

SEWRPC Community Assistance Planning Report No. 295
A COMPREHENSIVE PLAN FOR THE TOWN OF POLK: 2035

Chapter VI

LAND USE ELEMENT

INTRODUCTION

The land use element is one of the nine elements of a comprehensive plan required by Section 66.1001 of the *Wisconsin Statutes*. Section 66.1001(2)(h) of the *Statutes* requires this element to compile goals, objectives, policies, programs, and maps to guide future development and redevelopment of public and private property. The *Statutes* also require this element to include:

- Information regarding the amount, type, and intensity or density of existing land uses
- Land use trends
- Potential land use conflicts
- Projected land use needs in five year increments to the plan design year (2035)
- Maps showing existing and future land uses; productive agricultural soils; natural limitations to building site development; floodplains, wetlands, and other environmentally sensitive lands; and boundaries of areas to which public utility and community services will be provided by the plan design year

In addition, the 14 State of Wisconsin comprehensive planning goals, which are related to each of the nine comprehensive plan elements, set forth in Section 16.965 of the *Statutes* must be addressed as part of the Town comprehensive planning process.¹ The Land Use Element relates to each of the other comprehensive plan elements, and therefore relates to all 14 State comprehensive planning goals. Goals that are most directly related to the Land Use Element include:

- Promotion of the redevelopment of land with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial, and industrial structures.
- Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces, and groundwater resources.
- Protection of economically productive areas, including farmland and forests.
- Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, State government, and utility costs.
- Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial, and industrial uses.
- Balancing property rights with community interests and goals.
- Planning and development of land uses that create or preserve varied and unique urban and rural communities.

Section 16.965 also requires the identification of “Smart Growth Areas” in County and local plans. A “Smart Growth Area” is defined by the *Statutes* as “an area that will enable the development and redevelopment of lands with existing infrastructure and municipal, State, and utility services, where practicable, or that will encourage

¹ Chapter I lists all 14 comprehensive planning goals included in Section 16.965 of the *Statutes*.

efficient development patterns that are both contiguous to existing development and at densities which have relatively low municipal, state governmental, and utility costs.”

All of the information required by the comprehensive planning law is provided in this chapter.

PART 1: EXISTING LAND USE CONDITIONS AND TRENDS

Land Use Trends

The Southeastern Wisconsin Regional Planning Commission (SEWRPC) periodically conducts a detailed land use inventory of the seven-county Region to inventory and monitor urban growth and development occurring over time. The land use inventory places all land and water areas into one of 66 land use categories. The most current detailed land use inventory was conducted in 2000. Based on that inventory, urban land uses, including residential, commercial, industrial, governmental and institutional, recreational, and transportation, communication, and utility uses, encompassed 3,590 acres, or about 18 percent of the Town. Nonurban land uses, consisting of agricultural lands; natural resource areas, including surface waters, wetlands, and woodlands; extractive sites; and open land, encompassed 16,554 acres, or about 82 percent of the Town. Agriculture was the single largest land use, encompassing 10,386 acres, or about 52 percent of the Town in 2000.

The number of acres in various land use categories in the Town of Polk in 1980, 1990, and 2000 is shown on Table VI-1. Table VI-1 also includes the acreage and percentage changes in each land use category in 1980, 1990, and 2000.

Between 1980 and 2000, the amount of land used for urban uses, including residential, commercial, industrial, and transportation uses, increased by about 1,621 acres, from about 1,969 acres to about 3,590 acres, or about 82 percent. The amount of land used for residential, commercial, and industrial purposes more than doubled during this time period. Most of the increase was due to single-family residential development, which increased by 818 acres, or by about 101 percent, between 1980 and 2000.

The percentage of land classified as “nonurban” decreased by about 9 percent between 1980 and 2000. Much of the land developed for urban uses between 1980 and 2000 was converted from agricultural to urban use. The amount of land used for agriculture decreased by about 3,250 acres, or by about 24 percent. The number of acres in the “open lands” category, that is, lands that are vacant and apparently unused, increased by about 1,288 acres during the 1980 to 2000 period. Much of the increase in the “open lands” category is likely due to land being taken out of agriculture. The acreage of woodlands, wetlands, and surface waters increased by about 6 percent between 1980 and 2000, due primarily to an increase in wooded areas in the Town. The area within extractive sites increased by about 154 percent, from 108 acres in 1980 to 274 acres in 2000.

Land Price

Equalized value trends by real estate class in the Town in 2003 and 2007 are set forth in Table VI-2. All real estate classes except forest land experienced an increase in equalized value. Commercial properties experienced the greatest increase in equalized value, with an increase of over 73 percent; and the equalized value of residential properties increased by over 31 percent. The Town experienced an overall increase in equalized value of about 33 percent between 2003 and 2007, compared to a 40 percent increase in Washington County over the same period.

Existing Land Uses in 2008

The Town of Polk, through its comprehensive plan, must look ahead at least twenty years to ensure adequate supplies of land for urban and nonurban land uses. To ensure that future planning reflects land use development that has occurred to date, the 2000 land use inventory was updated to 2008, based on the 2005 aerial photographs produced by SEWRPC, the record of subdivision and condominium plats maintained by Washington County, field checks, and consultation with Town officials. Major development in the Town between 2000 and 2008

Table VI-1

LAND USE TRENDS IN THE TOWN OF POLK: 1980-2000

Land Use Category	Area (Acres)			Change in Area					
	1980	1990	2000 ^a	1980-1990		1990-2000		1980-2000	
				Acres	Percent Change	Acres	Percent Change	Acres	Percent Change
Urban									
Residential									
Single-Family.....	805	1,041	1,625	236	29.3	584	56.1	820	101.9
Two-Family.....	1	1	1	--	--	--	--	--	--
Multi-Family.....	--	--	--	--	--	--	--	--	--
Mobile Homes.....	3	3	1	--	--	-2	-66.7	-2	-66.7
Subtotal	809	1,045	1,627	236	29.2	582	56.0	818	101.1
Commercial.....	33	48	67	15	45.5	19	39.6	34	103.0
Industrial.....	22	32	70	10	45.5	38	118.8	48	218.2
Transportation, Communications, and Utilities									
Street and Highway Rights-of-Way.....	801	1,037	1,325	236	29.5	288	27.8	524	65.4
Railroad Rights-of- Way.....	135	135	135	--	--	--	--	--	--
Communications, Utilities, and Other Transportation.....	44	43	37	-1	-2.3	-6	-14.0	-7	-15.9
Subtotal	980	1,215	1,497	235	24.0	282	23.2	517	52.8
Governmental and Institutional.....	18	21	21	3	16.7	--	--	3	16.7
Recreational.....	107	104	308	-3	-2.8	204	190.7	201	187.9
Urban Subtotal	1,969	2,465	3,590	496	25.2	1,125	45.6	1,621	82.3
Nonurban									
Natural Resource Areas									
Woodlands.....	2,000	2,100	2,134	100	5.0	34	1.6	134	6.7
Wetlands.....	1,783	1,788	1,820	5	0.3	32	1.8	37	2.1
Surface Water.....	210	238	264	28	13.3	26	10.9	54	25.7
Subtotal	3,993	4,126	4,218	133	3.3	92	2.2	225	5.6
Agricultural.....	13,636	12,279	10,386	1,357	-10.0	-1,893	-15.4	3,250	-23.8
Landfills.....	50	50	--	--	--	-50	-100.0	-50	-100.0
Extractive.....	108	214	274	106	98.1	60	28.0	166	153.7
Open Lands.....	388	1,010	1,676	622	160.3	666	65.9	1,288	332.0
Nonurban Subtotal	18,175	17,679	16,554	-496	-2.7	-1,125	-6.4	1,621	-8.9
Total^b	20,144	20,144	20,144	--	--	--	--	--	--

^aAs part of the regional land use inventory for the year 2000, the delineation of existing land use was referenced to real property boundary information not available for prior inventories. This change increases the precision of the land use inventory and makes it more usable to public agencies and private interests throughout the Region. As a result of the change, however, year 2000 land use inventory data are not strictly comparable with data from the prior inventories. The most significant effect of the change is to increase the transportation, communication, and utilities category due to the use of actual street and highway rights-of-way as part of the 2000 land use inventory, as opposed to the use of narrower estimated rights-of-way in prior inventories. This treatment of streets and highways generally diminishes the area of adjacent land uses traversed by those streets and highways in the 2000 land use inventory relative to prior inventories.

^bIncludes areas within the Town as of January 1, 2007.

Source: SEWRPC.

Table VI-2

EQUALIZED VALUE BY REAL ESTATE CLASS IN THE TOWN OF POLK: 2003 and 2007

Real Estate Class	Statement of Equalized Values 2003 ^a				Statement of Equalized Values 2007 ^b				Change in Equalized Value 2003 and 2007	
	Acres	Land	Improvements	Total	Acres	Land	Improvements	Total	Number	Percent
Residential	4,550	\$132,175,100	\$255,313,600	\$387,488,700	4,749	\$172,315,400	\$335,504,900	\$507,820,300	\$120,331,600	31.1
Commercial	564	8,329,600	20,125,200	28,454,800	554	13,165,300	36,141,500	49,306,800	20,852,000	73.3
Manufacturing.....	255	1,769,700	7,671,100	9,440,800	243	1,762,300	7,876,500	9,638,800	198,000	2.1
Agricultural	8,857	1,747,400	N/A	1,747,400	8,186	1,834,000	N/A	1,834,000	86,600	5.0
Undeveloped	1,873	5,817,000	N/A	5,817,000	1,869	6,413,100	N/A	6,413,100	596,100	10.2
Ag Forest.....	0	N/A	N/A	N/A	863	6,472,500	N/A	6,472,500	N/A	N/A
Swamp and Waste ..	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Forest.....	1,090	5,363,600	N/A	5,363,600	79	1,185,000	N/A	1,185,000	-4,178,600	-77.9
Other ^c	149	2,032,800	8,309,300	10,342,100	136	3,201,100	8,641,300	11,842,400	1,500,300	14.5
Total	17,338	\$157,235,200	\$291,419,200	\$448,654,400	16,679	\$206,348,700	\$388,164,200	\$594,512,900	\$145,858,500	32.5

^aEqualized values for 2003 were as of March 15, 2004.

^bEqualized values for 2007 were as of November 15, 2007.

^cThis category includes agricultural buildings and improvements and the land necessary for their location.

Source: Wisconsin Department of Revenue and SEWRPC.

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included development of St. Joseph's Hospital, an Ashley Furniture store in the southeastern corner of the Town just north of the Cabela's store in the Village of Richfield, expansion of the Wissota Sand and Gravel Company, the Neuburg Farms single-family residential subdivision with 21 lots on about 110 acres in the southwest portion of the Town, development of Ackerman's Grove County Park, and development of Cedar Springs Church.

Map VI-1 shows generalized land use in the Town in mid-2008. Acres within each land use category are shown on Table VI-3. The generalized land use map differs from the more precise 2000 land use inventory map (Map V-2) in that the generalized map includes farmhouses in the "agricultural" category rather than the "residential" category. Undeveloped portions of lots less than five acres were designated with the primary use of the lot, except where a portion of a lot was used for residential or another urban use and the remaining portion was used for agriculture. In such cases, both the urban use and the agricultural use were mapped. The number of acres in the single-family residential category was significantly higher in 2008 than in 2000, due in part to the entire lot area of lots less than five acres with a home, and no portion of the lot used for agriculture, being included in residential land use category. Previously, portions of such lots that were not developed with a home, driveway, or accessory buildings (such as sheds) or used for agriculture were included in the "open lands" category. Some of the increase in the area devoted to commercial and industrial uses between 2000 and 2008 is also attributable to areas on commercial and industrial lots that were categorized as "open lands" in the 2000 and earlier land use inventories being identified as commercial or industrial lands in the 2008 land use update.

Urban Land Uses

Urban land uses include residential, commercial, industrial, governmental and institutional, recreational, and transportation, communication, and utility uses. Urban uses encompassed 5,212 acres, or about 26 percent of the Town in 2008.

Residential

Residential land comprised the largest urban land use category in the Town in 2008. Residential uses encompassed 2,707 acres, or about 52 percent of all urban land and about 13 percent of the Town. Virtually all residential uses in the Town were single-family; however, there was one two-family dwelling in the Town in 2008.

Commercial

In 2008, commercial land encompassed 163 acres, or about 3 percent of all urban land and about 1 percent of the Town. Commercial development was primarily concentrated along USH 41 and 45, adjacent to the Village of Slinger, and scattered at various locations along arterial streets and highways. Commercial uses included retail stores, restaurant/taverns, motels, gas station/convenience stores, self-storage lockers, auto repair shops, used truck and auto dealers, implement/trailer/RV dealers, landscaping supply retailers, nurseries, pet day care businesses, heating and air conditioning contractors, a utility and communications contractor, an electrical contractor, a general contractor, and a stable.

Industrial

In 2008, industrial land encompassed 133 acres, or about 3 percent of all urban land and about 1 percent of the Town. Industrial uses were concentrated along USH 41, USH 45, STH 60, and STH 175. Industrial uses included extractive uses, trucking companies, distributors and suppliers, storage buildings, outdoor storage facilities, and manufacturing companies.

Transportation, Communication, and Utilities

Transportation, communication, and utility land uses, which include arterial streets and highways, collector and minor (land access) streets, railways, and communication and utility facilities, comprised the second largest urban land use category. These uses encompassed 1,603 acres, or about 31 percent of all urban land and about 8 percent of the Town. Arterial highways serving the Town include US 41, US 45, STH 175, STH 145, STH 60, STH 144, STH 164, CTH E, CTH K, CTH NN, CTH C, CTH CC, CTH P, CTH PV, and CTH Z. Arterial street rights-of-way encompassed 890 acres, or about 61 percent of the area within street rights-of-way, and nonarterial street rights-of-way encompassed 561 acres. Railroad rights-of-way encompassed 144 acres, or about 1 percent of the Town, and included a segment of the shared Canadian National (CN) Railway and Wisconsin and Southern

Table VI-3
LAND USES IN THE TOWN OF POLK: 2008

Land Use Category ^a	Acres	Percent of Subtotal (Urban or Nonurban)	Percent of Total
Urban			
Residential			
Single-Family	2,706	51.9	13.4
Two-Family	1	-- ^b	-- ^b
Subtotal	2,707	51.9	13.4
Commercial	163	3.1	0.8
Industrial.....	133	2.6	0.7
Transportation, Communications, and Utilities			
Street and Highway Rights-of-Way.....	1,451	27.8	7.2
Railroad Right-of-Way.....	144	2.8	0.8
Communications, Utilities, and Other			
Transportation ^c	8	0.2	-- ^b
Subtotal	1,603	30.8	8.0
Governmental and Institutional ^d	219	4.2	1.1
Recreational ^e	387	7.4	1.9
Urban Subtotal	5,212	100.0	25.9
Nonurban			
Natural Resource Areas			
Woodlands.....	2,119	14.2	10.5
Wetlands.....	1,828	12.2	9.1
Surface Water.....	256	1.7	1.3
Subtotal	4,203	28.1	20.9
Agricultural ^f	9,542	63.9	47.3
Extractive.....	323	2.2	1.6
Open Lands ^g	864	5.8	4.3
Nonurban Subtotal	14,932	100.0	74.1
Total	20,144	--	100.0

Note: This table, and the accompanying map, is more general than the land use inventory conducted in 2000. The two inventories are therefore not directly comparable, due primarily to the inclusion of farmhouses as an agricultural use on parcels of 20 acres or larger, and the identification of entire parcels of five acres or less as residential areas if a house was on the property in 2008. Also, lands under development in 2008 are included in the underlying category. For example, lands platted for residential use but not yet developed are included in the residential category.

^aParking included in associated use.

^bLess than 0.05 percent.

^c"Other Transportation" includes airstrips and transportation facilities not classified as street or railroad rights-of-way. Truck terminals, including terminals on CTH P in Section 36 and CTH NN in Section 7, were classified as "other transportation" in the 1980, 1990, and 2000 inventories, but are classified as industrial in the 2008 inventory.

^dIncludes government offices, hospitals, cemeteries, religious institutions, and similar facilities.

^eIncludes areas within park and open space sites outside woodlands, wetlands, surface water, and lands being farmed.

**Table VI-3
(continued)**

^fFarmhouses are categorized as agricultural uses on parcels of 20 acres or larger in agricultural use.

^gOpen lands includes lands in rural areas that are not being farmed and other lands that have not been developed, including residual lands or outlots attendant to existing urban development that are not expected to be developed.

Source: SEWRPC.

Railroad (WSOR) Company railway in the south and west portions of the Town, generally parallel to STH 175. A description of highway and street classifications and rail services is provided in the Transportation Element (Chapter VIII).

Communication-related land uses included eight cell tower sites accommodating antennas for seven companies (see Table IX-1 in Chapter IX). Land used for utilities included electrical substations and a pumping station. Communication facilities and utilities encompassed eight acres, or less than 1 percent of the Town.

Governmental and Institutional

In 2008, land used for government and institutional uses encompassed about 219 acres, or about 4 percent of all urban land and 1 percent of the Town. Governmental and institutional lands in the Town include the Town Hall and Park, St. Joseph's Hospital, the Washington County Humane Society, the former Highway View School,² four churches, and seven cemeteries. Information about these community facilities is presented in Chapter IX.

Recreational

In 2008, recreational land encompassed about 387 acres, or about 7 percent of all urban land and about 2 percent of the Town. This category includes portions of park and open space sites that are not being farmed and are located outside of woodlands, wetlands, or surface waters. Park and open space sites classified as recreational include three privately owned sites, the Scenic View Country Club, Country Sport, and Cedar Lake Hills Subdivision Park, and three County parks, Ackerman's Grove, Heritage Trails, and Washington County Fair Park. There is also a Town Park adjacent to the Town Hall, which is designated as Governmental and Institutional on Map VI-1. A complete inventory of park and open space sites in the Town is included in Chapter V.

Nonurban Land Uses

Nonurban land uses consist of agricultural lands; natural resource areas, including surface waters, wetlands, and woodlands; extractive sites; and unused land. As indicated in Table VI-3 and on Map VI-1, nonurban land uses encompassed about 14,932 acres, or about 74 percent of the Town, in 2008. Significant portions of the Town were used for agricultural purposes (about 47 percent) or encompassed within woodlands and wetlands (an additional 20 percent).

Agricultural Lands

Agriculture was the predominant land use in the Town in 2008. Agricultural lands encompassed 9,542 acres, or about 47 percent of the Town. Agricultural lands include all croplands, pasture lands, and farm buildings. A more detailed inventory of agricultural land in the Town is included in Chapter V.

Natural Resource Areas

Natural resource areas consisting of surface water, wetlands, and woodlands combined to encompass 4,203 acres, or about 21 percent of the Town, in 2008. Natural resource areas included lakes, rivers, streams, 2,119 acres of woodlands, and 1,828 acres of wetlands. Major natural resource lands in the Town include portions of Big Cedar, Little Cedar, Mud, and Tilly Lakes, the Coney River, and Cedar Creek. A complete inventory of natural resource areas is included in Chapter V.

Extractive Sites

There were three active nonmetallic mining (extractive) sites in the Town in 2008, which encompassed 323 acres, or about 2 percent of nonurban land uses and about 2 percent of the Town. Wissota Sand & Gravel Company is the largest extractive operation in the County and the Town and is located in Section 34 in the south-central portion of the Town. A second extractive site (Payne & Dolan) is located in Section 34, adjacent to the Wissota Sand & Gravel Company site. A third extractive site, operated by Washington County, is located in Section 31 in the southwest portion of Heritage Trails Park. A fourth extractive site (SRM Richfield), located in Section 34

² The former Highway View School grounds are being used as a temporary park-ride lot until a permanent lot is constructed near the USH 41/45 and Pioneer Road interchange.

adjacent to the Wissota Sand & Gravel Company and Payne & Dolan sites, is currently used for stockpiling materials. A complete inventory of extractive sites is included in Chapter V.

Open Lands

Open lands encompassed 864 acres, or about 4 percent of the Town. Open lands include lands in rural areas that are not being farmed, and other lands that have not been developed. Examples of lands in the latter category include lots that have been platted but not yet developed and undeveloped portions of commercial, industrial, and residential lots larger than five acres.

Former Landfills and Contaminated Sites

Former Landfills

There are no active landfills in the Town. The Wisconsin Department of Natural Resources (DNR) has identified six former landfills, as shown on Table VI-4, in its registry of waste disposal sites. The former landfill sites are shown on Map VI-3, Natural Limitations for Building Site Development. The DNR registry of waste disposal sites includes active, inactive, and abandoned sites where solid or hazardous wastes were known or likely to have been disposed. The inclusion of a site does not mean that environmental contamination has occurred, is occurring, or will occur in the future, but is intended to serve as a general informational source for the public and Town officials regarding the location of waste disposal sites. None of the six former landfill sites has been identified as a contaminated site by the DNR. The following paragraph provides information about contaminated sites.

Contaminated Sites

The DNR Bureau for Remediation and Redevelopment identifies and monitors contaminated sites. Contaminated sites include leaking underground storage tank (LUST) sites and environmental repair (ERP) sites. A LUST site has soil and/or groundwater contaminated with petroleum, which includes toxic and cancer causing substances. However, given time, petroleum contamination naturally breaks down in the environment (biodegradation). The DNR has identified two active LUST sites in the Town, which are listed in Table VI-4.

An ERP site is a site, other than a LUST, that has contaminated soil and/or groundwater. Examples include industrial spills (or dumping) that require long-term investigation, buried containers of hazardous substances, or closed landfills that have caused contamination. ERP sites also include areas with petroleum contamination from above-ground (but not from underground) storage tanks. No active ERP sites are located in the Town.

PART 2: BACKGROUND DATA AND MAPS

Maps

Chapters II through XI provide background data and maps used to help design the Town land use plan. In addition to the detailed inventories included in these chapters, the following maps have been compiled to assist with the development of the land use plan. The comprehensive planning law requires that the following maps be included in the land use element:

- ***Productive Agricultural Soils***

A land evaluation and site assessment (LESA) analysis was conducted as part of the multi-jurisdictional comprehensive planning process to meet this requirement and to develop goals and objectives for farmland preservation as part of the Agricultural, Natural, and Cultural Resources Element of the County and Town plans. Map V-1 in Chapter V shows the results of this analysis. The LESA Analysis will be used to help update the Washington County Farmland Preservation Plan following adoption of the County comprehensive plan by the Washington County Board of Supervisors.

- ***Environmentally Sensitive Lands***

Environmentally sensitive lands are shown on Map VI-2, and include primary environmental corridors, secondary environmental corridors, isolated natural resource areas, and surface waters. Natural areas are also

Table VI-4

**FORMER LANDFILLS AND CONTAMINATED SITES IDENTIFIED BY THE
 DEPARTMENT OF NATURAL RESOURCES IN THE TOWN OF POLK: 2008**

Name	Site Location	Activity Type ^a	Size (acres)	Status/Comments
Acme Disposal - Waste Management #307	STH 175	Former Landfill	10.0	Closed landfill declared an "open" contaminated site by DNR in 1980 and changed to "no action required" in 2003
Ferdinand Andes Landfill	4450 STH 60	Former Landfill	0.2	Closed landfill declared an "open" contaminated site by DNR in 1980 and changed to "no action required" in 2003
Leroy Schmidt Dump	2777 Scenic Road	Former Landfill	8.9	Closed landfill declared an "open" contaminated site by DNR in 1980 and changed to "no action required" in 2003
Miller Brewery - Kratz Property	4390 Sherman Road	Former Landfill	0.6	Former Superfund site. Environmental Protection Agency approved a No Further Remedial Action Planned recommendation in 1991. Classified as "no action required" by the DNR
Roland Koester Landfill	4730 Mayfield Road	Former Landfill	0.6	Closed landfill declared an "open" contaminated site by DNR in 1980 and changed to "no action required" in 2003
Town of Polk (Lewis Property) #951	4576 Sherman Road	Former Landfill	1.0	Closed landfill declared an "open" contaminated site by DNR in 1980 and changed to "no action required" in 2003
Manthey Residence	3848 Lovers Lane	LUST	-- ^b	Soil contamination from gasoline. Declared an "open site" by DNR in 1998. Received non-responder audit in 2002, information forthcoming
Stuckey's 41 Pantry	3135 Scenic Drive	LUST	-- ^b	Groundwater and soil contamination from petroleum within 100 feet of a private well. Declared an "open site" by DNR in 1997. Site currently in commercial use
Total - 8 sites	--	--	--	--

^aIncludes former landfills and Leaking Underground Storage Tank (LUST) contaminated sites.

^bDNR does not determine the size of each contaminated site, therefore, this information is not available.

Source: Wisconsin Department of Natural Resources (DNR) and SEWRPC.

shown on the map. Recommendations for the protection and management of these resources are included in the Agricultural, Natural, and Cultural Resources Element (Chapter V).

- ***Natural Limitations to Building Site Development***

Several natural resource features that may limit development were identified by the Town Board and Town Plan Commission, and are shown on Map VI-3. The Town identified floodplains, wetlands, surface waters, nonmetallic mining sites, slopes of 20 percent or more, hydric soils, and former landfills and contaminated sites as potential limitations to development. Recommendations for the management of these features are included in Part 4 of this chapter and in Chapter V.

- ***Utilities and Community Services***

The comprehensive planning law requires the land use element to include maps showing boundaries of areas to which public utility and community services will be provided by the plan design year. Chapter IX includes such maps for the Town.

Opportunities for Redevelopment and Smart Growth Areas

The greatest opportunities for redevelopment in Washington County exist where there is available land served by existing infrastructure, typically in the older and underutilized commercial buildings and parcels located in and adjacent to the traditional downtowns, and older shopping centers located in cities and villages. The following areas were identified as potential “Smart Growth Areas” in the Multi-Jurisdictional Comprehensive Plan for Washington County:

- Environmentally contaminated sites identified by local governments as suitable for redevelopment
- Underutilized parcels in and adjacent to traditional downtowns, including older shopping centers
- Undeveloped land within planned urban service areas that is adjacent to existing development and does not encompass lands with significant environmental features or potential for long-term agricultural use³
- Hamlets identified for urban development in local land use plans.

One environmentally contaminated site has been identified in the Town, which has been developed for urban use. The Town of Polk land use plan, which is graphically summarized on Map VI-4, generally envisions a rural town with agricultural, large-lot residential, extractive, and recreational uses. However, the Town is heavily impacted by a number of urban uses, including major arterial highways (USH 41, USH 45, and STH 60), the rapidly-expanding Villages of Jackson and Slinger on the east and west, the Washington County Fair Park and St. Joseph’s Hospital in the northeast corner along USH 45, and the Cabela’s store adjacent to the Town in the southeast corner in the recently-incorporated Village of Richfield. The Town has designated areas along STH 60 and USH 45 for Mixed Use, envisioning a mix of commercial, industrial, and institutional uses. Although public sewer and water services to the Town are currently limited to service from the Village of Jackson to the Fair Park and St. Joseph’s Hospital, many of the areas designated for Mixed Use on the land use plan map are within either the Village of Jackson or Village of Slinger sewer service area. If the Town determines to enter into a boundary or cooperative agreement with either of the Villages, and the Villages agree, there is a potential to obtain public water and sewer services for some or all of the areas designated for Mixed Use development. Because the mixed use areas are in or adjacent to the existing Village sewer service areas and would be an extension of urban development in the Villages, the more intensive development that could occur with public sewer and water would meet the definition of “Smart Growth Areas” in the *Statutes*. Development in such areas without public sewer or water would likely limit the type and intensity of future commercial, industrial, and institutional uses.

Existing and Potential Land Use Conflicts

The potential for land use conflicts is greatest in city and village planning areas that include areas within a town. Section 62.23 of the *Statutes* allows cities and villages to include areas outside their corporate limits in their comprehensive plans, including any unincorporated land outside city or village boundaries that, in the plan

³*Lands with significant environmental features are identified on Map VI-2 (Environmentally Sensitive Lands) and VI-3 (Natural Limitations to Building Site Development). Lands with potential for long-term agricultural use are identified on Map V-1, LESA Analysis Map, in Chapter V.*

commission's judgment, relates to the development of the city or village. City and village planning areas are typically associated with city and village extraterritorial areas.⁴ Potential land use conflicts can arise in these areas because they may be planned for in both the town comprehensive plan and the city or village comprehensive plan, with different or conflicting land uses recommended by each plan. The Town of Polk is within the extraterritorial areas of the City of West Bend and the Villages of Germantown, Jackson, Slinger, and Richfield.

The Village of Slinger has included portions of the Town of Polk in the planning area used to prepare the Village comprehensive plan. The village plan map designates residential uses for most Town areas included in its plan; however, the Village plan recommends a residential development density of one home per acre, while the Town has historically and continues to require five acres per dwelling. In addition, the Village land use plan map does not include the extractive sites in Section 34 on its map.

The City of West Bend, Village of Germantown, and Village of Richfield have not included any part of the Town of Polk within the planning areas used to prepare the City or Village comprehensive plans. The Village of Jackson has not yet adopted a comprehensive plan, so no analysis could be conducted of potential conflicts with the Town of Polk plan recommendations.

A boundary agreement between a town and an adjacent city or village is one way to avoid land use conflicts between towns and adjacent cities and villages. Boundary agreements are described in the Intergovernmental Cooperation Element (Chapter XI). Chapter XI also describes the dispute resolution process developed as part of the Washington County Multi-Jurisdictional Comprehensive Plan, which may also be used to help resolve disagreements, on a voluntary basis, arising from the implementation of adopted comprehensive plans.

PART 3: TOWN OF POLK LAND USE PLAN

Land Use Plan

The land use plan map for the Town of Polk for the year 2035 is presented on Map VI-4.⁵ Table VI-5 sets forth the number of acres and percent of the Town in each land use category on the Land Use Plan map. The Town of Polk land use plan, which is graphically summarized on Map VI-4, generally envisions a rural town with agricultural, large-lot residential, extractive, and recreational uses. Exceptions include existing urban development and new urban uses along USH 45 and STH 60 and adjacent to the Village of Jackson on the east, Slinger on the west, and the Cabela's store adjacent to the southeast corner of the Town. Recommendations related to future land uses are included in this section and in the goals, objectives, policies, and programs presented in Part 4.

Agricultural or Rural Residential

Agricultural and rural residential uses occupy 11,224 acres, or about 56 percent of the Town, on the 2035 land use plan map. The agricultural and rural residential category would allow all agricultural uses, as well as rural-density residential development with an average density of at least five acres per home. The plan encourages the continuation of agricultural activity in these areas, whether it is conventional farming or hobby farming.

⁴ *The Wisconsin Statutes grant cities and villages the authority to approve or deny subdivision plats within 1.5 miles of villages and cities of the fourth class, and within three miles of cities of the first, second, or third class. The Cities of Hartford and West Bend are cities of the third class. Cities and villages may also enact extraterritorial zoning regulations for their extraterritorial areas, but must work with the affected town to develop and approve such regulations. Appendix C provides additional information on city and village extraterritorial authorities.*

⁵ *The base map for the land use plan map was updated in February 2009 to reflect the annexation of the Helsan Business Park (47 acres) in the southeastern portion of the Town by the Village of Richfield, and the annexation of three acres in the central part of the Town by the Village of Slinger. The other maps in this report reflect Town limits prior to the annexations.*

Table VI-5

PLANNED LAND USES IN THE TOWN OF POLK: 2035

Land Use Category	Acres^a	Percent
Agricultural or Rural Residential	11,224	55.7
Suburban Density Residential.....	1,113	5.5
Mixed Use	1,920	9.5
Industrial.....	289	1.4
Institutional	277	1.4
Park.....	868	4.3
Extractive	775	3.9
Street and Highway Rights-of-Way.....	1,451	7.2
Railroad Rights-of-Way.....	144	0.7
Wetlands	1,827	9.1
Surface Water	256	1.3
Total	20,144	100.0
Overlay Category		
Primary Environmental Corridor.....	2,956	14.7

^aAcres do not reflect annexations of Town land that occurred after January 1, 2008. The Villages of Richfield and Slinger annexed approximately 47 and three acres, respectively, of Town land in 2008. The areas that were annexed are shown on Map VI-4.

Source: Town of Polk and SEWRPC.

Suburban Density Residential

Suburban density residential uses occupy 1,113 acres, or about 5 percent of the Town, on the 2035 land use plan map. The suburban density residential category is intended to accommodate single-family homes in subdivisions, on lots of between 60,000 square feet (about 1.5 acres) and five acres in size. Most of the areas shown in this category are existing residential subdivisions, existing residential development in the hamlets of Cedar Creek and Mayfield, and residential areas around Big and Little Cedar Lakes. Many of the residential areas in this category were platted prior to the adoption of zoning regulations and are smaller than the 60,000 square feet or five acres that would be required under the R-1 and A-1 districts, respectively, in the Town zoning ordinance.

Mixed Use

The mixed-use category occupies 1,920 acres, or about 9 percent of the Town, on the 2035 land use plan map, and is intended to accommodate business, industrial, institutional, and other non-residential uses, in accordance with the Town zoning map and ordinance. It is envisioned that individual parcels within the area designated for mixed use would be placed in a business, industrial, institutional, or park zoning district, rather than a variety of uses and zoning districts being placed on a single parcel. Mixed use areas are located along major arterial highways to provide access to future businesses, to minimize truck traffic in residential areas, and to separate residential uses from the noise associated with major highways.

Industrial

The plan envisions that the areas devoted to industrial land uses would occupy 289 acres, or about 1 percent of the Town. This category would accommodate manufacturing and other industrial uses, such as outdoor storage of commercial vehicles, building materials, and asphalt plants. Industrial areas may also be allowed within areas designated as "Mixed Use."

Institutional

The Institutional land use category includes governmental and institutional buildings and grounds for which the primary function involves administration, safety, health, or educational purposes; and also includes churches and cemeteries. Major institutions in the Town include the Town Hall and Park, St. Joseph's Hospital, a Carmelite convent, and several churches and cemeteries. There are 277 acres, or about 1 percent of the Town, in this category.

Park

The Park land use category includes lands developed with facilities for public and private outdoor recreation. It includes both public parks and privately owned recreational areas. The plan envisions that the areas devoted to park and recreational uses would occupy 868 acres, or about 4 percent of the Town, in 2035.

Street and Highway Rights-of-Way

All existing street and highway rights-of-way (as of January 1, 2007) are shown on Map VI-4 as a separate category. Chapter VIII provides additional information regarding planned transportation facilities in the Town. There are 1,451 acres, or about 7 percent of the Town, within existing street and highway rights-of-way.

Railroad

Railroad rights-of-way occupy 144 acres, or about 1 percent of the Town, on the 2035 land use plan map, and reflect the existing Canadian National (CN) and Wisconsin and Southern (WSOR) Railroad tracks and right-of-way in the Town. Both railroads operate on the same tracks (owned by the CN) for about three miles in the Town.

Extractive

Extractive uses include three sand and gravel operations, which are described in Part 2. Extractive lands identified on the land use plan map include existing and planned areas to be used for nonmetallic mining operations, and encompass 775 acres, or about 4 percent of the Town. All nonmetallic mining uses require the preparation of a reclamation plan for re-use of the site when mining is completed.

Primary Environmental Corridors and Other Environmentally Significant Areas

To effectively guide urban development in the Town into a pattern that is efficient, stable, safe, healthful, and attractive, it is necessary to carefully consider the location of planned land uses in relation to natural resources. Locating new development outside primary environmental corridors and other environmentally sensitive areas will serve to maintain a high level of environmental quality in the Town, and will also avoid costly development problems such as flood damage, wet basements, and failing pavements. Properly relating new development to such environmentally significant areas will also help preserve the scenic beauty of the Town.

This comprehensive plan recommends substantial preservation of remaining primary and secondary environmental corridors, isolated natural resource areas, wetlands, and floodplains. Primary environmental corridors are shown as an overlay on Map VI-4. Primary and secondary environmental corridors and isolated natural resource areas are shown on Map VI-2, and wetlands and floodplains are shown on Map VI-3.

Policies and programs to protect environmentally sensitive areas are included in Part 4 of Chapter V. Table V-14 sets forth guidelines for development considered compatible with environmental corridors and isolated natural resource areas. The guidelines recognize that certain transportation and utility uses may of necessity have to be located within environmental corridors/isolated natural resource areas and that limited residential and recreational uses may be accommodated in such areas. Under the guidelines, residential development would be limited to areas outside wetlands, surface waters, and floodways (upland areas) at an overall density of no more than one dwelling unit per five upland acres. In lieu of rural density residential development, up to 10 percent of the upland corridor area may be disturbed in order to accommodate urban-density residential, business, industrial, or other urban development.

Wetlands

Wetlands encompass 1,827 acres, or about 9 percent of the Town. Wetlands are regulated by State and Federal laws and by the Town zoning ordinance. Wetlands in the shoreland area are also regulated by the Washington County Shoreland, Wetland, and Floodplain Ordinance (see Chapter II for information about these ordinances). Development of wetlands, usually requiring them to be filled, is limited. Permits to allow development in wetlands generally require “mitigation,” which requires new wetlands to be created or existing degraded wetlands to be restored. Mitigation may be required on the same development site or in a different location.

The location of wetlands on the land use plan map is based on the Wisconsin Wetlands Inventory completed in 1982, updated to the year 2000 as part of the regional land use inventory. The wetland inventory was recently updated to 2005 (the new wetland inventory for the Town is shown on Map XII-1 in the Implementation Element (Chapter XII)). Wetlands and their boundaries are continuously changing in response to changes in drainage patterns and climatic conditions. While wetland inventory maps provide a basis for areawide planning, detailed field investigations are necessary to precisely identify wetland boundaries on individual parcels. Field investigations should be conducted to identify wetland boundaries at the time a parcel is proposed to be developed or subdivided.

Surface Water

The Surface Water land use category includes lakes, ponds, rivers, and streams. Surface waters encompass 256 acres, or about 1 percent of the Town. Major surface waters include portions of Big and Little Cedar Lakes, Tilly Lake, the Coney River, and Cedar Creek.

Land Use Projections

The comprehensive planning law requires the land use element to include projections, in five-year increments, of future residential, agricultural, commercial, and industrial land uses. Due to the uncertainty in predicting the rate of future development, it was assumed for the purpose of fulfilling this requirement that the same amount of growth would occur in each of the five five-year periods between 2008 and 2035. The amount of growth in each category is estimated as:

- ***Residential:*** Based on the population projection of 4,590 persons selected by the Town for the year 2035, an additional 293 housing units will be needed between 2008 and 2035, for a total of 1792 housing units in the Town by 2035 (see the Housing Element chapter for more information). An additional 293 units

between 2008 and 2035 average to 55 new housing units during each five-year period between 2010 and 2035, plus about 20 additional units between 2008 and 2010. Assuming that 50 new units would be developed in the Agricultural and Rural Residential area at an average density of one home per five acres, and that five new units would be developed in the Suburban Density Residential area at an average density of one home per 60,000 square feet, 283 acres will be converted from agricultural or open use to residential uses during each five-year period. Over 32 years, about 1,500 acres would be converted to residential use.

- **Commercial and Industrial:** The Town land use plan designates 1,920 acres in the Mixed Use category for future commercial, industrial, and institutional uses. In 2008, 1,538 acres of land designated for mixed use were vacant or used for agricultural purposes. If all of the area designated for mixed use on the land use plan map is developed for commercial and industrial uses between 2008 and 2035, an average of 300 acres would be developed for commercial and industrial uses in each five-year period between 2010 and 2035, plus an additional 47 acres between 2008 and 2010.
- **Agricultural:** The number of acres in agricultural use will likely continue to decline during the planning period, as land is converted from farming to residential, commercial, industrial, or other uses. Based on the above assumptions, up to about 3,000 acres will be taken out of agricultural use during the planning period.

PART 4 – LAND USE GOALS, OBJECTIVES, POLICIES, AND PROGRAMS

Goals:

- Preserve rural character and support country living by retaining viable farmland.
- Preserve natural vegetation and cover and promote the natural beauty of the Town.
- Attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
- Restrict building on poor soils or in other areas poorly suited for development.
- Through policy, prevent damage from flooding, water pollution, disease, and other hazards to persons or properties.

Objectives:

- Further the orderly planning and appropriate use of land.
- Develop methods to protect and enhance natural resource areas, including wetlands, woodlands, wildlife habitats, lakes, streams, groundwater resources, and floodplains.
- Nonmetallic mining sites will not negatively impact environmental features in the Town of Polk or its existing developments.

Policies:

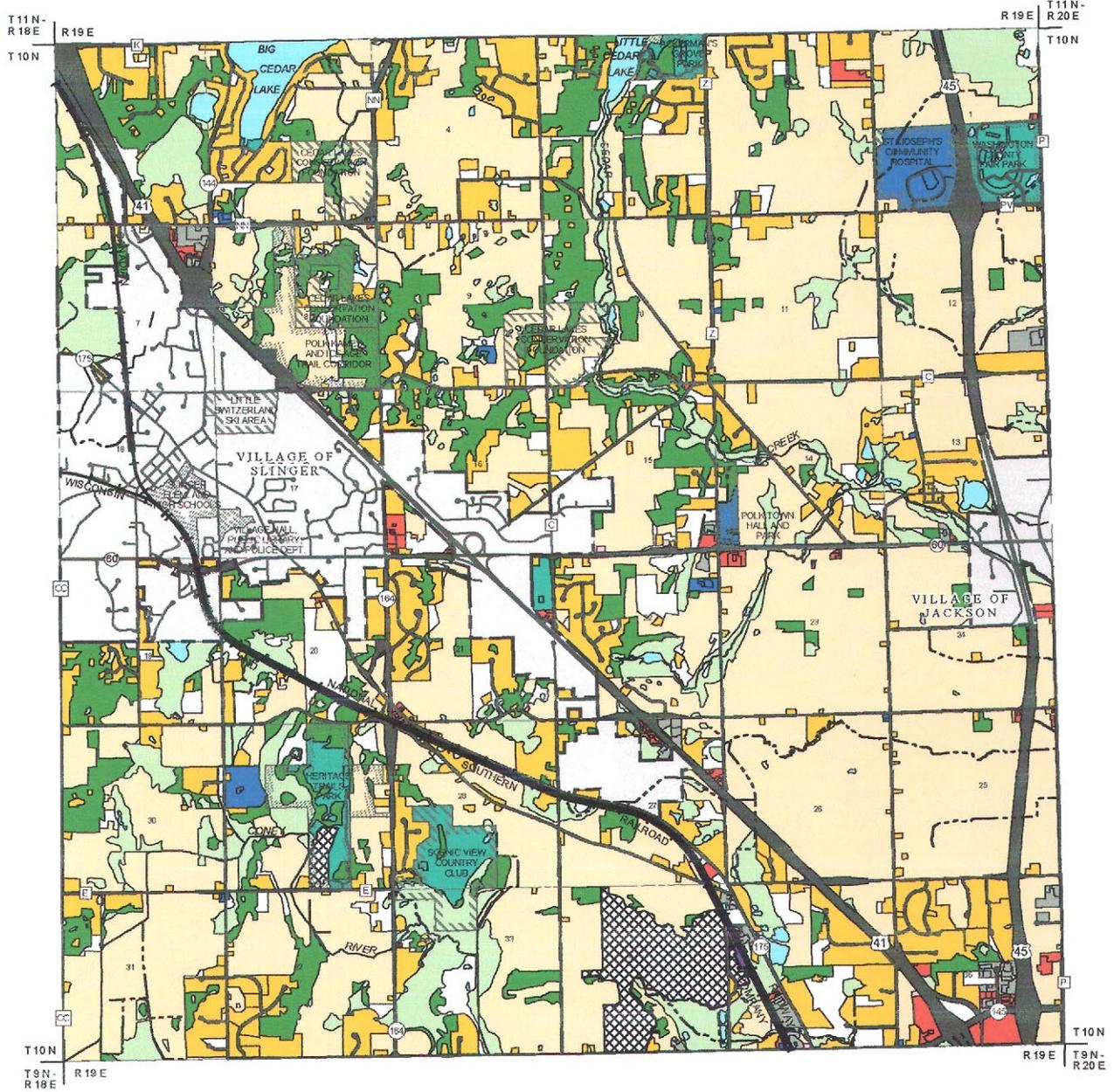
- Use the Land Use Plan Map (Map VI-4) as a tool to implement the goals of this comprehensive plan.
- Provide zoning that supports local family farm operations, small specialty farms, and hobby farms to maintain agriculture as a part of the rural landscape.
- The Town of Polk does not support the use of regulatory tools to preserve farmland. The Town believes that farmland preservation should be on a volunteer basis. If the agricultural landowner chooses to be a working land enterprise area or participate in a purchase of development rights program, the Town would encourage such programs, provided they are funded by Federal, State, or County funds.
- Limit residential development to densities and in locations compatible with the rural character of the Town, and therefore avoid the need to provide urban facilities and services to such development.
- Avoid the creation of water pollution and public health problems by limiting residential development to soils that are well suited to development when served by private on-site sewage treatment systems and private wells.
- Use the guidelines set forth in Table V-14 in Chapter V to discourage incompatible land uses in primary and secondary environmental corridors and isolated natural resource areas (shown on Map VI-2).

- Wetland and floodplain areas should not be altered in any way, including, but not limited to, filling or draining, unless such alteration would result in the enhancement of the natural resource being disturbed.
- Nonmetallic mining sites will comply with existing ordinances and carry out reclamation plans.

Programs:

- Retain Town zoning as the primary means of regulating land uses in the Town.
- Continue to allow a wide variety of agricultural uses in the Town in accordance with the requirements of the A-1 (General Agricultural) district in the Town zoning ordinance.
- Continue to work with Washington County to regulate nonmetallic mineral extraction in accordance with the County's nonmetallic mining reclamation ordinance; and continue to enforce requirements of the Q-1 (Quarrying) district in the Town zoning ordinance.
- Continue to work with Washington County to administer and enforce the requirements of the Town's erosion control and stormwater management ordinances. Particular care should be taken where development is proposed on slopes of 20 percent or greater (shown on Map VI-3).

Map VI-1 GENERALIZED LAND USES IN THE TOWN OF POLK: 2008



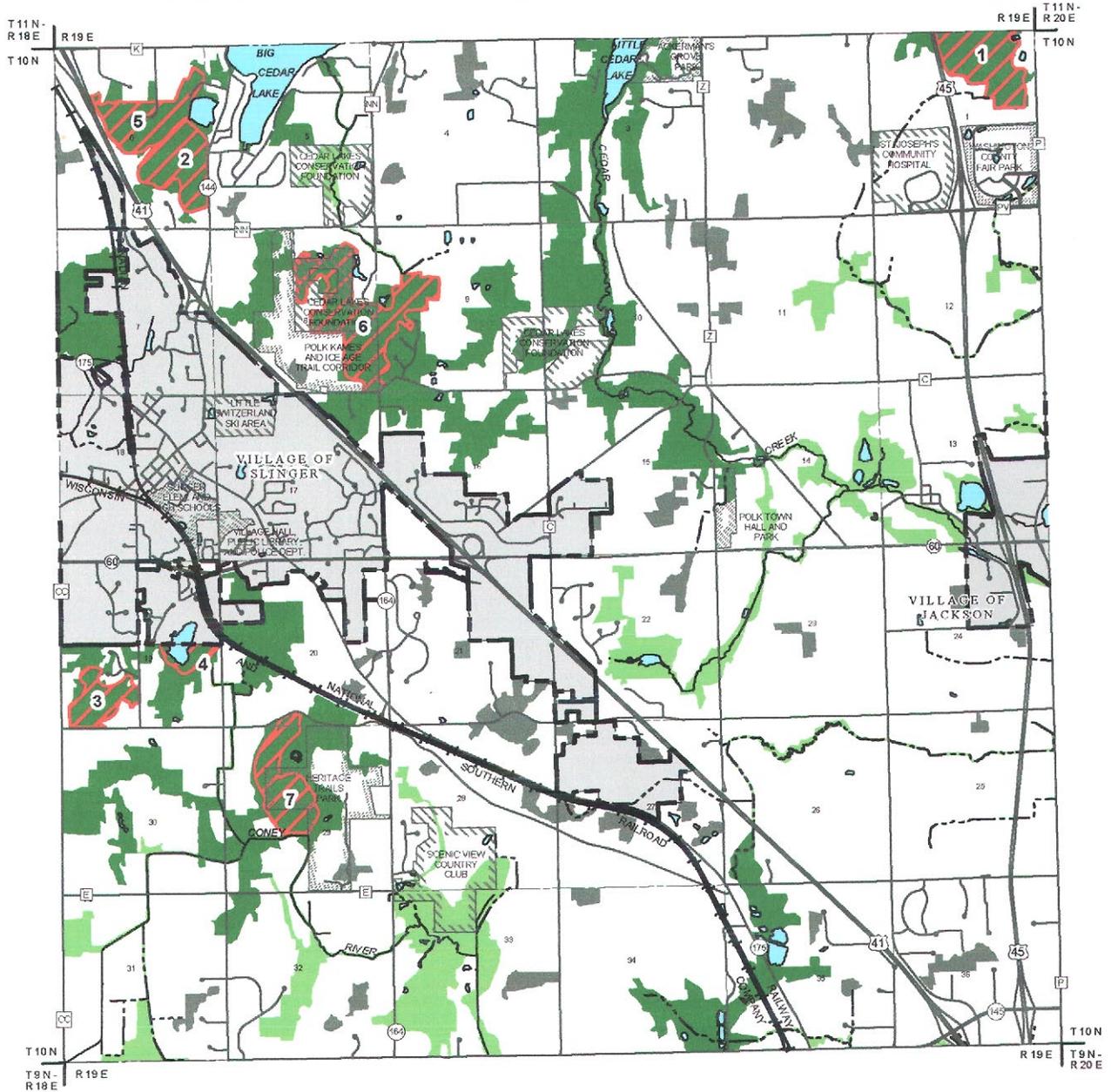
- | | | | |
|---|---|---|---|
|  | SINGLE - FAMILY RESIDENTIAL |  | RECREATIONAL |
|  | TWO - FAMILY RESIDENTIAL |  | WOODLANDS |
|  | COMMERCIAL |  | WETLANDS |
|  | INDUSTRIAL |  | SURFACE WATER |
|  | STREETS AND HIGHWAYS |  | AGRICULTURAL |
|  | RAILROADS |  | QUARRY |
|  | COMMUNICATIONS, UTILITIES, AND OTHER TRANSPORTATION |  | OPEN LANDS |
|  | GOVERNMENTAL AND INSTITUTIONAL |  | VILLAGE OF SLINGER AND VILLAGE OF JACKSON |



SOURCE: SEWRPC.

VI-12

Map VI-2 ENVIRONMENTALLY SENSITIVE LANDS IN THE TOWN OF POLK



- PRIMARY ENVIRONMENTAL CORRIDOR
- SECONDARY ENVIRONMENTAL CORRIDOR
- ISOLATED NATURAL RESOURCE AREA
- NATURAL AREA
- 3 NATURAL AREA REFERENCE NUMBER
(SEE TABLE V-10)
- SURFACE WATER

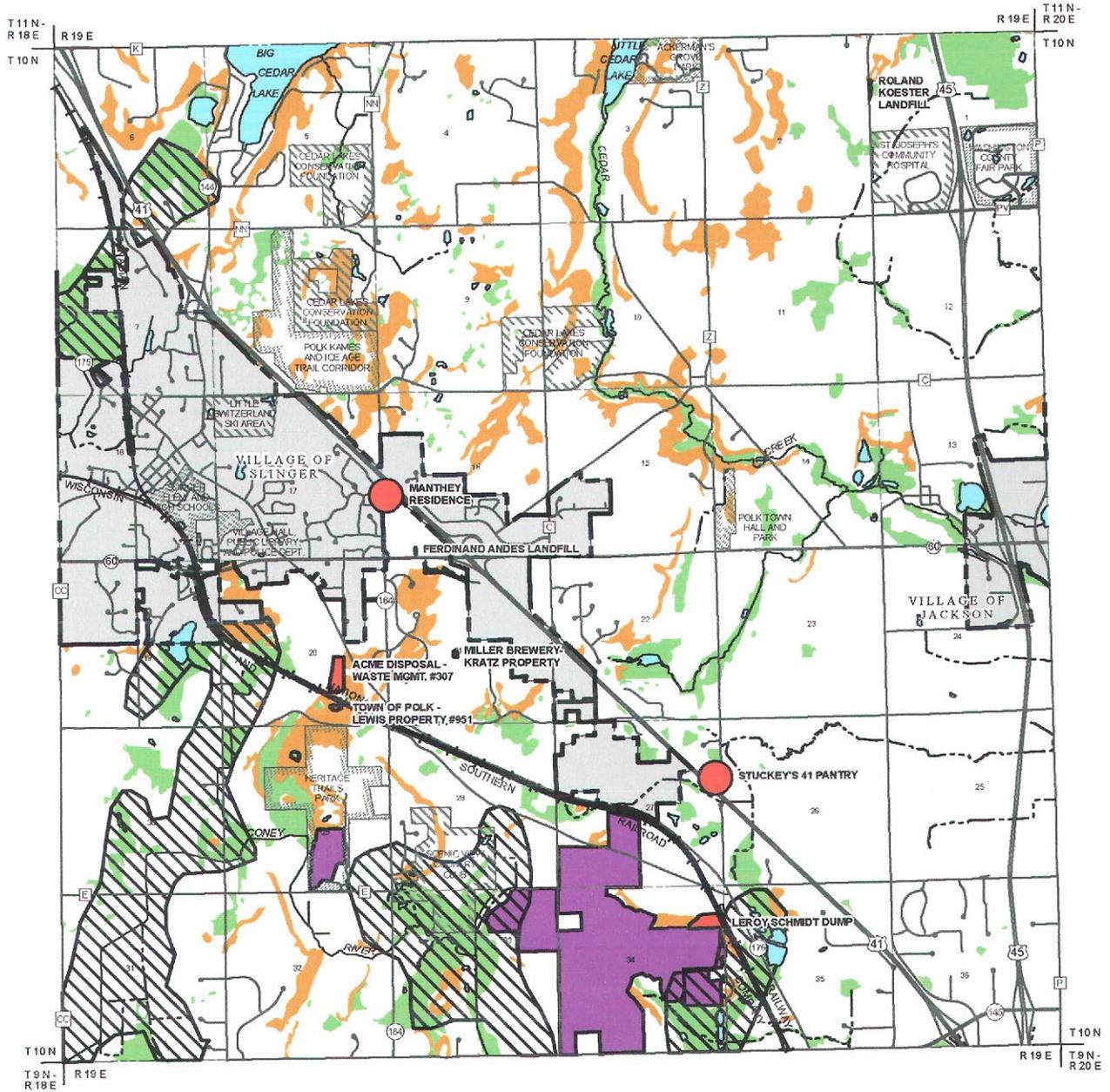
SOURCE: WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND SEWRPC.

VI-13



Map VI-3

NATURAL LIMITATIONS FOR BUILDING SITE DEVELOPMENT IN THE TOWN OF POLK



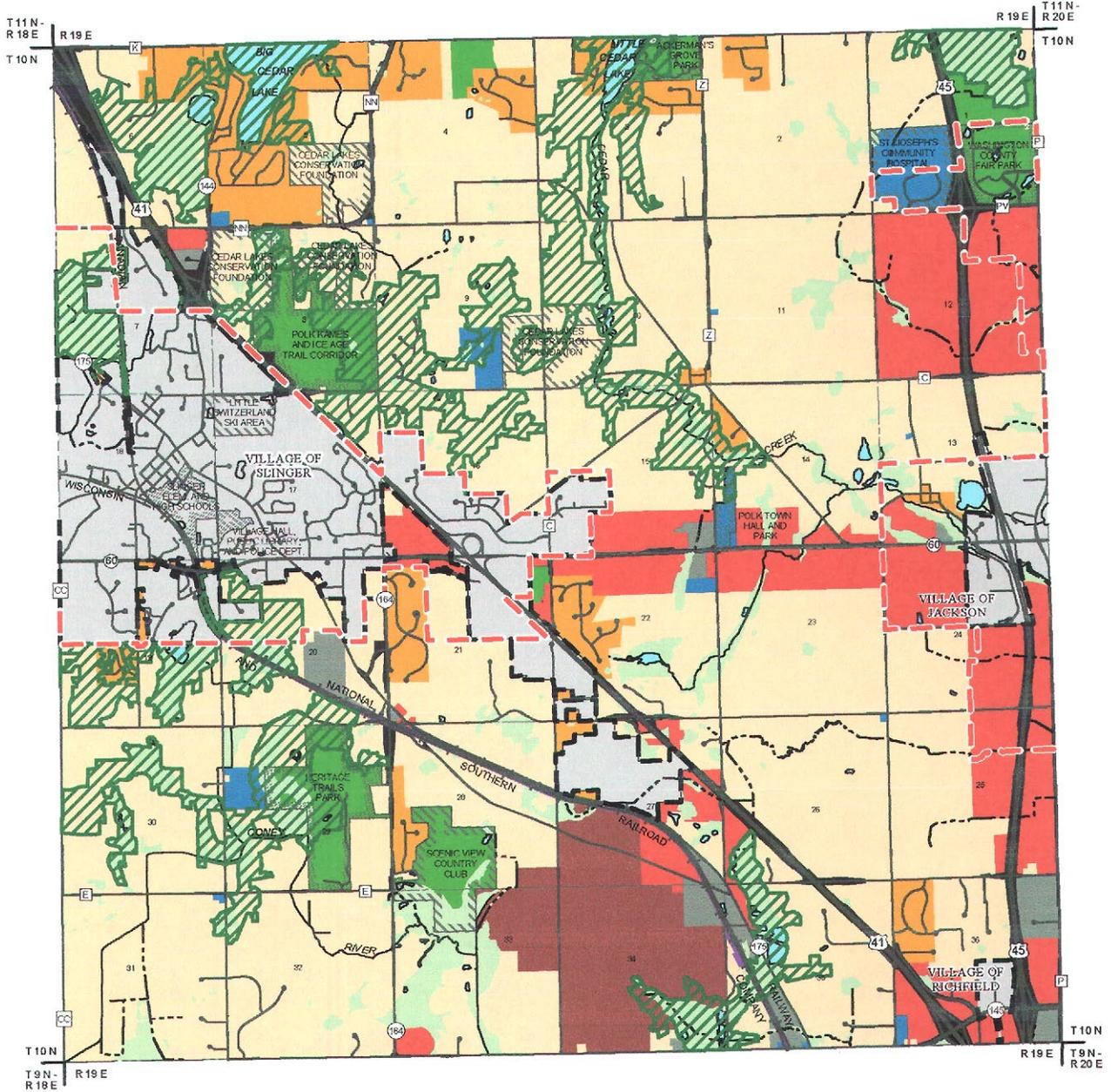
-  100 - YEAR RECURRENCE INTERVAL FLOODPLAINS (1981)
-  WETLANDS (2000)
-  HYDRIC SOILS
-  SURFACE WATER (2000)
-  NON - METALLIC MINING SITES (2008)
-  SLOPES 20 PERCENT OR GREATER
-  FORMER LANDFILL (HAS NOT CAUSED CONTAMINATION)
-  CONTAMINATED SITES IDENTIFIED BY THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES (2008)

SOURCE: USDA - NATURAL RESOURCES CONSERVATION SERVICE, WISCONSIN DEPARTMENT OF NATURAL RESOURCES, AND SEWRPC.



VI-14

Map VI-4 LAND USE PLAN FOR THE TOWN OF POLK: 2035



- | | | | |
|---|-----------------------------------|---|---|
|  | AGRICULTURAL OR RURAL RESIDENTIAL |  | PRIMARY ENVIRONMENTAL CORRIDOR (OVERLAY) |
|  | SUBURBAN DENSITY RESIDENTIAL |  | PLANNED SEWER SERVICE AREA BOUNDARIES (DECEMBER 2008) |
|  | MIXED USE |  | TOWN / VILLAGE BOUNDARY (JANUARY 2009) |
|  | INDUSTRIAL | | |
|  | INSTITUTIONAL | | |
|  | PARK | | |
|  | EXTRACTIVE | | |
|  | STREETS AND HIGHWAYS | | |
|  | RAILROAD | | |
|  | WETLAND | | |
|  | SURFACE WATER | | |

Source: Town of Polk and SEWRPC.

VI-15

