of its 2050 Facilities Plan while this plan update was being prepared.*

Regional Water Supply Plan

The Commission adopted a regional water supply plan in 2010.¹⁰ Preparation of the plan involved interagency partnerships with the U.S. Geological Survey, the Wisconsin Geological and Natural History Survey, the University of Wisconsin-Milwaukee, the WDNR, and the Region's water supply utilities. The primary purpose of the regional water supply planning program was to develop a sound and workable plan to guide the provision of sustainable water supply service to existing and planned future development within the Region, and to do so in a manner consistent with the protection and wise use of the natural resource base, particularly groundwater and surface water resources.

The Region relies on two major sources for water supply: surface water supplied by Lake Michigan, and groundwater supplied from both the deep and shallow aquifer systems underlying the Region. Both the surface and groundwater sources are limited, and both are subject to contamination and over-use. The Region is underlain by essentially two aquifers, which are separated by a layer of impermeable shale so that the two aquifers function almost independently—the shallow aquifer being recharged locally, and the deep aquifer regionally in areas lacking the separating shale layer. Because recharge of the deep sandstone aquifer is limited by the presence in most of the Region of the overlying, relatively impermeable shale layer and because of increased pumping from the deep aquifer over time, the deep aquifer has exhibited significant declines in water levels. Those declines have necessitated the lowering of well pumps and have resulted in increased pumping heads for municipal water utilities and private industries drawing upon this source of supply.

To address these concerns, the regional water supply plan includes the following major components:

- Water supply service areas and forecast demand for water use
- Recommendations for water conservation efforts to reduce water demand
- Evaluation of alternative sources of supply, recommended sources of supply, and recommendations for development of the basic infrastructure required to deliver that supply
- Identification of groundwater recharge areas to be protected from incompatible development
- Specification of new institutional structures necessary to carry out plan recommendations
- Identification of constraints to development levels in subareas of the Region due to water supply sustainability concerns

Enactment of the Great Lakes–St. Lawrence River Basin Water Resources Compact into State law created a relatively new process for the preparation of local water supply service area plans within the State. The goal of the local water supply planning process is to help sustainably manage the State's waters to provide an adequate quantity and quality of water to customers; to prepare for increasing demands on the State's groundwater and surface water resources; and to protect springs, streams, wetlands and other natural features. Public water supply systems that serve a population of 10,000 or more and that withdraw water from waters of the State are required to prepare a water supply plan. These systems must be covered by an approved water supply service area plan by December 31, 2025. Regulations to implement the water supply planning process are being developed by the WDNR. The regional water supply plan will provide a framework for the development of the required local plans.

Additional information about the regional water supply plan and water utilities in Washington County is provided in the Utilities and Community Facilities Element (Chapter 9).

¹⁰ Documented in *SEWRPC Planning Report No. 52, A Regional Water Supply Plan for Southeastern Wisconsin, December 2010*.

2.2 COUNTY PLANS AND ORDINANCES

County Comprehensive Plan

The Washington County Board of Supervisors adopted the County's first comprehensive plan on April 15, 2008.¹¹ This report is an update to that plan with a plan design year of 2050. A summary of the 2035 plan is provided in the Introduction (Chapter 1).

Washington County Park and Open Space Plan

The most recent edition of the Washington County park and open space plan was adopted by the Washington County Board in March 2004.¹² That plan consists of both an open space preservation element, which is intended to protect areas containing important natural resources, and an outdoor recreation element to guide the provision of major parks, areawide trails, and resource-oriented recreational facilities. Major parks are defined as publicly-owned parks at least 100 acres in size providing opportunities for such resource-oriented activities as camping, golfing, picnicking, and swimming. Responsibility for providing community parks, neighborhood parks, and local trails is assigned to cities, villages, and towns.

The open space preservation element of the County's park and open space plan recommends that 77,334 acres of land be protected for park and open space preservation purposes through a combination of public or nonprofit conservation organization ownership or through the application of protective zoning. The plan recommends that Washington County acquire about 2,900 acres for resource protection purposes and about 1,700 acres for new or expanded County parks.

The outdoor recreation element of the County's park and open space plan recommends three new major park sites and two smaller County parks on Tilly and Big Cedar Lakes; new facilities and improvements at existing major parks; the development of areawide trails; and boat access facilities to major lakes. Additional information on parks and open space is provided in Chapter 5.

At the time that this comprehensive plan update was being prepared, Washington County was in the process of updating its park and open space plan.

Washington County Farmland Preservation Plan

In July 2009, the 2009 Wisconsin Act 28, often referred to as the Working Lands Initiative, repealed and recreated Wisconsin's farmland preservation law under Chapter 91 and related tax credits under subchapter IX of Chapter 71 of the *Wisconsin Statutes*. The new farmland preservation law also created a new program for the purchase of agricultural conservation easements under Section 93.73 of the *Statutes*. The new law requires Wisconsin counties to update their farmland preservation plans, resulting in Washington County being required to update its 1981 farmland preservation



The County's park and open space plan is intended to protect areas containing important natural resources and to provide major parks, areawide trails, and resource-oriented recreational facilities.



The County adopted an updated farmland preservation plan, which contains recommendations and techniques for farmland preservation, in 2013.

¹¹ Documented in SEWRPC Community Assistance Planning Report No. 287, A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035, April 2008.

¹² Documented in SEWRPC Community Assistance Planning Report No. 136, 3rd Edition, A Park and Open Space Plan for Washington County, Wisconsin, March 2004.

plan.¹³ The County fulfilled this requirement and the updated farmland preservation plan was certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) on May 17, 2013. The Washington County Board of Supervisors adopted the new farmland preservation plan as an amendment to the County's 2035 comprehensive plan, incorporating it as Appendix T, on December 10, 2013.¹⁴ Farmland preservation areas adopted as part of the 2013 Washington County farmland preservation plan are depicted in Map 2.2. The plan is also discussed in Chapters 5 and 12.

Farmland and Open Space Preservation Tools

In 2004, the Washington County Planning, Conservation, and Parks Committee (PCPC) requested the Planning and Parks Department to study various means of preserving farmland and open space in Washington County.¹⁵ The study's goal was to objectively research and analyze different tools and funding sources that could be used in Washington County for farmland and open space preservation. The Farmland and Open Space Preservation Study Group composed the following mission statement to provide a framework for the study; "To objectively research, analyze, and develop a variety of tools and techniques for farmland and open space preservation accommodating projected growth in Washington County." The study was intended to assist the PCPC in making decisions regarding farmland and open space preservation as recommended in the County's park and open space plan.

The preservation tools described and analyzed in the study represent existing and potential strategies for the protection of farmland and open space within Washington County. Preservation tools are grouped into three categories:

- Regulatory-Based Tools – tools that control or define the activities or modifications that a landowner may conduct on his or her land through ordinances
- Incentive-Based Tools – tools a landowner may voluntarily utilize that support or encourage a specific activity or modification on his or her land¹⁶
- Economic Viability Tools – tools focused on improving/enhancing the economic environment for the agricultural industry

Washington County Site Redevelopment Program

In 2013, Washington County formed a coalition with the City of Hartford, City of West Bend, Village of Jackson, Village of Richfield, and the Village of Slinger to apply for funds for site redevelopment through the U.S. Environmental Protection Agency (USEPA) Brownfield Redevelopment Program. Brownfields are sites that may have hazardous substances present, typically as result of a former industrial use. The USEPA provides grants to assess, safely clean up, and reuse these properties.

In May 2014, the USEPA announced that Washington County was successful in securing a Countywide Coalition Assessment Grant for Hazardous and Petroleum Brownfields totaling \$600,000. USEPA grant funds have been used to complete a community-wide inventory and prioritization of sites that have redevelopment potential within the County, perform Phase I and Phase II environmental site assessments on priority sites, complete remedial action plans and redevelopment plans, and perform community outreach and education related to redevelopment opportunities. Table 10.13 lists projects funded by the program through 2016. Additional information on the Washington County Site Redevelopment Program can be found in Chapter 10.

¹³ Documented in Farmland Preservation Plan, Washington County, Wisconsin, August 1981, prepared by the firm of Stockham and Vandewalle under the direction of the Washington County Park and Planning Commission and the Washington County Farmland Preservation Planning Technical Advisory Committee.

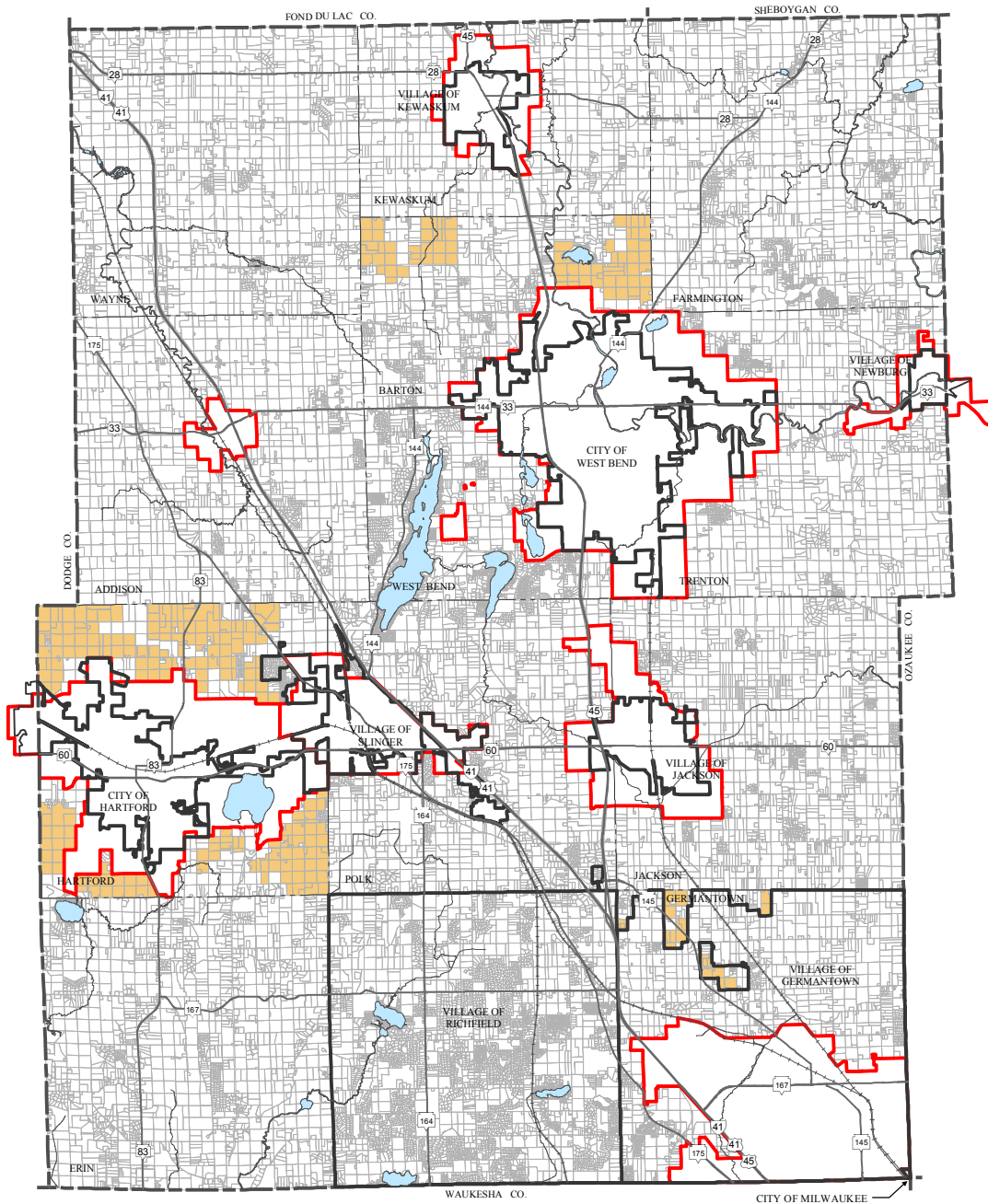
¹⁴ Amendment No. 2 – Appendix T of A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035.

¹⁵ The former PCPC is now known as the Land Use and Planning Committee.

¹⁶ Although some incentive-based tools may be incorporated into an ordinance, they are strictly voluntary.

Map 2.2

Farmland Preservation Areas Adopted as Part of the Washington County Farmland Preservation Plan: 2013



- FARMLAND PRESERVATION AREA
- PLANNED SANITARY SEWER SERVICE AREA
- MUNICIPAL BOUNDARY
- PARCEL BOUNDARY OUTSIDE SEWER SERVICE AREA

Notes: Planned sanitary sewer service areas reflect plans adopted as of December 2010.

Municipal boundaries current as of January 1, 2017. Parcel boundaries current as of January 1, 2013. Map updated November 2013 by the Washington County GIS and Planning Divisions of the Planning and Parks Department. All information subject to errors and omissions and is not certified by Washington County.



0 1 2 3 Miles

Source: Washington County and SEWRPC

Land and Water Resource Management Plan

An updated land and water resource management plan was adopted by the Washington County Board in October 2010.¹⁷ The plan identifies eight priority issues related to County land and water resources, including development, fertilizer and pesticides, stormwater, animal waste, groundwater, soil sustainability and sedimentation, nonmetallic mining, and waste management issues. To address these issues, the plan identifies the following goals: improve and implement planning strategies that protect/preserve land and water resources; improve and protect surface and ground water through the proper use of fertilizers and pesticides; reduce the quantity and improve the quality of stormwater runoff from developed and developing areas; reduce the human and environmental risks posed by animal waste; protect and improve the quality and quantity of groundwater; protect and enhance the productivity and sustainability of all cropland; reduce sediment delivery into streams, lakes, and wetlands; assure reclamation of mines when operations are terminated; and reduce the human and environmental risks posed by hazardous waste. The objectives and actions that will be carried out in order to achieve the goals associated with each issue are set forth in a work plan, which identifies the agency or organization responsible for carrying out the listed action steps. The work plan contained within the 2nd Revision of the land and water resource management plan was updated in February 2015.¹⁸



Animal waste management is one of eight priority issues identified by the Washington County Land and Water Resources Management Plan.

The land and water resource management plan also incorporates the agricultural performance standards for runoff management required by Chapters NR 151 and ATCP 50 of the *Wisconsin Administrative Code*. The standards were also incorporated into the County land and water conservation ordinance (Chapter 15 of the *Washington County Code of Ordinances*), which specifies soil erosion control standards for farmland owners participating in the farmland preservation program, and the animal waste storage facility ordinance (Chapter 16 of the *Washington County Code*).

Additionally, several lake management districts and communities have developed lake management and lake protection plans. These plans are generally designed to address specific water resource objectives, such as reducing point and non-point source pollution, managing aquatic plants, or developing water quality monitoring strategies. Such plans are listed in Table 2.4.

Aquatic Invasive Species Strategic Plan

Washington County secured an Aquatic Invasive Species Control Grant through the WDNR in 2010 and subsequently published the *Washington County Aquatic Invasive Species Strategic Plan* in 2013 as part of the County's effort to control aquatic invasive species (AIS). The plan describes AIS, which are generally non-native plant, animal, or pathogen species whose introduction has or is likely to cause economic, recreational, or environmental harm to human or other animal or plant health; describes how AIS can be detrimental; and pinpoints where AIS have been identified within the County. As part of the AIS control grant, Washington County employs an AIS Coordinator whose role is to increase citizen awareness of AIS, keep the WDNR abreast of AIS specific to Washington County, and to organize



The County's aquatic invasive species strategic plan provides information on how aquatic invasive species can impact recreational opportunities on the County's waterbodies, such as Big Cedar Lake.

¹⁷ Documented in Land & Water Resource Management Plan (2nd Revision 2011-2020), 2010, prepared by the Land and Water Conservation Division of the Washington County Planning and Parks Department.

¹⁸ The Land & Water Resource Management Work Plan (2016-2020) is available on the Land and Water Conservation Division page of the County website under Resource Management Plans.

**Table 2.4
Existing Lake Management Plans in Washington County: 2016**

Community	Report	Prepared By	Date of Publication
Town of Erin	<i>Druid Lake Management Plan</i>	R.A. Smith & Associates, Inc.	1995
Town of Hartford and City of Hartford	<i>A Lake Protection and Aquatic Management Plan for Pike Lake, Washington County, Wisconsin^a</i>	SEWRPC	2017 ^b
Town of West Bend	<i>A Lake Protection and Recreational Use Plan for Silver Lake, Washington County (3rd Edition)</i>	SEWRPC	2017 ^b
Towns of West Bend and Polk	<i>A Water Quality Protection and Stormwater Management Plan for Big Cedar Lake, Washington County, Wisconsin, Volume 1 – Inventory Findings, Water Quality Analyses, and Recommended Management Measures; Volume 2 – Stormwater Management Plans for Three Pilot Subbasins</i>	SEWRPC, Washington County Land Conservation Department, Big Cedar Lake Protection and Rehabilitation District, and Cedar Lakes Conservation Foundation	2001
Town of West Bend	<i>An Aquatic Plant Management Plan for Little Cedar Lake, Washington County, Wisconsin</i>	SEWRPC	2004
Village of Richfield ^c	<i>Environmental Analysis of the Lands at the Headwaters of Gilbert Lake and Big Cedar Lake</i>	SEWRPC	1999
Washington County	<i>A Water Quality Management Plan for Friess Lake, Washington County, Wisconsin (2nd Edition)</i>	SEWRPC	1997
	<i>An Aquatic Plant Management Plan for Friess Lake, Washington County, Wisconsin</i>	SEWRPC	2008
	<i>A Lake Protection Plan for Bark Lake, Washington County, Wisconsin</i>	SEWRPC	2014
	<i>Surface Water Resources of Washington County, Wisconsin – Lake and Stream Classification Project: 2000</i>	SEWRPC, Washington County Planning and Parks Department, WDNR, and UW-Extension	2001
	<i>Washington County Aquatic Invasive Species Strategic Plan</i>	Washington County Planning and Parks Department	2013

^a Updates the lake management plan for Pike Lake completed by SEWRPC in 2005.

^b Publication pending.

^c The Town of Richfield incorporated as a village on February 13, 2008.

Source: UW-Extension and SEWRPC

and implement AIS activities countywide.¹⁹ In early 2017, Washington County was awarded a three-year AIS education prevention and planning grant from the WDNR for 2017 through 2019. The grant will continue to fund the AIS Coordinator and also help fund a part-time summer intern to help educate boaters at boat launches, which are typically the introduction point for new invasive species. The 2017-19 grant will also help maintain community outreach and education, including work with lake groups; conduct lake surveys; and update the countywide AIS strategic plan to help prevent and control AIS. Some of the required match for the AIS grant is being provided by lake groups, in the form of cash and donated labor and equipment.

Quaas Creek Watershed Protection Plan

The *Quaas Creek Watershed Protection Plan* was adopted by the County Board in February 2004. The plan was created to address issues impacting the water quality and recreational use of Quaas Creek, located in the City of West Bend and Towns of Polk, Trenton, Jackson, and West Bend. These issues focus on future land development, especially the conversion of rural land use to urban land use, and the detrimental effects that development and land use changes may have on the hydrology, water quality, habitat quality, bank stability, and fisheries within Quaas Creek.

Management measures, developed by the Quaas Creek Watershed Protection Committee, have been recommended to address five major issues of concern. These issues include land conservation and management; runoff management and pollution reduction; stream protection and enhancement; watershed education and outreach; and monitoring and evaluation. The plan includes recommendations that are applicable to landowners and to the public agencies with jurisdiction within the watershed.

Hazard Mitigation Plan

As of 2016, SEWRPC was working in collaboration with the Washington County Planning and Parks Department and the Washington County Emergency Management Office to prepare a hazard mitigation plan for Washington County. In outlining a strategy for mitigating the hazards that could potentially impact the County or any of the municipalities located within the County, the plan considers numerous hazard conditions, such as flooding; severe weather conditions (wind storms, tornadoes, periods of extreme heat or cold, and winter storms); and hazardous materials situations. The plan is focused on lasting or permanent hazard mitigation measures that are designed to reduce the exposure to, probability of, or potential loss from hazardous events. Such measures tend to focus on actions related to where and how to build structures, education to reduce losses or injury, and programs to improve the safety of identified hazard areas.

The mitigation plan should be considered compatible with local emergency operations plans. Numerous such plans have been developed at the local level, often involving mutual assistance and cooperation agreements between local units of government in adjoining municipalities both within and outside Washington County.²⁰ The plan complements, refines, and focuses the *State Hazard Mitigation Plan of Wisconsin* on local conditions and hazards likely to occur or be experienced within Washington County and Southeastern Wisconsin.²¹

The plan development process is intended to encourage innovative programming and leadership and to build constructive partnerships with local units of government, businesses, and other stakeholders with a shared interest and obligation in protecting the safety and economic stability of Washington County. Approval of the plan by the Federal Emergency Management Agency (FEMA) and adoption of the plan by the County Board makes the County eligible to apply for grants for hazard mitigation, flood mitigation assistance, and pre-disaster mitigation from the FEMA, which are administered by the Wisconsin Division of Emergency Management. The grant programs can be used for projects such as acquisition of flood-prone properties, structure acquisition and demolition or relocation, and flood-proofing or elevating structures in the floodplain.

¹⁹ *As result of a collaboration between Washington and Waukesha Counties and the latter's receipt of a WDNR grant, the Washington County AIS Coordinator, originally a part-time position, became a joint coordinator for both Counties with seasonal support from a WDNR intern in early 2016, enabling the Counties to establish a coordinated effort in and around their inland waters.*

²⁰ *Emergency operations plans describe how people and property will be protected in disaster and disaster threat situations; detail who is responsible for carrying out specific actions; identify the personnel, equipment, facilities, supplies, and other resources available for use in the disaster; and outline how all actions will be coordinated.*

²¹ *Wisconsin Emergency Management, State Hazard Mitigation Plan of Wisconsin, October 2011.*

Wisconsin Department of Natural Resources (WDNR) Master Plans

Chapter NR 44 of the *Wisconsin Administrative Code* requires each WDNR property to have a “master plan” that establishes the goals and objectives for the property and identifies how the area will be managed and developed. These plans are designed to clearly communicate to the public how the property will “look” and what benefits the property will provide. The WDNR has adopted individual master plans for the Kettle Moraine State Forest–Northern Unit, the Kettle Moraine State Forest–Loew Lake Unit, and for the Kettle Moraine State Forest–Pike Lake Unit. The recently adopted Northern Kettle Moraine Region Master Plan encompasses nine wildlife, fish, and natural areas amounting to about 15,900 acres within Washington County as well as Calumet, Dodge, Fond du Lac, Manitowoc, Ozaukee, and Sheboygan Counties. The State-owned properties in Washington County include the Allenton Wildlife Area, the Jackson Marsh Wildlife Area, and the Theresa Wildlife Area. Summaries of the Northern Kettle Moraine Region Master Plan and the individual master plans for the aforementioned Kettle Moraine Units are provided in the following sections.

Kettle Moraine State Forest–Northern Unit Master Plan

The Wisconsin Natural Resources Board adopted a master plan in 1991 to guide management of the Kettle Moraine State Forest–Northern Unit, which lies in the Town of Kewaskum and extends north into Fond du Lac and Sheboygan Counties. The property is primarily used for recreational activities such as camping, picnicking, fishing, nature study, cross-country skiing, bicycling, and swimming. The plan’s major recommendations include property boundary adjustments with 6,849 acres in land acquisitions and the removal of 58 acres from the project boundary for a total project boundary of 36,391 acres; improvements to timber and vegetation areas; construction and management of recreation facilities, including new campsites, facilities, playground equipment, shelters, and the designation of specific trails for mountain bike use and areas for archery hunting; designating State Natural Areas and habitat preservation areas, including the implementation of programs to protect and restore State endangered, threatened, and special concern species; developing, restoring, and maintaining wildlife areas, including the restoration of 48 wildlife impoundments/wetlands and cropping 2 percent of the forest land; lake improvements; and cultural resource management.

Kettle Moraine State Forest–Loew Lake Unit Master Plan

The Wisconsin Natural Resources Board adopted a master plan in 1996 to guide management of the Kettle Moraine State Forest–Loew Lake Unit, which lies in the Town of Erin and the Village of Richfield and includes 1,070 state-owned acres. The plan’s major recommendations include land acquisitions to result in a project boundary encompassing 2,133 acres; vegetation management activities, such as thinning conifer plantations and hardwood stands to promote growth and desired species composition, restoring native prairies and grasslands, and developing forest-management demonstration areas; construction and management of low-impact recreation facilities and support facilities; development, restoration, and maintenance of wildlife areas, including restoring wetlands, promoting trapping opportunities, and creating wildlife habitat-management demonstration areas; lake improvements such as protecting and enhancing habitat for game and non-game fish species; protection of endangered resources; and cultural resource management.

Kettle Moraine State Forest–Pike Lake Unit Master Plan

The Wisconsin Natural Resources Board adopted a master plan for the 722-acre Kettle Moraine State Forest–Pike Lake Unit in October 2009. The plan recommends land acquisitions to expand the project boundary to 3,540 acres; expansions of the recreational trail network and camping facilities; improved lake access; the provision of hunting and trapping opportunities where appropriate; development of a new educational/interpretive center, amphitheater, and shop and storage facilities; enhanced vegetative management to support a large contiguous block of closed-canopy hardwood forest, protect open-canopy and lowland wetland communities, maintain permanent and ephemeral ponds, and enhance smaller tracts of grassland and shoreline habitat.

Northern Kettle Moraine Region Master Plan

The Northern Kettle Moraine Region master plan, adopted in May 2016, incorporates information from previously completed master plans. The primary recreational and habitat management goals for the State-owned properties within the Northern Kettle Moraine Region include providing quality hunting, fishing, trapping, nature-based recreation and research opportunities; improving the habitat quality and productivity for game and non-game species by enhancing native communities; and coordinating with

public, private, and non-profit partner organizations to improve recreational opportunities and increase management efficiency. As result, the plan contains objectives and recommendations for both habitat and public use management for each of the State Wildlife Areas in the County.

The plan's recommendations for the Allenton Wildlife Area, which encompasses 1,160 acres in the Town of Addison, entail the creation of larger blocks of forest; adjustments to property boundaries with a net expansion of 105 acres; and improvements to Allenton Creek that enhance the in-stream habitat, ensure angler access along the stream, and maintain the trout stream's Class 2 status. Plan recommendations for the Jackson Marsh Wildlife Area, a 2,518-acre property in the Town of Jackson, include the creation of larger blocks of hardwood forest; improvements to the quality of grassland habitat; a 366-acre increase in the amount of the existing property's acreage that is designated as a state natural area; boundary adjustments amounting to an overall property reduction of 10 acres; and development of a 39-acre dog training site. In relation to the Theresa Wildlife Area, which totals 5,309 acres partially located in the Towns of Addison and Wayne, the plan recommends increasing the property's grassland habitat; expanding the project boundary by 461 acres and the acquisition goal by 500 acres to improve public access and management efficiency; maintaining the current water management regime and infrastructure to provide seasonal habitat for migrating waterfowl, shorebirds, and wildlife; adding a dog training area; and providing additional recreation opportunities within the property by reducing closed areas by 877 acres.

North Branch Milwaukee River Wildlife and Farming Heritage Area Feasibility Study

Following approval by the Wisconsin Natural Resources Board in August 2002, the WDNR established the North Branch Milwaukee River Wildlife and Farming Heritage Area. The area's project boundary encompasses 19,487 acres, 1,477 acres of which are lands under Federal, State, or private ownership that are publicly accessible and may contain easements. The project area encompasses river and stream corridors, large wetland complexes, three major lakes, numerous minor lakes and ponds, forest, and rural/agricultural lands within the Milwaukee River basin in northeastern Washington, northwestern Ozaukee, and southwestern Sheboygan Counties. Portions of the Town of Farmington are included in the project boundary.

In addition to protecting the area's natural resources, restoring native plant communities and wetlands to improve wildlife habitat and water quality, and providing nature-based outdoor recreation and education opportunities, one of the primary goals of the North Branch Milwaukee River Wildlife and Farming Heritage Area is to help maintain farming as a viable land use in the area. To achieve this goal, the feasibility study recommends that the WDNR employ a variety of real estate tools such as the purchase of development rights, fee simple acquisition, conservation easements, donations, public/private partnership/cost-shared acquisitions, and landowner participation in other State and Federal land conservation programs (i.e., Conservation Reserve, Wildlife Habitat Incentive, and Wetland Reserve Programs). For example, the WDNR may offer to purchase the development rights on agricultural lands, a technique that allows a willing landowner to sell the value of his or her right to develop the property with non-agricultural uses while retaining underlying ownership. The WDNR has set up a locally-based citizen advisory committee to both guide the purchase of land and development rights in the area as well as advise the WDNR on how the lands that it purchases are used and managed. As result, the WDNR hopes to ensure farming as a feasible use well into the future within the project area.

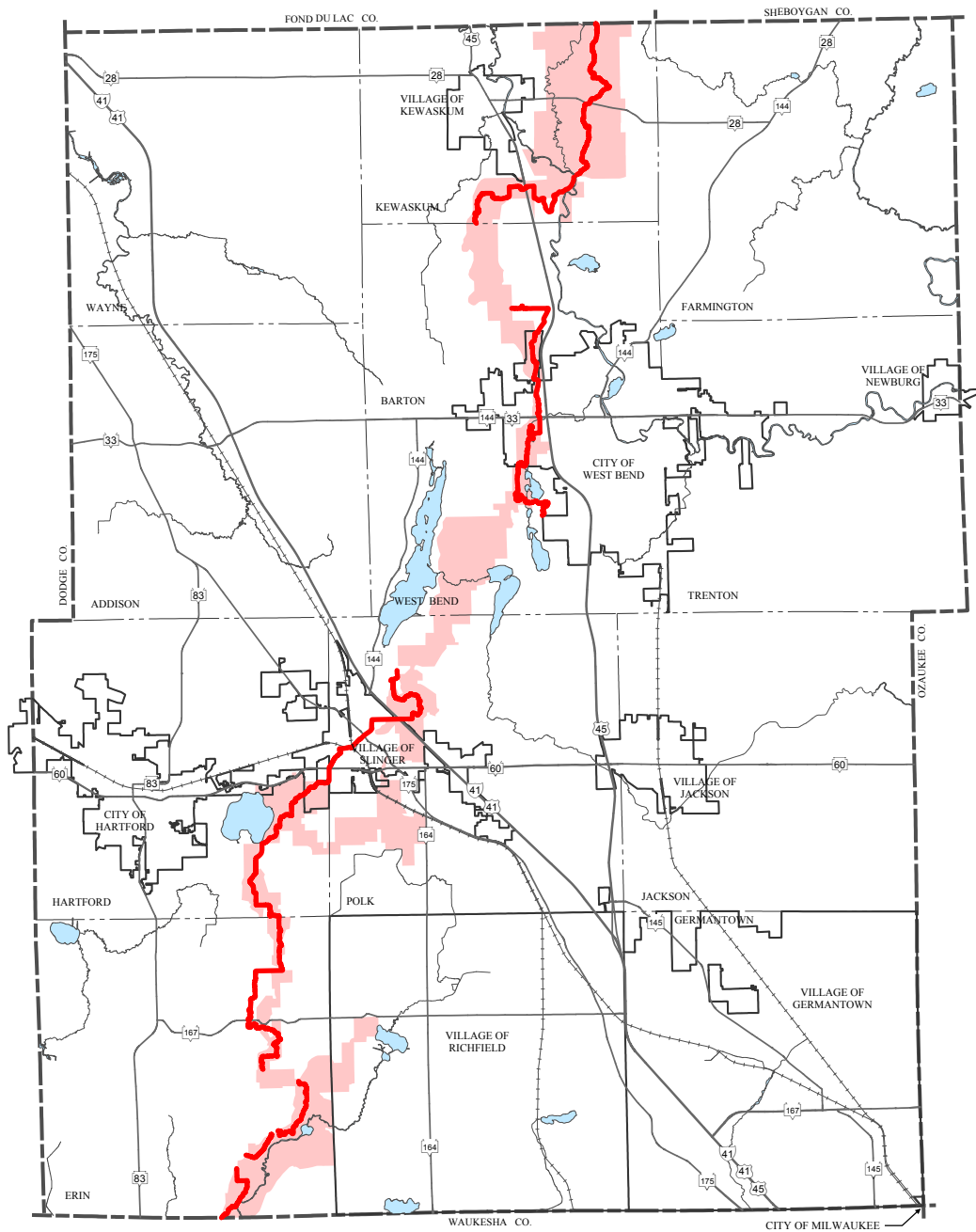
Ice Age Trail Corridor Plan

The Ice Age Trail, which extends approximately 1,000 miles across the State of Wisconsin along the terminus of the last continental glacier, was designated as a National Scenic Trail by the U.S. Congress in 1980. The trail is administered by the National Park Service in cooperation with the WDNR and the Ice Age Park and Trail Foundation. The trail corridor, established by the National Park Service in October 1995 and approved by the Wisconsin Natural Resources Board in April 1996, is located in the western portions of Walworth, Waukesha, and Washington Counties in Southeastern Wisconsin. The trail and trail corridor within Washington County are shown on Map 2.3. The trail is open to pedestrian



The Ice Age Trail is a designated National Scenic Trail that is open to pedestrian uses, such as hiking.

Map 2.3 Ice Age Trail Corridor and Existing Trail Segments in Washington County: 2016

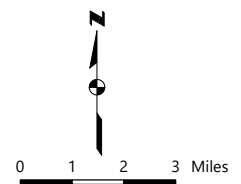


 EXISTING ICE AGE TRAIL SEGMENTS

 ICE AGE TRAIL CORRIDOR

Notes: The Ice Age Trail corridor is an area within which the Ice Age Trail may pass in the future, based on a 1995 planning process. Only willing landowners participate in the completion of the Ice Age Trail.

Source: Ice Age Trail Alliance, Washington County, and SEWRPC



travel only, including hiking, snowshoeing, and limited cross-country skiing. Such uses as biking, horseback riding, and snowmobiling are not permitted.²²

Jurisdictional Highway System Plan

The Washington County Board of Supervisors adopted an updated jurisdictional highway system plan in 2008.²³ Arterial streets are streets and highways that are principally intended to provide a high degree of travel mobility, serving the through movement of traffic and providing transportation service between major subareas or activity centers in the County or providing routes through the County.



The jurisdictional highway system plan recommends a jurisdictional system that assures the maintenance of an integrated network of State, County, and local arterial streets and highways in the County.

The Washington County jurisdictional highway system plan refined the Washington County arterial street and highway element of the year 2035 regional transportation plan. The regional plan included recommendations concerning the general location, type, capacity, and service levels of arterial streets and highways. The jurisdictional highway system plan, as the first step toward plan implementation, specifies the level and unit of government that should have responsibility for acquiring, constructing, maintaining, and operating each arterial street, including proposed new streets or additional lanes or other improvements to provide additional traffic-carrying capacity to meet existing and planned traffic demand. The jurisdictional highway system plan addresses changing traffic demands and patterns in Washington County, and recommends a jurisdictional system that reflects anticipated changes in land use and development patterns and assures the maintenance of an integrated network of State, County, and local arterial streets and highways within the County. The jurisdictional highway system plan adopted in 2008 was further refined, with respect to capacity improvements, as part of the VISION 2050 regional land use and transportation plan. The Jurisdictional Highway Plan Advisory Committee provided input regarding the changes included in the VISION 2050 plan. Additional information about the arterial street system and related plan recommendations are presented in the Transportation Element (Chapter 8).

Washington County Transit System Development Plan

At the request of Washington County, SEWRPC updated the *Washington County Transit System Development Plan*²⁴ in 2015 to help the County's transit system respond to changes in residential, industrial, and commercial development and to adjust service to reflect the needs of existing Washington County Transit System users. The plan presents an operations analysis and short-range service plan alternatives for the years 2015 through 2019.



The transit system development plan incorporates standards and objectives to evaluate the County's transit system, including the Washington County Commuter Express bus system.

The plan incorporated standards and objectives that were identified and developed under the guidance of an advisory committee to evaluate the County's existing transit system, including the Washington County Commuter Express (WCCE) bus system and shared-ride taxi system. The plan presents recommended transit

²² *The few sections of the Ice Age Trail that use the same corridor as State rail trails, all of which are located outside of Washington County, allow for bicycling and snowmobiling on the rail trail corridor. ATVs and other motorized vehicles are not permitted on any segment of the Ice Age Trail.*

²³ *Documented in SEWRPC Planning Report No. 23, 2nd edition, A Jurisdictional Highway System Plan for Washington County, July 2008. The first edition of the plan was completed in 1974 and was updated in 1990 and 2002.*

²⁴ *Documented in SEWRPC Community Assistance Planning Report No. 317, Washington County Transit System Development Plan, March 2015.*

service changes to be provided under three alternatives that consider a range of Federal, State, and local funding levels; specifically, services to be provided if funding levels are maintained, reduced, or increased. The County's transit system is described in further detail in Chapter 8.

Public Transit-Human Services Transportation Coordination Plan for Washington County

Initially completed in 2008, the County's public transit-human services transportation coordination plan is intended to provide a framework to assist community leaders, human services agencies, and public transit agencies to improve transportation services for seniors and people with disabilities in Washington County. The plan was prepared in response to Federal Transit Administration (FTA) regulations. Transit projects using funds from the FTA's Enhanced Mobility for Seniors and Individuals with Disabilities Program (Section 5310) must be derived from a locally developed plan for public transit and human services transportation coordination. The Section 5310 Program funds assist with the purchase of specialized transit vehicles used to serve seniors and people with disabilities, and provide capital and operating assistance for public transportation services that go beyond the requirements of the Americans with Disabilities Act.

The plan assesses the transportation needs of seniors and people with disabilities in the County, identifies unmet needs or service gaps, and presents a prioritized list of strategies. The strategies are intended to improve transit services and reduce costs by focusing on coordination strategies that use existing public, private, and nonprofit agency resources. The plan was updated in 2012 and 2016.²⁵

Washington County Bikeway and Trail Network Plan

As of 2016, the County was developing a bikeway and trail network plan in an effort to increase opportunities for non-motorized vehicle transportation. The plan, which has received funding from the Wisconsin Department of Transportation, will include recommendations to develop a countywide network of bicycle and pedestrian trails and routes that can be integrated into a user's daily routine to enable County residents to access a greater variety of destinations using alternate modes of transportation. The plan will focus on the creation of trails and routes that provide accessibility to essential services, such as schools, commercial centers, and major employment centers, and on establishing and improving connections between existing trails throughout Washington County and adjoining counties to provide varied recreational opportunities. The plan will provide recommendations for policies, programs, and ordinances that will support development of a safe and accessible network of trails which encourage active lifestyles in a way that is safe, comfortable, and enjoyable for all users. It is anticipated that the plan will be completed in 2019.



The bikeway and trail network plan will include recommendations to develop a countywide network of bicycle and pedestrian trails and routes that can be integrated into a user's daily routine.

Washington County Plan on Aging

In July 2007, Washington County developed an Aging and Disability Resource Center (ADRC) whose mission is to empower and assist all seniors, adults with disabilities, and their families by providing information to help them make informed choices to maintain independence and remain safely in their community. The ADRC includes an Aging Unit, which advocates for older adults so that they can receive the appropriate benefits and services to which they are entitled; several citizen councils and committees of elected officials; and a Commission on Aging, which acts as a liaison committee to the Washington County Board of Supervisors.

As a component of the ADRC, the Aging Unit provides a comprehensive resource for older people and has developed a plan intended to assure that the County's older residents have the opportunity to realize their full potential and to participate in all areas of community life. According to the plan, the Aging Unit will provide accurate, up to date information to ensure that older adults have the ability to understand what tools are available to them so that they may make good decisions that protect their independence and well-

²⁵ Documented in SEWRPC Memorandum Report No. 212, A Public Transit-Human Services Transportation Coordination Plan for Washington County: 2012, February 2013 (preparation of updated plan report was underway as of 2016).

being. The plan includes recommendations for information and referral services, including caregiver classes and counseling support; energy assistance services; and health and wellness services, such as exercise programs, home-delivered meals, access to durable medical equipment on loan, and ongoing education about changes to Medicare programs. The plan also recommends the creation of an advisory group to ensure that older adults can exercise their right to vote and have a voice in local, State, and Federal issues.

County Shoreland, Wetland, and Floodplain Zoning Ordinance

Under Section 59.692 of the *Wisconsin Statutes*, counties are responsible for regulating shoreland areas within unincorporated (town) areas. Shorelands are defined as all land lying within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage; or within 300 feet of the ordinary high-water mark of a navigable river or stream or to the landward side of the floodplain, whichever distance is greater. Standards for county shoreland zoning ordinances are set forth in Chapter NR 115 of the *Wisconsin Administrative Code*. Chapter NR 115 sets forth requirements regarding lot sizes and building setbacks; restrictions on cutting of trees and shrubbery; and restrictions on filling, grading, lagooning, dredging, ditching, and excavating that must be incorporated into county shoreland zoning regulations. In addition, Chapter NR 115 requires that counties place all wetlands within the statutory shoreland zoning jurisdiction area into a wetland conservancy zoning district to ensure their preservation after completion of wetland inventories by the WDNR.



The Washington County shoreland zoning ordinance includes restrictions on the removal of vegetation and filling, grading, and excavating within the shoreland area.

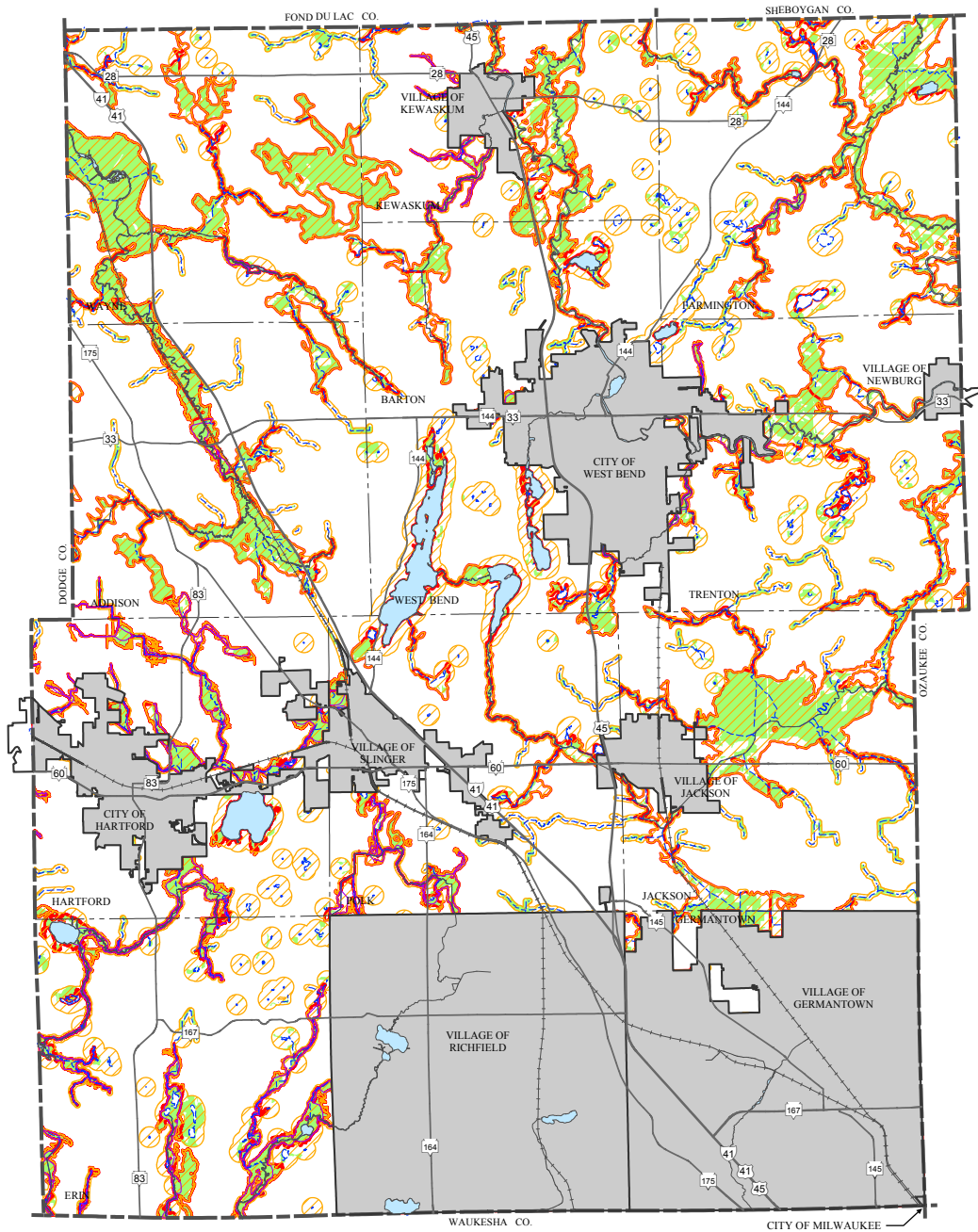
The Washington County Shoreland, Wetland, and Floodplain Zoning Ordinance is set forth in Chapter 23 of the *Washington County Code*. The County's shoreland zoning ordinance applies to shorelands, shoreland-wetlands, and floodplains in all unincorporated (town) areas within the County as depicted on Map 2.4, generally protecting these areas from intensive development. The ordinance includes restrictions on uses in wetlands located within the shoreland and limits the types of uses that can occur within the 100-year floodplain to prevent damage to structures and property and to protect the floodwater conveyance and storage capacity of floodplains. The ordinance also includes restrictions on the removal of vegetation and filling, grading, and excavating within the shoreland area. Most structures must be set back a minimum of 75 feet from the ordinary high-water mark of navigable rivers, streams, and water bodies. The ordinance was amended in 2016 to comply with recent changes to State law limiting the ability of counties to enforce shoreland zoning regulations that are more restrictive than State standards.

County shoreland regulations continue to apply in areas annexed by a city or village after May 7, 1982 and in cities and villages incorporated after April 30, 1994 unless the city or village adopts shoreland regulations under Section 61.353 (for villages) or Section 62.233 (for cities) of the *Wisconsin Statutes*. The city and village shoreland regulations generally require a 50-foot building setback from navigable waters on annexed shorelands within the city or village. Where County regulations continue in effect, the city or village is responsible for enforcing the County ordinance. Cities and villages are also required to regulate wetlands within shoreland areas, including those that were in the city or village prior to 1982, under Chapter NR 117 of the *Wisconsin Administrative Code*; and to enforce the minimum floodplain standards set forth in Chapter NR 116 of the *Wisconsin Administrative Code* within all floodplain areas of the city or village.

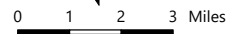
County Nonmetallic Mining Reclamation Ordinance

The Washington County nonmetallic mining reclamation ordinance (Chapter 18 of the *Washington County Code of Ordinances*) was established to ensure the effective reclamation of nonmetallic mining sites in Washington County in compliance with Chapter NR 135 of the *Wisconsin Administrative Code* and Chapter 295 of the *Wisconsin Statutes*. The requirements of the ordinance apply to all operators of nonmetallic mining sites within Washington County operating or commencing operation after August 1, 2001, except for nonmetallic mining sites located in a city, village, or town that has adopted a local mining reclamation ordinance that meets State requirements, in which case the local ordinance requirements apply. The Towns of Germantown, Jackson, and Wayne have each adopted a town nonmetallic mining

Map 2.4
Shoreland and Floodplain Zoning in Unincorporated Portions of Washington County: 2016



- 100-YEAR FLOODPLAIN BOUNDARY
- 100-YEAR FLOODWAY BOUNDARY
- NAVIGABLE STREAM OR WATERBODY
- SHORELAND WETLANDS
- AREAS REGULATED BY THE WASHINGTON COUNTY SHORELAND AND FLOODPLAIN ZONING ORDINANCE



Source: Washington County and SEWRPC

ordinance and administer their own town ordinance. The Towns of Barton, Kewaskum, and Hartford have each adopted a Town nonmetallic mining ordinance and have each entered an agreement with the County for administration of their ordinance by the County. The County nonmetallic mining ordinance applies in the Towns of Addison, Erin, Farmington, Polk, Trenton, and West Bend as well as in all cities and villages in the County. Washington County is responsible for the review and approval of reclamation plans for nonmetallic mines in these local governments in accordance with County ordinance requirements. Local zoning regulations may also apply to nonmetallic mining operations.



The County nonmetallic mining reclamation ordinance was established to ensure the effective reclamation of nonmetallic mining sites in Washington County.

The County ordinance requires that a reclamation plan be prepared and submitted for approval by the Land and Water Conservation Division of the Planning and Parks Department. The ordinance includes minimum standards for surface water and wetland protection, groundwater protection, topsoil management, final grading and slopes, topsoil redistribution for reclamation, site stabilization, and re-vegetation. The ordinance also sets forth the criteria for assessing completion of successful site reclamation, intermittent mining, and maintenance.

Erosion Control and Stormwater Management

Stormwater management and construction site erosion and sedimentation control ordinances act to protect water quality as well as to protect and promote public health, safety, and general welfare by minimizing the amount of sediment and other pollutants carried to lakes, streams, and wetlands by stormwater and runoff discharged from construction sites or land disturbing activities.



The County's erosion control and stormwater management ordinance includes requirements for land development and land disturbing activities to minimize environmental damage caused by soil erosion and stormwater runoff during and after construction.

Sections 59.693, 92.07(15), and 281.33(3m) of the *Wisconsin Statutes* grant authority to counties to adopt ordinances for the prevention of erosion from construction sites and the management of stormwater runoff from land development within their county. Sections 62.234 (for cities), 61.354 (for villages), 60.627 (for towns), and 281.33 (3m) (for cities, villages, and towns) of the *Wisconsin Statutes* grant similar authority to cities, villages, and towns for their individual jurisdictions. Table 2.5 sets forth the erosion control and/or stormwater management ordinances that are enforced within Washington County and communities within the County.

The Washington County erosion control and stormwater management (ECSM) ordinance is set forth in Chapter 17 of the *Washington County Code of Ordinances*. The ordinance includes requirements for land development and land disturbing activities designed to minimize sedimentation, water pollution, flooding, and related property and environmental damage caused by soil erosion and uncontrolled stormwater runoff during construction and after land development. The ECSM ordinance applies to all unincorporated lands in Washington County unless a Town Board has adopted an ordinance at least as restrictive as the County ordinance. County ordinance requirements continue in effect in any area annexed by a city or village, unless the municipality enforces an ordinance that complies with the minimum standards established by the WDNR and is at least as restrictive as Washington County's ECSM ordinance. In 2016, to comply with the current stormwater runoff provisions and regulations in Chapter NR 151, "Runoff Management," of the *Wisconsin Administrative Code*, Washington County updated and adopted amendments to the County ECSM ordinance and developed and distributed a model ECSM ordinance for communities to consider modifying and adopting as their local ordinances.

Table 2.5
Erosion Control and/or Stormwater Management Ordinances
Adopted Within Washington County: 2016

Community	Ordinance or Codification Number	Administrator or Contact
Washington County	Chapter 17 - County Code	LWCD ^a
City of Hartford	Chapter 20 - City Code	City
City of West Bend	Chapters 22 and 23 - City Code	City
Village of Germantown	Chapters 27 and 29 - Village Code	Village
Village of Jackson	Chapters 15 and 17 - Village Code	Village
Village of Kewaskum	Chapter 87 - Village Code	Village
Village of Newburg	Chapter 152 - Village Code	Village
Village of Richfield	Chapter 167 - Village Code	Village
Village of Slinger	Chapter 33 - Village Code	Village
Town of Addison	Chapter 190- Town Code	Town
Town of Barton	Chapter 17 - County Code	LWCD
Town of Erin	Chapter 17 - County Code	LWCD
Town of Farmington	1-2001 of Town Code Chapter 25	LWCD
Town of Germantown	Chapter 17 - County Code	LWCD
Town of Hartford	Chapter 17 - County Code	LWCD
Town of Jackson	Section 9 - Town Code	Town
Town of Kewaskum	Chapter 19 - Town Code	Town
Town of Polk	Chapter 19 - Town Code	LWCD
Town of Trenton	Chapter 200 - Town Code	LWCD
Town of Wayne	Town Ordinance W-99-6	Town
Town of West Bend	Town Ordinance 98-14	Town

^a Denotes administration by the Land and Water Conservation Division (LWCD) of the Washington County Department of Planning and Parks.

Source: Washington County and SEWRPC

The Towns of Addison, Jackson, Kewaskum, Wayne, and West Bend have each adopted and administer a town erosion control and stormwater management ordinance. The Towns of Farmington, Polk, and Trenton have also each adopted a town erosion control and stormwater management ordinance and have each entered into an intergovernmental agreement with Washington County for County administration of the ordinances. The Towns of Barton, Erin, Germantown, and Hartford are regulated under the County's ECSM ordinance.

Chapter NR 216, "Stormwater Discharge Permits," of the *Wisconsin Administrative Code*, which is intended to reduce the discharge of pollutants carried by stormwater, requires county and local governments in urbanized areas (identified based on population and density) to obtain a Wisconsin Pollutant Discharge Elimination System (WPDES) stormwater discharge permit and to meet State standards to control pollution that enters a municipal separate storm sewer system (MS4).²⁶ The code also requires that the designated municipality, whether a county or a local government, develop a storm sewer system map; a public information and education program; a stormwater and erosion control ordinance; an illicit discharge detection program; and a plan to reduce suspended solids in stormwater runoff. A report on a county or local government's progress in meeting the requirements must be submitted to the WDNR annually.

Chapter NR 151, Subchapter III–Part 13, of the *Wisconsin Administrative Code* requires that municipalities with a WPDES permit control the amount of total suspended solids (TSS) in stormwater runoff from existing urban areas as compared to stormwater runoff from areas of existing development with no controls. Per NR 216.02, the type of permit that a municipality needs depends upon the size of the population served by the MS4.²⁷ Owners or operators of a municipal MS4 within an urbanized area or serving incorporated areas with a population of 100,000 or more are required to obtain a Phase I stormwater discharge permit.

²⁶ A municipal separate storm sewer system, or MS4, is a conveyance or system of conveyances that is owned by a state, city, town, village, or other public entity that discharges to waters of the U.S.; designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches); not a combined sewer; and not part of a sewage treatment plant, or publicly owned treatment works.

²⁷ As determined by the U.S. Bureau of the Census based on the latest decennial census.

Consequently, in Washington County the Villages of Germantown and Richfield, both of which are identified by the U.S. Bureau of the Census as part of the Milwaukee urbanized area, must obtain a municipal storm water discharge permit from the WDNR under Phase I MS4 stormwater regulations. As part of a group containing a total of 11 municipalities in the Menomonee River watershed, which is identified as the Menomonee River Watershed Permittees, the Village of Germantown has a permit to discharge storm water from all portions of the MS4s owned or operated by the group of municipalities to waters of the State in the Menomonee River, Fox River, Kinnickinnic River, Root River, and Cedar Creek watersheds. The Village of Richfield and Washington County had been granted an exemption from Phase 1 general permit requirements.

Phase II MS4 regulations of NR 216 require an owner or operator of a municipal MS4 serving a population of 10,000 or more and a population density of 1,000 or more people per square mile to obtain a Phase II WPDES stormwater discharge permit. As a result of Phase II requirements, Washington County; the Cities of Hartford and West Bend; the Villages of Jackson, Kewaskum, Richfield, and Slinger; and the Towns of Hartford and West Bend are required to obtain Phase II permits. Washington County is required to obtain a permit only for coverage of its facilities in the County's Phase II communities as well as within the urbanized portions of the Villages of Germantown and Richfield. The WDNR has granted a general permit to all of the Phase II municipalities within the County.

In addition, regardless of whether a municipality is required to have a stormwater discharge permit under Chapter NR 216, Chapter NR 151 requires that all construction sites that have one acre or more of land disturbance must limit the amount of sediment that runs off the site to no more than five tons per acre per year from initial grading to final stabilization. With certain limited exceptions, those sites required to have construction erosion control permits must also have post-development stormwater management practices to reduce the total suspended solids (sediment) that would otherwise run off the site on an annual average basis by 80 percent for new development, 40 percent for parking areas and roads within redevelopment, and 80 percent for infill development. If it can be demonstrated that the solids reduction standard cannot be met for a specific site, total suspended solids must be controlled to the maximum extent practicable.

Washington County Land Division Ordinance

The Washington County Land Division Ordinance is set forth in Chapter 24 of the *Washington County Code of Ordinances*. The ordinance supplements the provisions of Chapter 236 of the *Wisconsin Statutes*, which sets forth minimum requirements for land divisions in Wisconsin. Information about local land division ordinances is provided in Section 2.4 of this Chapter.

2.3 CITY, TOWN, AND VILLAGE PLANS

Local Comprehensive Plans

Many communities in Southeastern Wisconsin have a long history of planning to guide growth and development in their jurisdictions. Historically, State law authorized, but did not require, local planning, and State law granted broad flexibility as to the contents of such plans. Section 62.23 of the *Wisconsin Statutes* grants cities and Section 61.35 grants villages the authority to prepare and adopt local master plans or plan elements, such as a community land use plan. Section 60.10(2)(c) of the *Wisconsin Statutes* gives towns the authority to prepare and adopt a local master plan under Section 62.23 provided a town adopts village powers and creates a town plan commission. All of the towns in Washington County have adopted village powers and created a plan commission.

State law concerning land use planning was changed in 1999 when the Wisconsin Legislature enacted legislation that effectively required communities to adopt a comprehensive plan by January 1, 2010, in order to enforce zoning, land division, and official mapping ordinances.²⁸ Further, those zoning, land division, and official mapping ordinances must be consistent with the comprehensive plan. The comprehensive planning law, sometimes referred to as the State's "Smart Growth" law, applies to every city, village, town, and county that administers a zoning, land division, or official map ordinance. As a result, the County and every local government in Washington County has adopted a comprehensive plan to comply with the law.

²⁸ Set forth in Section 66.1001 of the Wisconsin Statutes.

As shown in Table 2.6, the Town of West Bend; the Villages of Germantown, Richfield, and Slinger; and the Cities of Hartford and West Bend each adopted an independently prepared comprehensive plan. The Village and Town of Jackson partnered to prepare and adopt a multi-jurisdictional comprehensive plan. The Village of Kewaskum and the Towns of Addison, Barton, Erin, Farmington, Hartford, Kewaskum, Polk, Trenton, and Wayne have each adopted a local comprehensive plan that was prepared as part of the county-local multi-jurisdictional process conducted in Washington County from 2005 to 2009. The Town of Germantown adopted the county-local multi-jurisdictional plan prepared for Washington County as its comprehensive plan. The Village of Newburg adopted a local plan that was prepared as part of the Ozaukee County multi-jurisdictional planning process conducted from 2004 to 2009. With the exception of the Village of Germantown, each City and Village plan includes adjacent Town lands beyond City and Village corporate limits at the time that this plan update was adopted.

As noted in Chapter I, Section 66.1001(2)(i) of the State's comprehensive planning law requires that comprehensive plans be updated no less than once every 10 years. Comprehensive plan updates are considered plan amendments. This plan update will serve as an amendment to the multi-jurisdictional plan adopted by the County Board in 2008, which serves as the County's comprehensive plan. The only community within Washington County to have completed and adopted a 10-year comprehensive plan update as of 2016 is the Village of Richfield.²⁹

Municipal Boundary Agreements

The *Wisconsin Statutes* provide several options for neighboring cities, villages, and towns to cooperatively determine common boundaries. Section 66.0307 of the *Wisconsin Statutes* allows any combination of cities, villages, and towns to determine the boundary lines between themselves under a cooperative plan. Section 66.0307 envisions the cooperative preparation of a plan for the affected area by the local units of government concerned and prescribes in detail the contents of the cooperative plan. The cooperative plan must identify agreed-upon boundary changes and existing boundaries that will not change 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. A boundary agreement can also be achieved under Section 66.0225, which allows communities who are parties to a court action to enter into a written stipulation determining a common boundary. In addition, communities can agree upon common boundaries under Section 66.0301, the "Intergovernmental Cooperation" statute. Current cooperative boundary agreement areas are shown on Map 2.5.

Village and Town of Jackson

The Village of Jackson and Town of Jackson entered into a revenue sharing agreement and cooperative boundary agreement under Section 66.0225 of the *Wisconsin Statutes* in September 1999. The agreement specified changes in the Village boundary planned to occur by January 1, 2015. The Village agreed to provide sewer and water services to lands in the Town provided that adequate capacity was available and all costs were paid by the Town, landowner, or developer. The Village agreed not to annex land outside the 2015 boundary area established by the agreement prior to January 1, 2015. Based on objections by landowners affected by the boundary change, modifications to the agreement were developed during 2016 and 2017.³⁰

City and Town of West Bend

In 2001, the City and Town of West Bend approved a cooperative boundary plan under Section 66.0307 of the *Wisconsin Statutes*. The plan specifies boundary changes between the two jurisdictions and sets forth recommended future land uses for areas affected by the plan, termed the "Boundary Adjustment Area." The plan also identifies areas that will remain in the Town for the period of the agreement. Map 2.4 shows the planned sewer service area for the City, the future extent of the City of West Bend corporate limits in what is now the Town of West Bend, and areas within the City of West Bend sewer service area that will remain in the Town.

²⁹ Documented in Village of Richfield Comprehensive Plan: 2014-2033, November 2014.

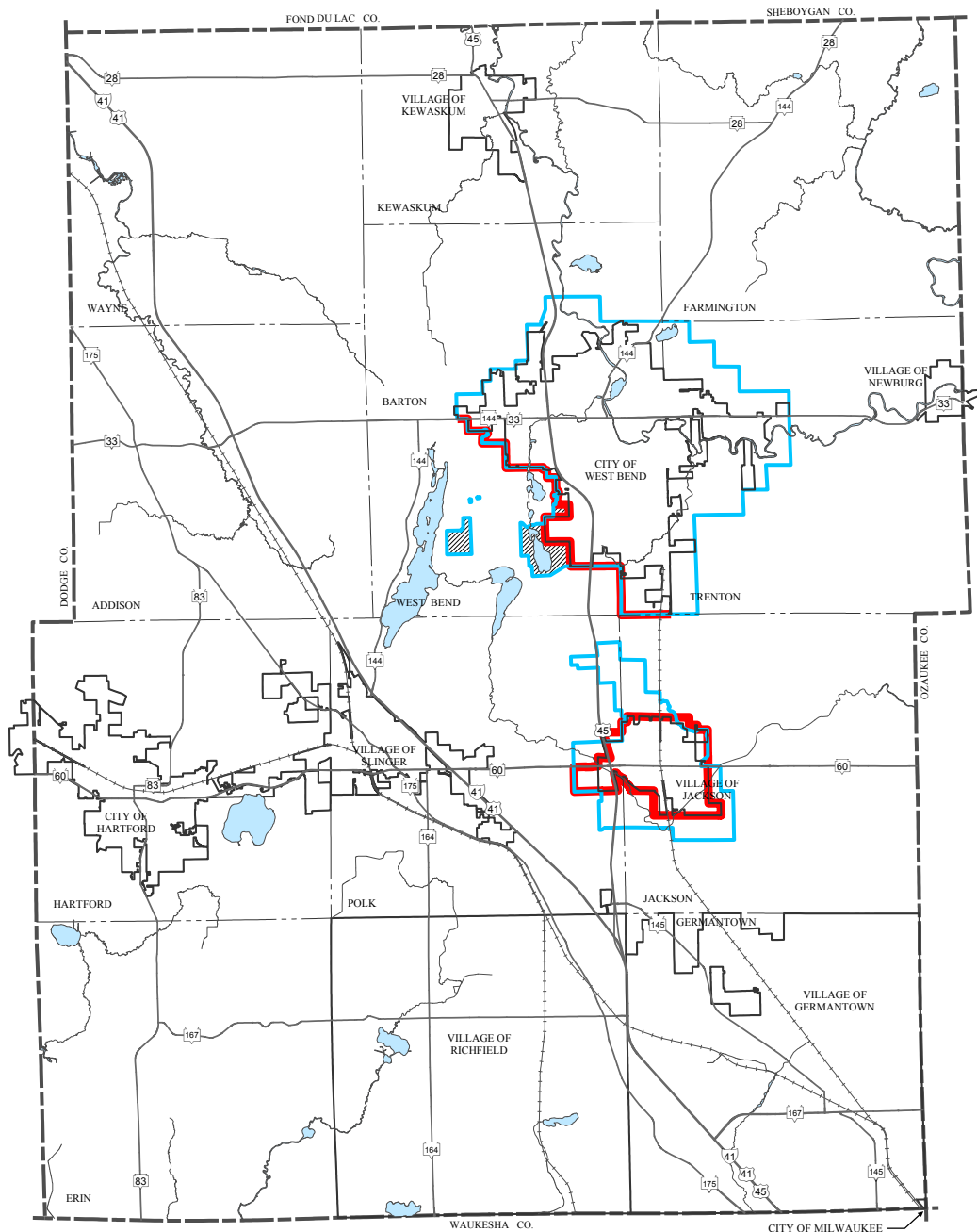
³⁰ A mediated cooperative plan agreement between the Village and Town was approved by the Wisconsin Department of Administration in 2018. The agreement is discussed further in the Intergovernmental Cooperation Element (Chapter 11).

**Table 2.6
Comprehensive Plans and Amendments Adopted Within Washington County: 2016**

Community	Report	Prepared By	Year Published
City of Hartford	City of Hartford 2030 Smart Growth Plan Amended 4/20/2010, 5/24/2011, 2/14/2012	City of Hartford	2009
City of West Bend	2020 Comprehensive Plan for the City of West Bend Amended 5/21/2012, 12/3/2012, 2/18/2013, 2/11/2014, 12/21/2015	City of West Bend	2004
Village of Germantown	Village of Germantown 2020 Smart Growth Plan Amended 4/18/2006, 7/15/2007, 8/6/2007, 10/19/2009	Village of Germantown, with assistance from JJR	2004
Village of Jackson	Village and Town of Jackson Comprehensive Plan: 2035	Village and Town of Jackson, with assistance from UW-Extension	2009
Village of Kewaskum	A Comprehensive Plan for the Village of Kewaskum: 2035	Village of Kewaskum, with assistance from SEWRPC	2009
Village of Newburg	A Comprehensive Plan for the Village of Newburg Amended 5/8/2014	Village of Newburg with assistance from Bonestroo; 2014 amendment prepared with assistance from Graef	2009
Village of Richfield	Village of Richfield Comprehensive Plan: 2014-2033 (10-Year Update)	Village of Richfield (original plan prepared with assistance from OMNI Associates)	2016
Village of Slinger	Village of Slinger Comprehensive Plan - Conservation, Connectivity, Walkability: A Plan for 2025 Amended 12/17/2007, 5/19/2008, 8/18/2008, 5/4/2009, 32/1/2011, 10/15/2012, 8/19/2013, 9/19/2013	OMNI Associates, Crispell-Snyder, and Village of Slinger	2007
Town of Addison	A Comprehensive Plan for the Town of Addison: 2035 Amended 3/18/2010, 11/18/2010, 11/6/2014, 10/20/2016	Town of Addison, with assistance from SEWRPC	2009
Town of Barton	A Comprehensive Plan for the Town of Barton: 2035	Town of Barton, with assistance from SEWRPC	2008
Town of Erin	A Comprehensive Plan for the Town of Erin: 2035	Town of Erin, with assistance from SEWRPC	2009
Town of Farmington	A Comprehensive Plan for the Town of Farmington: 2035	Town of Farmington, with assistance from SEWRPC and Martinson and Eisele	2010
Town of Germantown	A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035	Town of Germantown, with assistance from SEWRPC	2008
Town of Hartford	A Comprehensive Plan for the Town of Hartford: 2035	Town of Hartford, with assistance from SEWRPC	2009
Town of Jackson	Village and Town of Jackson Comprehensive Plan: 2035	Village and Town of Jackson, with assistance from UW-Extension	2009
Town of Kewaskum	A Comprehensive Plan for the Town of Kewaskum: 2035 Amended 10/15/2012, 12/17/2012, 7/15/2016, 7/20/2015	Town of Kewaskum, with assistance from SEWRPC	2009
Town of Polk	A Comprehensive Plan for the Town of Polk: 2035 Amended 12/8/2011, 5/13/2014, 8/11/2015 (2017 amendment/10-year update pending)	Town of Polk, with assistance from SEWRPC	2009
Town of Trenton	A Comprehensive Plan for the Town of Trenton: 2035 Amended 7/19/2011, 12/20/2011, 10/19/2012, 10/21/2014, 11/3/2014, 11/18/2014, 2/16/2015, 12/15/2015, 6/21/2016	Town of Trenton, with assistance from SEWRPC	2009
Town of Wayne	A Comprehensive Plan for the Town of Wayne: 2035 (2017 amendment/10-year update pending)	Town of Wayne, with assistance from SEWRPC	2009
Town of West Bend	Town of West Bend Comprehensive Plan: 2025	Town of West Bend, with assistance from Planning and Design Institute, Inc.	2005

Source: SEWRPC

Map 2.5
Cooperative Boundary Agreement Areas in Washington County: 2016



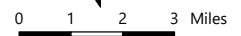
CITY AND TOWN OF WEST BEND

- █ MAXIMUM CITY LIMITS IN THE TOWN OF WEST BEND
- █ 2020 PLANNED SEWER SERVICE AREA
- AREAS IN THE SEWER SERVICE AREA TO REMAIN IN THE TOWN OF WEST BEND

VILLAGE AND TOWN OF JACKSON

- █ 2015 MAXIMUM VILLAGE LIMITS
- █ 2020 PLANNED SEWER SERVICE AREA

Note: A mediated cooperative plan agreement was approved by the Wisconsin Department of Administration in May 2018. Boundary changes resulting from the agreement have been incorporated into the County land use plan map (Map 12.1) presented in the Recommendations Element (Chapter 12).



Source: City of West Bend, Village of Jackson, and SEWRPC

City of Hartford and Towns of Erin, Hartford, and Richfield

A boundary agreement between the City of Hartford and the Towns of Erin, Hartford, and Richfield under Section 66.0225 of the *Statutes* was signed in January 2007. The term of the agreement is 20 years, and the agreement is contingent upon the Town of Richfield's incorporation as a village.³¹ As part of the agreement, the Town of Richfield agreed not to accept or grant any annexations from the Towns of Erin or Hartford following Richfield's incorporation as a village. In addition, Richfield agreed not to exercise extraterritorial plat or zoning authority where the City of Hartford has such authority unless the City removes or does not exercise its own extraterritorial plat or zoning authority. Richfield also agreed to not exercise extraterritorial plat or zoning authority within the Town of Erin subject to the condition that the Town of Erin not allow development inconsistent with its adopted comprehensive plan and/or comprehensive plan map in Sections 1, 12, 13, 14, 24, 25, or 36. Richfield may elect to exercise extraterritorial plat and zoning authority if the Town of Erin allows development that is not consistent with its comprehensive plan. In return, the Town of Erin adopted a resolution supporting the Town of Richfield's incorporation petition as a village.

Intergovernmental Agreements

City of Hartford and Town of Erin

An intermunicipal agreement between the City of Hartford and the Town of Erin to provide for orderly development and land preservation was signed in 2004. The term of the agreement is 20 years, unless superseded by a boundary agreement between the City and the Town.

As part of the agreement, the City waived its extraterritorial zoning authority in the Town and agreed to extend sewer service into the Town on request of the Town Board without requiring annexation. The City also agreed to provide fire service to the eastern two-thirds of the Town. The Town agreed not to pursue incorporation or charter town status, and also agreed to limit new commercial, industrial, and institutional development to parcels of less than two acres. The Town also agreed to support development of Arthur Road as a northern transportation route from USH 41 to the Dodge Industrial Park on the west side of the City.

City of Hartford and Village of Slinger

An intergovernmental agreement between the City of Hartford and Village of Slinger was signed in 2003. The agreement has a term of 20 years and establishes future service boundaries between the City and Village to facilitate joint planning and intergovernmental cooperation. The agreement identifies a future long-term boundary between the two municipalities as shown on Map 2.6. The City and Village will each respectively plan for and design the extension of municipal sewer, water, and electrical services for their respective long-term planning areas. The City and Village agreed to cooperate in constructing and operating a joint electric substation.

Each municipality agreed not to oppose the other's annexation of lands that are within the respective municipality's long-term growth area. In those areas where the Village's extraterritorial plat review jurisdiction extends west of the "growth line" the Village will exercise its extraterritorial jurisdiction consistent with the City's future land use plan and in those areas where the City's extraterritorial jurisdiction extends east of the "growth line" the City will exercise its extraterritorial jurisdiction consistent with the Village's future land use plan. In areas south of the "growth line", the Village agreed not to exercise extraterritorial plat review jurisdiction over lands in the Town of Erin.

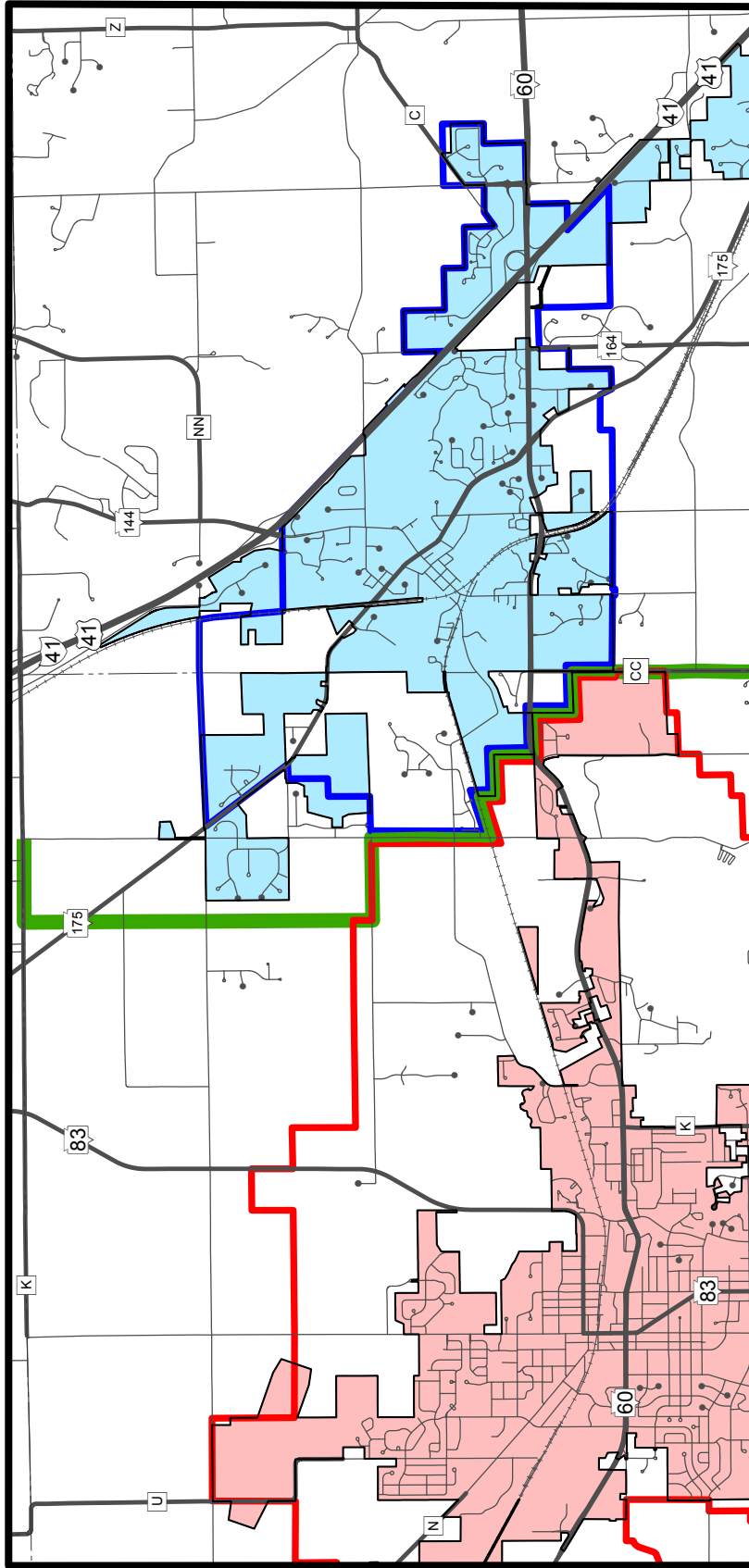
The Village and City agreed to work cooperatively for the development of Arthur Road as a northern transportation route from IH 41 to the Dodge Industrial Park in the western part of the City, and also agreed to cooperate in designating and recognizing Kettle Moraine Road and CTH K as transportation corridors.

City, Village, and Town Park and Open Space Plans

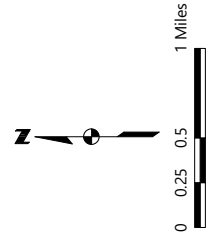
Despite its orientation within the most heavily urbanized portion of the State, the Southeastern Wisconsin Region contains an abundance of high-quality natural resource amenities, including numerous inland lakes and streams, attractive woodlands and wetlands, good wildlife habitat, rugged terrain, and scenic landscapes. Preserving and protecting these resource amenities and finding ways to accommodate outdoor recreational activities that frequently depend upon the natural resource base are important public policy

³¹ *The Town of Richfield incorporated as the Village of Richfield on February 13, 2008.*

Map 2.6
Long-Term Planning Area Boundary Between the City of Hartford and the Village of Slinger



- CITY OF HARTFORD (PORTION)
- CITY OF HARTFORD PLANNED SEWER SERVICE AREA BOUNDARY (PORTION)
- VILLAGE OF SLINGER (PORTION)
- VILLAGE OF SLINGER PLANNED SEWER SERVICE AREA BOUNDARY (PORTION)
- PLANNING AREA BOUNDARY ESTABLISHED BY INTERGOVERNMENTAL AGREEMENT: JULY 2003



Source: City of Hartford, Village of Slinger, and SEWRPC

objectives. Accordingly, the Region has a long and proud history of park and open space planning. Park and open space plans are aimed at preserving and protecting open spaces while supporting the preservation and protection of environmental corridors and providing for many forms of outdoor recreational activities. Park and open space plans adopted by local governments in Washington County are set forth in Table 2.7. In addition to identifying needed recreational sites and facilities, each plan was intended to establish or maintain eligibility for Federal Land and Water Conservation Fund and Wisconsin Stewardship Fund grant programs administered by the WDNR.

2.4 CITY, TOWN, AND VILLAGE ORDINANCES

Good community development depends not only on quality planning at all levels of government, but on practical implementation measures as well. Land use and development regulations affect the type of uses allowed, as well as the detailed design and site layout of proposed developments. Section 66.1001(3) of the *Wisconsin Statutes* requires that zoning, land divisions, and official mapping decisions made by local and county governments be consistent with local and county comprehensive plans as of January 1, 2010. The following presents a summary of zoning, subdivision, and official mapping regulations adopted by participating local governments.

Zoning

A zoning ordinance is a public law that regulates and restricts the use of property in the public interest. The primary function of zoning should be to implement an adopted comprehensive plan.

A zoning ordinance divides a community into districts for the purpose of regulating the use of land and structures; the height, size, shape, and placement of structures; and the density of housing. A zoning ordinance typically consists of two parts: a text setting forth regulations that apply to each of the various zoning districts, together with related procedural and administrative requirements; and a map delineating the boundaries of zoning districts.

Local Zoning Ordinances

Each city, town, and village in Washington County has adopted and enforces its own zoning ordinance. In towns, town zoning applies in all areas of the town. The County enforces shoreland and floodplain zoning regulations in shoreland areas in the towns, which serve as overlay zoning regulations. Where town general zoning and County shoreland zoning requirements conflict, the more restrictive requirement applies. Zoning district regulations for each participating local government are summarized in Appendix B.

Nonmetallic Mining Ordinances

A number of communities require nonmetallic mining restoration plans for nonmetallic mining sites through local ordinances. As noted in Section 2.2, the Towns of Germantown, Jackson, and Wayne have adopted a town nonmetallic mining reclamation ordinance and administer the town ordinance. The Towns of Barton, Kewaskum, and Hartford have adopted a town nonmetallic mining ordinance but have each entered into an agreement with Washington County for administration of the ordinance by the County. The County nonmetallic mining ordinance applies in the Towns of Addison, Erin, Farmington, Polk, Trenton, and West Bend as well as in all cities and villages in the County. Washington County is responsible for the review and approval of reclamation plans for nonmetallic mines in these local governments in accordance with County ordinance requirements. In addition, the Towns of Addison, Barton, Farmington, Germantown, Hartford, Jackson, Kewaskum, Polk, Trenton, and Wayne regulate nonmetallic mining operations and/or reclamation through the Town zoning ordinance.

Stormwater Management and Erosion Control Ordinances

Stormwater management and construction site erosion control ordinances act to protect water quality and protect and promote the health, safety, and general welfare by minimizing the amount of sediment and other pollutants carried by stormwater and runoff discharged from construction sites or land disturbing activities to lakes, streams, and wetlands.

The Cities of Hartford and West Bend and the Villages of Germantown, Jackson, Kewaskum, and Slinger have adopted and administer erosion control and stormwater management ordinances. The Village of Newburg has a construction erosion control ordinance but no separate stormwater management ordinance.

**Table 2.7
Park and Open Space Plans Adopted by Local Governments in Washington County: 2016**

Community	Plan	Prepared By	Adoption Date ^a	
			Plan Commission	Governing Body
City of Hartford	<i>The City of Hartford Park and Open Space Plan, Five Year Park Plan, 2005 Through 2009</i>	City of Hartford	--	5/18/2005
City of West Bend	<i>A Park and Open Space Plan for the City of West Bend: 2020^b</i>	SEWRPC	2/5/2008	3/17/2008
Village of Germantown	<i>Comprehensive Outdoor Recreation Plan 2009 - 2013</i>	Village of Germantown	--	4/6/2009
Village of Jackson	<i>A Joint Parks, Recreation, and Open Space Plan for the Village of Jackson and the Town of Jackson</i>	Village of Jackson and Town of Jackson	3/10/2009	4/19/2009
Village of Newburg	<i>Park, Outdoor Recreation, and Open Space Plan, January 2003</i>	Bonestroo, Rosene, Aderlik & Associates	--	3/27/2003
Village of Richfield	<i>Comprehensive Park, Outdoor Recreation, and Open Space Plan, 2013-2018</i>	Village of Richfield	--	--
Village of Slinger	<i>Comprehensive Park, Outdoor Recreation, and Open Space Plan Update: 2014 – 2019</i>	Village of Slinger and GRAEF	12/10/2014	--
Town of Erin	<i>The Town of Erin Park and Open Space Plan: 2020</i>	Planning and Design Institute, Inc.	--	2/15/1999
Town of Jackson	<i>A Joint Parks, Recreation, and Open Space Plan for the Village of Jackson and the Town of Jackson</i>	Village of Jackson and Town of Jackson	4/9/2009	4/14/2009

^a No record of adoption has been provided to SEWRPC if no date is listed. While the Wisconsin Department of Natural Resources (WDNR) requires that the governing body adopt a park plan by resolution in order to be eligible to apply for recreational grant funds administered by the WDNR, adoption by a local government's Plan Commission is required only if the community wishes to adopt the park plan as an element of its comprehensive plan.

^b The City of West Bend is currently updating its park and open space plan.

Source: SEWRPC

As previously noted in Section 2.2, the Towns of Addison, Jackson, Kewaskum, Wayne, and West Bend have adopted and administer erosion control and stormwater management ordinances; the Towns of Farmington, Polk, and Trenton have adopted a town erosion control and stormwater management ordinance and have each entered into an intergovernmental agreement with Washington County for County administration of the ordinances; and the Towns of Barton, Erin, Germantown, and Hartford are regulated under the County ESCM ordinance.

Extraterritorial Zoning Regulations

The *Wisconsin Statutes* authorize cities and villages to adopt extraterritorial zoning regulations for adjacent unincorporated areas, in cooperation with the adjacent town, within three miles of a city of the first, second, or third class, and within 1.5 miles of a city of the fourth class or villages. Appendix C includes a summary of the process set forth in the *Statutes* for enacting an extraterritorial zoning ordinance and other land use-related extraterritorial authorities granted to cities and villages, and a map showing the class of incorporated municipalities in the County. A city or village can initiate preparation of an extraterritorial zoning ordinance and map at any time. Initiation of the extraterritorial zoning ordinance freezes existing zoning in the extraterritorial (town) area for two years, while the city or village and affected town or towns jointly develop an extraterritorial zoning ordinance and map. A joint committee made up of three representatives from the city or village and three representatives from each affected town is formed to develop the ordinance. The city or village can extend the time period for one additional year at the end of the two-year period following a recommendation from the joint committee.

No permanent extraterritorial zoning regulations were in effect in Washington County in 2016. Although not technically an extraterritorial zoning ordinance, the Cities of Hartford and West Bend enforce airport zoning over portions of the surrounding towns under Section 114.136 of the *Wisconsin Statutes*. This section allows any city, village, town, or county that owns an airport to protect the aerial approaches to the airport through an ordinance regulating the use, location, height, and size of structures and vegetation surrounding the airport. An ordinance adopted by a local government that owns an airport applies in all local governments

within the aerial approach area, and may be adopted and enforced without the consent of other affected governing bodies.

Land Division Regulations

A land division ordinance is a public law that regulates the division of land into smaller parcels. Land division ordinances provide for appropriate public oversight of the creation of new parcels and help ensure that new development is appropriately located; lot size minimums specified in zoning ordinances are observed; street rights-of-way are appropriately dedicated or reserved; access to arterial streets and highways is limited in order to preserve the traffic-carrying capacity and safety of such facilities; adequate land for stormwater management, parks, drainageways, and other open spaces is appropriately located and preserved; street, block, and lot layouts are appropriate; and adequate public improvements are provided. Land division ordinances can be enacted by cities, villages, towns, and counties, with the latter's approval authority applying only in unincorporated (town) areas and limited objecting authority applying within cities and villages. Thus, within towns, it is possible for both counties and towns to have concurrent jurisdiction over land divisions. Cities and villages also have "extraterritorial" plat approval jurisdiction over subdivisions proposed in town areas near their corporate boundaries.

Chapter 236 of the *Wisconsin Statutes* sets forth general requirements governing the subdivision of land, including, among others, surveying and monumenting requirements, necessary approvals, recording procedures, and requirements for amending or changing subdivision maps. The *Statutes* also grant authority to county and local governments to review subdivision maps, commonly referred to as plats, with respect to local plans and ordinances. Section 236.45 authorizes county and local governments to adopt their own land division ordinances.

The Washington County Land Division Ordinance regulates land divisions in towns that initially or by subsequent divisions create five or more lots of five acres each or less in area within a five-year period. In addition, the Washington County shoreland and floodplain zoning ordinance includes land division regulations for areas located in the shoreland area. As required by Chapter NR 115 of the *Wisconsin Administrative Code*, the ordinance regulates land divisions creating three or more lots of five acres or less within a five-year period. Washington County also has authority under Section 236.10 of the *Statutes* to review and approve all subdivisions located in unincorporated portions of the County, including subdivisions that do not require review and approval under the County land division ordinance because of the number or size of lots being created.

All of the cities, villages, and towns in Washington County, except the Town of Germantown, have adopted a land division ordinance. Under Chapter 236, local governments are required to review and take action on plats for subdivisions. Subdivisions are defined in the *Statutes* as "a division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for purpose of sale or of building development, where the act of division creates five or more parcels or building sites of 1.5 acres each or less in area; or five or more parcels or building sites of 1.5 acres each or less in area are created by successive divisions within a period of five years." Local subdivision ordinances may be broader in scope and require review and approval of land divisions in addition to those meeting the statutory definition of a "subdivision." Table 2.8 provides a summary of the scope of land division ordinances adopted by Washington County and by local governments in the County.

Extraterritorial Platting Authority

Under Section 236.10 of the *Wisconsin Statutes*, a city or village may review, and approve or reject, subdivision plats located within its extraterritorial area if it has adopted a subdivision ordinance or an official map. Section 236.02 of the *Statutes* defines the extraterritorial plat review jurisdiction as the unincorporated area within three miles of the corporate limits of a city of the first, second, or third class, or within 1.5 miles of the corporate limits of a city of the fourth class or a village. In accordance with Section 66.0105 of the *Statutes*, in situations where the extraterritorial plat approval jurisdiction of two or more cities or villages would otherwise overlap, the extraterritorial jurisdiction between the municipalities is divided on a line, all points of which are equidistant from the boundaries of each municipality concerned, so that no more than one city or village exercises extraterritorial jurisdiction over any unincorporated area. The extraterritorial area changes whenever a city or village annexes land, unless the city or village has established a permanent extraterritorial area through a resolution of the common council or village board or through an agreement with a neighboring city or village.

Table 2.8
Scope of County and Local Land Division Ordinances in Washington County: 2016

Unit of Government	Land Division Ordinance ^a	Applies to Other Land Divisions ^b	Scope of Ordinance ^c
Washington County	Yes	Yes	Ordinance applies in unincorporated areas. Where a town has adopted a subdivision control ordinance, the provisions of the County ordinance apply if they are more restrictive than the town ordinance. The County ordinance defines a subdivision as a land division that creates five or more parcels or building sites of five acres each or less in area, or where five or more parcels or building sites of five acres each or less are created within a five-year period. ^d The County reviews proposed plats to ensure compliance with POWTS and shoreland, wetland, and floodplain zoning ordinance requirements
City of Hartford	Yes	Yes	Ordinance applies to all lands within the limits of the City and within the City's extraterritorial plat approval jurisdiction. A subdivision is defined as a land division that creates five or more parcels or building sites of 40 acres each or less in area, or where five or more parcels or building sites of 40 acres each or less are created within a five-year period. Condominium plats are also considered subdivisions. A minor land division, which is defined as the division of land into at least two but not more than four parcels or building sites any one of which is less than 10 acres in size within any consecutive five-year period or as any division of land not defined as a subdivision and resulting in one or more parcels less than 10 acres in size, requires a certified survey map (CSM)
City of West Bend	Yes	Yes	Ordinance applies to all lands within the limits of the City and within the Village's extraterritorial plat approval jurisdiction. A subdivision is defined as a land division that creates five or more parcels or building sites of 1.5 acres each or less in area or where five or more parcels or building sites of 1.5 acres each or less are created within a five-year period (statutory definition). A minor land division is any division of land resulting in two, but not more than four, parcels or building sites, any one of which is less than 10 acres in size; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of the block, lot, or outlot. All minor subdivisions require City approval of a CSM
Village of Germantown	Yes	Yes	Ordinance applies to all lands within the limits of the Village and within the Village's extraterritorial plat approval jurisdiction. A subdivision is defined as a land division that creates five or more parcels or building sites or where five or more parcels or building sites are created within a five-year period. Condominiums are also considered subdivisions if they have more than one principal building. A minor land division is defined as the division of land resulting into not more than four building parcels outlots, any one of which is less than 20 acres in size; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four lots without changing the exterior boundaries of said block, lot, or outlot. A minor land division requires the use of a CSM
Village of Jackson	Yes	Yes	Ordinance applies to all lands within the limits of the Village and within the Village's extraterritorial plat approval jurisdiction. A subdivision is defined as a land division that creates five or more parcels or building sites of 1.5 acres each or less in area or where five or more parcels or building sites of 1.5 acres each or less are created within a five-year period (statutory definition). A minor subdivision is defined as the division of land resulting in at least two, but not more than four, parcels or building sites, any one of which is less than 1.5 acres in size. All minor subdivisions require Village approval of a CSM
Village of Kewaskum	Yes	Yes	Ordinance applies to all lands within the limits of the Village and within the Village's extraterritorial plat approval jurisdiction. A subdivision is defined as a land division that creates five or more parcels or building sites of 1.5 acres each or less in area or where five or more parcels or building sites of 1.5 acres each or less are created within a five-year period (statutory definition). Any division of land other than a subdivision requires Village approval of a CSM
Village of Newburg	Yes	Yes	Ordinance applies to all lands within the limits of the Village and within the Village's extraterritorial plat approval jurisdiction. A subdivision is defined as a land division that creates five or more parcels or building sites of five acres each or less in area or where five or more parcels or building sites of five acres each or less are created within a five-year period. Land divisions that create two or more parcels or building sites, any one of which is less than 10 acres in size, or that divide a block, lot, or outlot into not more than four parcels or building sites within a recorded subdivision plat without changing the boundaries of said block, lot, or outlot require Village approval of a CSM
Village of Richfield	Yes	Yes	Ordinance applies to all lands within the limits of the Village and within the Village's extraterritorial plat approval jurisdiction. A subdivision is defined as a land division that creates five or more parcels or building sites of 20 acres each or less in area or where five or more parcels or building sites of 20 acres each or less are created within a five-year period. A minor land division is defined as any division of land not defined as a subdivision that results in one or more new parcels or building sites and the division of a block, lot, or outlot within a recorded subdivision plat or certified survey map. Minor land divisions require Village approval of a CSM

Table continued on next page.

Table 2.8 (Continued)

Unit of Government	Land Division Ordinance ^a	Applies to Other Land Divisions ^b	Scope of Ordinance ^c
Village of Slinger	Yes	Yes	Ordinance applies to all lands within the limits of the Village and within the Village's extraterritorial plat approval jurisdiction. A subdivision is defined as a land division that creates five or more parcels, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original property within a period of five years or the act of division creates six or more parcels or building sites of any size by successive divisions of any part of the original property within a period of five years. A minor land division is defined as the division of land resulting in more than one but less than five parcels or building sites, any one of which is five or less acres in size, by a division or by successive divisions of any part of the original parcel within a period of five years; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot, or outlot or of the exterior boundaries of blocks within the plat.
Town of Addison	Yes	Yes	Ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites of less than 35 acres each in area by division or by successive division within a five year period. All other divisions are regulated as minor land divisions, which require approval of a CSM by the Town. When it is proposed to divide land so that no parcel is less than 20 acres in size, no CSM is required.
Town of Barton	Yes	Yes	Ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites of 10 acres each or less in area or where five or more parcels or building sites of 10 acres each or less in area are created within a five-year period. Any division of land not defined as a subdivision is a minor land division, including the division of land resulting in the creation of at least two but not more than four parcels or building sites, any one of which is less than 35 acres in size; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Such minor land divisions shall be made by a CSM.
Town of Erin	Yes	Yes	Ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites 10 acres each or less in area or where five or more parcels or building sites of 10 acres or less in area are created within a five-year period. A minor land division is any division of land that creates one or more parcels and is not defined as a subdivision.
Town of Farmington	Yes	Yes	Ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites of 10 acres each or less in area or where five or more parcels or building sites of 10 acres each or less are created in a five-year period. Any division of land not defined as a subdivision is a minor land division, including the division of land into not more than four parcels or building sites, any one of which is 10 acres or less in area, or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the boundaries of said block, lot, or outlot. Minor land divisions require a CSM. A land division creating a parcel or parcels greater than 10 acres in size does not require a CSM but requires review by the Town Plan Commission.
Town of Germantown	No	--	--
Town of Hartford	Yes	Yes	Ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites five acres each or less in area or where five or more parcels or building sites of five acres each or less in area are created within a five-year period. A minor land division is any division of land not defined as a subdivision. Minor land divisions include the division of land resulting in not more than four parcels or building sites, any one of which is 10 acres or less in size; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Minor land divisions require a CSM. A land division creating a parcel or parcels greater than 10 acres does not require a CSM but does require review by the Town Plan Commission and approval by the Town Board.
Town of Jackson	Yes	Yes	Ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites 10 acres each or less in area or where five or more parcels or building sites of 10 acres or less in area are created within a five-year period. A minor subdivision is defined as the division of land resulting in not more than four parcels or building sites, any one of which is 10 acres or less in size; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Such a minor land division requires a CSM. A minor land division creating a parcel or parcels greater than 10 acres does not require a CSM but does require approval by the Town Park and Planning Commission.

Table continued on next page.

Table 2.8 (Continued)

Unit of Government	Land Division Ordinance ^a	Applies to Other Land Divisions ^b	Scope of Ordinance ^c
Town of Kewaskum	Yes	Yes	Ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites 10 acres each or less in area or where five or more parcels or building sites of 10 acres each or less in area are created within a five-year period. A minor land division is defined as the division of land resulting in not more than four parcels or building sites or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Minor land divisions require a CSM
Town of Polk	Yes	Yes	Ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites of 1.5 acres each or less in area or where five or more parcels or building sites of 1.5 acres each or less in area are created within a five-year period (statutory definition). A minor land division is defined as the division of land resulting in not more than four parcels or building sites, any one of which is less than 20 acres in size; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Minor land divisions require a CSM. A land division creating a parcel or parcels greater than 20 acres does not require a CSM but does require approval by the Town Plan Commission
Town of Trenton	Yes	Yes	Ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites of 1.5 acres each or less in area or where five or more parcels or building sites of 1.5 acres each or less in area are created within a five-year period (statutory definition). A minor land division is defined as any division of land not defined as a subdivision, including the division of land resulting in two but not more than four parcels or building sites of any size or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Minor land divisions require a CSM
Town of Wayne	Yes	Yes	Ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites of 10 acres each or less in area or where an act of division creates five or more parcels or building sites of 10 acres each or less in area within a period of five years. A minor land division is defined as any division of land resulting in not more than four parcels or building sites, any one of which is 10 acres or less; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Divisions of land creating one or more lots or building sites greater than ten (10) acres in area must submit a plat of survey for Town review and approval
Town of West Bend	Yes	Yes	Ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites 1.5 acres each or less in area or where five or more parcels or building sites of 1.5 acres or less in area are created within a five-year period (statutory definition). A minor land division is defined as any division of land not defined as a subdivision, including the division of land resulting in two but not more than four parcels or building sites, any one of which is less than 10 acres in size; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. All such minor land divisions require a CSM. The division of land creating lots or building sites greater than 10 acres in area also requires a CSM for Town review and approval

^a Governing body has adopted a land division ordinance.

^b Ordinance applies to divisions of land other than subdivisions as defined under Chapter 236 of the Wisconsin Statutes, a subdivision is defined as the division of a lot, parcel, or tract of land where the act of division creates five or more parcels or building sites of 1.5 acres each or less in area; or where five or more parcels or building sites of 1.5 acres each or less in area are created by successive divisions within a period of five years.

^c Subdivisions require submittal of a plat for review and approval by the plan commission and governing body. Minor land divisions typically require submittal of a certified survey map (CSM) for approval.

^d The Washington County shoreland zoning ordinance requires County approval of subdivisions in shoreland areas creating three or more lots of five acres or less, as required by Section 115.05 of the Wisconsin Administrative Code.

Source: SEWRPC (from County and local land division ordinances).

A municipality may also waive its right to approve plats within any portion of its extraterritorial area by adopting a resolution that describes or maps the area in which it will review plats, as provided in Section 236.10(5) of the *Wisconsin Statutes*. The resolution must be recorded with the County Register of Deeds. The Cities of West Bend and Hartford and the Villages of Germantown, Jackson, Kewaskum, Newburg, Richfield, and Slinger have extraterritorial plat authority over adjacent land in unincorporated areas. Under the boundary agreement between the City of Hartford and the Towns of Erin, Hartford, and Richfield described earlier in this chapter, the Village of Richfield has agreed not to exercise extraterritorial plat review in the Town of Erin or in areas where the City of Hartford has such authority under conditions set forth in the agreement. The intergovernmental agreement between the City of Hartford and the Town of Erin and that between the City of Hartford and the Village of Slinger also include conditions under which the City and Village waive their extraterritorial platting authority, as described earlier in this chapter.

Official Mapping Ordinances

Section 62.23(6) of the *Wisconsin Statutes* allows the common council of any city to establish an official map for the precise identification of right-of-way lines and boundaries of streets, highways, waterways, and parkways and the location and extent of railroad rights-of-way, public transit facilities, parks, and playgrounds. An official map is intended to be used as a precise planning tool for implementing comprehensive plans and for insuring the availability of land for the above features.

The authority to develop an official map is set forth in Section 62.23 of the *Statutes* for cities and Section 61.35 for villages. Similarly, Section 60.10(2)(c) authorizes towns to prepare an official map provided that the town board has adopted village powers and created a town plan commission, which each town in Washington County has done. As any city, village, or town in the County adopts an official map by ordinance or resolution, the clerk of that community must record a certificate with the Washington County register of deeds showing that the community has established an official map.

One of the basic purposes of the official map is to discourage the construction of structures or improvements on land that has been designated for future public use. Local government subdivision ordinances can require land that is officially mapped for street, park, or other public use to be dedicated for that use when the land is subdivided. Unlike subdivision control, which operates on a plat-by-plat basis, the official map is a plan implementation device that operates on a communitywide basis in advance of land development, thereby effectively assuring the integrated development of the street and highway system. The official map is a useful device to achieve public acceptance of long-range plans in that it serves legal notice of the government's intention well in advance of any actual improvements. The Cities of Hartford and West Bend and the Village of Jackson have adopted official maps. The maps were last updated in 2013, 2001, and 2009, respectively.

