

# **Town of Mineral Point Comprehensive Plan**



**Adopted  
January 11, 2005**

# **TOWN OF MINERAL POINT, WISCONSIN**

## *Comprehensive Plan*

### **Town of Mineral Point Board**

John Lawinger, Chairman  
John Blotz, Supervisor  
James Wehrle, Supervisor  
Debi Heisner, Clerk/Treasurer

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**Planning Report No. 05/155**

**January 11, 2005**



**Town of Mineral Point Ordinance to Adopt the "Town of Mineral Point Comprehensive Plan"**

Ordinance No. \_\_\_\_\_

An Ordinance to Adopt the Comprehensive Plan of the Town of Mineral Point, Wisconsin.

The Town Board of the Town of Mineral Point, Wisconsin, do ordain as follows:

Section 1. Pursuant to section 62.23(2) and (3) for towns exercising village powers under 60.22(3) of the Wisconsin Statutes, the Town of Mineral Point, is authorized to prepare and adopt a comprehensive plan as defined in section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

Section 2. The Town Board of the Town of Mineral Point, Wisconsin, has adopted written procedures designed to foster public participation in the preparation of a comprehensive plan as required by section 66.1001(4)(a) of the Wisconsin Statutes.

Section 3. The plan commission of the Town of Mineral Point by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to the Town Board the adoption of the document entitled Town of Mineral Point Comprehensive Plan containing all of the elements specified in section 66.1001(2) of the Wisconsin Statutes.

Section 4. The Town has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes.

Section 5. The Town Board of the Town of Mineral Point, Wisconsin, does, by enactment of this ordinance, formally adopt the document entitled, "Town of Mineral Point Comprehensive Plan" pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

Section 6. This ordinance shall take effect on January 1, 2005 upon passage by a majority vote of the members-elect of the Town Board and posted as required by law.

Adopted by the Town of Mineral Point Town Board this 11<sup>th</sup> (date) day of January (month) 2004 <sup>2005</sup>

(Signature) \_\_\_\_\_

*John Lawinger*  
John Lawinger  
Town of Mineral Point, Town Board Chair

(Signature) \_\_\_\_\_

*Debi Heisner*  
Debi Heisner  
Town of Mineral Point, Town Clerk

Date Posted: \_\_\_\_\_

1-11-05

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*TOWNSHIP OF MINERAL POINT*

# COMPREHENSIVE PLAN

Developed by the Township of Mineral Point  
Planning Commission

**Mineral Point Town Board**

John Lawinger, Chairman  
Jack Blotz, Supervisor  
Jim Wehrle, Supervisor  
Debi Heisner, Clerk

**Planning Commission**

Roger Philipps, Chairman  
Jim Stroschein, Secretary  
Joyce Berning  
Stan Heins  
Jim Heisner  
Stan Sullivan  
Jim Wehrle

## INTRODUCTION

- A) Statement of Purpose
- B) Goals of Land Use Planning
- C) Vision Statement
- D) Achieving the Vision
- E) Good Neighbor Policy
- F) Extra-Territorial Zone

## A) Statement of Purpose

In 1999, the State of Wisconsin passed legislation requiring that each governmental unit in the state develop a comprehensive land use plan by 2010. Each plan must contain the following elements:

- Issues & Opportunities
- Housing
- Transportation
- Utilities & Community Facilities
- Resources (Agricultural, Natural, Cultural)
- Economic Development
- Intergovernmental Cooperation
- Land Use
- Implementation

In 2000, the Township of Mineral Point formed a **planning commission**. The commission worked with officials from Iowa County and the Southwestern Wisconsin Regional Planning Commission (SWWRPC) to solicit public input and develop the township's comprehensive land use plan. Meetings of the planning commission were listed in the newspaper and were **open to the public**.

Two public opinion surveys were conducted and multiple town and county-wide meetings were held to collect the opinions and recommendations of township residents and to use the collected information to guide the future growth and development of the town. This document is a plan to achieve the township's land use goals.

## B) Goals of Land Use Planning

Planning will allow the township to **preserve the quality of life** for its residents and protect public health and safety. It also seeks to **strike a balance** between the rights of individual landowners while preserving and enhancing the qualities that make the township an attractive place to live and work.

Township residents supported two basic goals for the township:

- Preserving its rural character
- Preserving agricultural opportunities

92% of respondents said that it was important to protect farmland. (4% said it was not important; 4% had no opinion or did not answer the question) ("Smart Growth Public Opinion Survey - Question #4)

77% of respondents to the township public opinion survey agreed that visual impacts of development (views of the landscape) are an important consideration when evaluating



proposed development. (11% disagreed; 12% had no opinion or did not answer the question) (“Smart Growth Public Opinion Survey - Question #14)

When developing this plan, the commission sought to **strike a balance between individual landowner rights and the right of the community** to plan the growth of the town. By establishing a plan, landowners, farmers, builders and township officials all have access to the same information regarding township goals and objectives. As a result, it is hoped that land use decisions will be **fair** because they will be based on written criteria.

Additionally, landowners should know how their land and neighboring lands fit into the plan. It should be a tool that prospective land buyers consult **BEFORE** they buy so that the land they purchase meets their needs.

The key to success includes working together and establishing early and frequent communications between the landowner and township officials. **Communication and respect** between parties can often result in a common sense solution that attains the goals of both parties.

## **C) Vision Statement for the Township of Mineral Point**

*The vision for the Township of Mineral Point is to preserve its rural character – including protecting scenic views, farms & farmland – while accommodating flexible growth that, in a tangible way, adds to the quality of life of its residents.*

## **D) Achieving the Vision**

As the population of southwestern Wisconsin continues to grow, development pressures will increase as well. One of the goals of this plan is to prevent haphazard commercial and residential development. This objective results from the desire to have the community develop logically and attractively by directing growth to the most suited areas. Township residents have strongly stated that they want to **preserve rural character**. Major components of rural character include retaining scenic views, open areas, crop fields, pastures, wetlands, streams, rock outcroppings, and the preservation of agricultural opportunities and wildlife habitat. Preserving rural character requires planning. Unplanned residential development in rural areas breaks up prime farm land, reducing agricultural opportunities, and often destroys the very qualities that make the township attractive. Yet some landowners wish to have the option of selling small parcels for housing. A **balance** must be struck between the right of the community to plan its growth and the rights of individual landowners. The commission determined that this balance can be achieved through the implementation of **land use tools**, specifically residential density and siting criteria. (For details, see *Rural Residential Siting Criteria: Implementation Element I-4*)

Note: The density limitation and siting criteria established by this plan shall be applied until future township-wide reviews of the comprehensive plan indicate that residents no longer favor having agriculture as the defining feature of the township.

Landowners and township officials will **work together** to choose appropriate building sites. Site selection will also be influenced by the suitability of the soil for a septic system (as determined by Iowa County). The township will consider many factors when working with a landowner to choose a building site, including:

- **Plan Compliance:** The construction project will not interfere with or fail to comply with the goals, standards, and policies set forth in the Township of Mineral Point Comprehensive Plan.
- 
- **Farmland Impact:** The project will have minimum adverse impact on farmland.
- **Visual Impact:** The project will have minimum adverse impact on the viewscape, especially as seen from public roadways.

The commission also evaluated another potential land use tool: Transfer of Development Rights or TDRs. In the future, the township may develop a TDR system that would allow development rights to transfer from one landowner to another.

## **E) Good Neighbor Policy**

The preservation of agricultural opportunities is a strong component of life in the township. Sometimes, conflicts arise between farm and non-farm neighbors. Farming practices, such as tractor road traffic, manure spreading, weed control and field work must be considered as a part of living in the country. A “Good Neighbor Policy” has been written and is available to all current and new township residents. The policy strives to minimize conflicts by increasing understanding between farm and non-farm neighbors.

(For details, see *Township of Mineral Point- Good Neighbor Policy Appendix I-3*)

## **F) Mineral Point Extra-Territorial Zone (ET Zone)**

In 2003, the City of Mineral Point exercised their state-given right to create an Extra-Territorial Zoning Commission. The commission consists of three residents of the city and three from the township. Their jurisdiction includes an area one-half mile on both sides of US Highway 151 and an area one-half mile surrounding the city limits. (As of October 2004, the exact border has not been determined) The township has chosen to work cooperatively with the city and will work to make land use decisions within the zone that benefit both the city and the township. Public opinion indicated a strong interest in preserving the viewscape from Hwy. 151 as it is important to the identity of the city and the township and is the first impression visitors have of the area. However, city

services (sewer, water, etc.) are vital components to commercial development and higher density residential areas. Again, the commission feels that a balance must be struck between preserving scenic views of the landscape and allowing for commercial and residential development.

# ISSUES AND OPPORTUNITIES ELEMENT

**EXECUTIVE SUMMARY**

The purpose of this section is to provide basic background information for the comprehensive planning process and general population and demographic characteristics for the Town of Mineral Point. More specifically this section includes information from the community survey and visioning sessions, demographic trends including population trends, age distribution, housing trends, education levels, income levels, employment characteristics, population projections, housing projections, and labor force projections.

**Wisconsin State Statute 66.1001(2)(a)****(a) *Issues and opportunities element.***

Background information on the local governmental unit and a statement of overall objectives, policies, goals and programs of the local governmental unit to guide the future development and redevelopment of the local governmental unit over a 20-year planning period. Background information shall include population, household and employment forecasts that the local governmental unit uses in developing its comprehensive plan, and demographic trends, age distribution, educational levels, income levels and employment characteristics that exist within the local governmental unit.



## **ISSUES AND OPPORTUNITIES POLICIES**

The following are the issues and opportunities policies for the Town of Mineral Point. The essence of these recommendations is carried out throughout the entire document.

- **Protect and improve the health, safety, and welfare of residents in the Town of Mineral Point.**
- **Preserve and enhance the quality of life for the residents of the Town of Mineral Point.**
- **Protect and preserve the rural character of the Town of Mineral Point.**

Note: The above policy recommendations are further explained in other elements of this comprehensive plan. This section provides background information and overall direction. For example, the above recommendations may be carried out by implementing recommendations in other sections such as housing, economic development, and transportation.

## **BACKGROUND**

Iowa County, together with twenty-two jurisdictions, including the Town of Mineral Point, applied for a Comprehensive Planning Grant through the Wisconsin Department of Administration in the fall of 2001. In the spring of 2002, the Comprehensive Planning Grant was awarded. Iowa County and the jurisdictions within it contracted with the Southwestern Wisconsin Regional Planning Commission (SWWRPC) to complete individual comprehensive plans for each of the twenty-three participating jurisdictions (Iowa County, cities, towns, and villages) in accordance with Wisconsin Statutes 66.1001.

Because of the large number of involved jurisdictions and in an effort to streamline planning meetings, individual jurisdictions were grouped into “clusters”, based on their physical proximity to one another, resulting in six cluster groups. Iowa County was a separate cluster.

- “Northwest Cluster” (Towns of Highland and Pulaski, Villages of Avoca and Highland)
- “Northeast Cluster” (Towns of Arena, Clyde, and Wyoming, and the Village of Arena)
- “Central Cluster” (Towns of Dodgeville and Ridgeway, Village of Ridgeway, and City of Dodgeville)
- “Southwest Cluster” (Towns of Eden, Linden and Mifflin, and Village of Linden)
- “South Central Cluster” (Towns of Mineral Point and Waldwick, and City of Mineral Point)
- “Southeast Cluster” (Town of Moscow, and Villages of Blanchardville and Hollandale)
- Iowa County

## **COMMUNITY INVOLVEMENT**

### **COMMUNITY SURVEY**

In September and October of 2002, the staff from SWWRPC and University of Wisconsin Extension Service-Iowa County (UWEX-Iowa County) developed a countywide survey that was distributed to all property owners in Iowa County. A total of 10,752 surveys were sent out, 382 to Town of Mineral Point property owners. One hundred thirty five surveys were sent back, giving the Town a 35 percent return rate. (See Appendix A-1 for complete survey results.)

### **COMMUNITY VISION**

A vision statement identifies where an organization (the Town of Mineral Point) intends to be in the future and how to best meet the future needs of its stakeholders: citizens. The vision statement incorporates a shared understanding of the nature and purpose of the organization and uses this understanding to move towards a greater purpose. SWWRPC, in conjunction with UWEX-Iowa County, sponsored visioning sessions for each cluster in the autumn and winter of 2002-2003. The Town of Mineral Point’s planning commission utilized the visioning information from these sessions to create a formal vision statement. The vision statement by the Town of Mineral Point follows:

*The vision for the Township of Mineral Point is to preserve its rural character – including protecting scenic views, farms, and farmland – while accommodating flexible growth that, in a tangible way, adds to the quality of life of its residents.*

**VISIONING**

In February 2003, the Town of Mineral Point planning representatives were asked to identify issues, opportunities, strengths, and weaknesses specific to the Town of Mineral Point. The following lists are based on the cluster visioning exercise, countywide survey, and local Plan Commission meetings. (See Appendix A-2 for the South Central Cluster's visioning results.)

**Issues**

- Loss of rural character
- Loss of farms and farmland
- Availability of jobs
- Confusing land use rules
- Changing values re: rural life, land and history
- Loss of scenic views
- Conflict placing new development near existing infrastructure vs. protecting scenic views along the highway

**Opportunities**

- Set zoning laws that protect the viewsapes. Allow growth that has a tangible benefit to the Township's residents, rather than "growth for growth's sake".
- Eliminating "soil classification" as a condition for development. Identify appropriate areas for the following types of land use:
  - agricultural
  - residential development (following cluster housing with green space model)
  - multi-family residential
  - rental units and affordable housing
  - commercial
  - industrial
  - scenic conservancy
- Creating a Township park
- Attracting businesses
- Carefully selecting pockets for development along the highway
- Land use rules that can be understood by everyone

**Strengths**

- Landscape
- Farms
- Viewsapes
- Heritage
- Quality of life
- Authentic area history
- Safe community
- Rural character
- Strong agricultural aesthetic
- Rolling hills
- Wildlife habitat
- Number of professional people in Town

**Weaknesses**

- High property taxes
- Lack of planning
- Losing farms
- Poor Ag economy
- Poor prospects for jobs
- Unclear land use laws
- Citizens with unrealistic notions of service costs
- Conflicted population which fears losing rural nature but yet wants growth

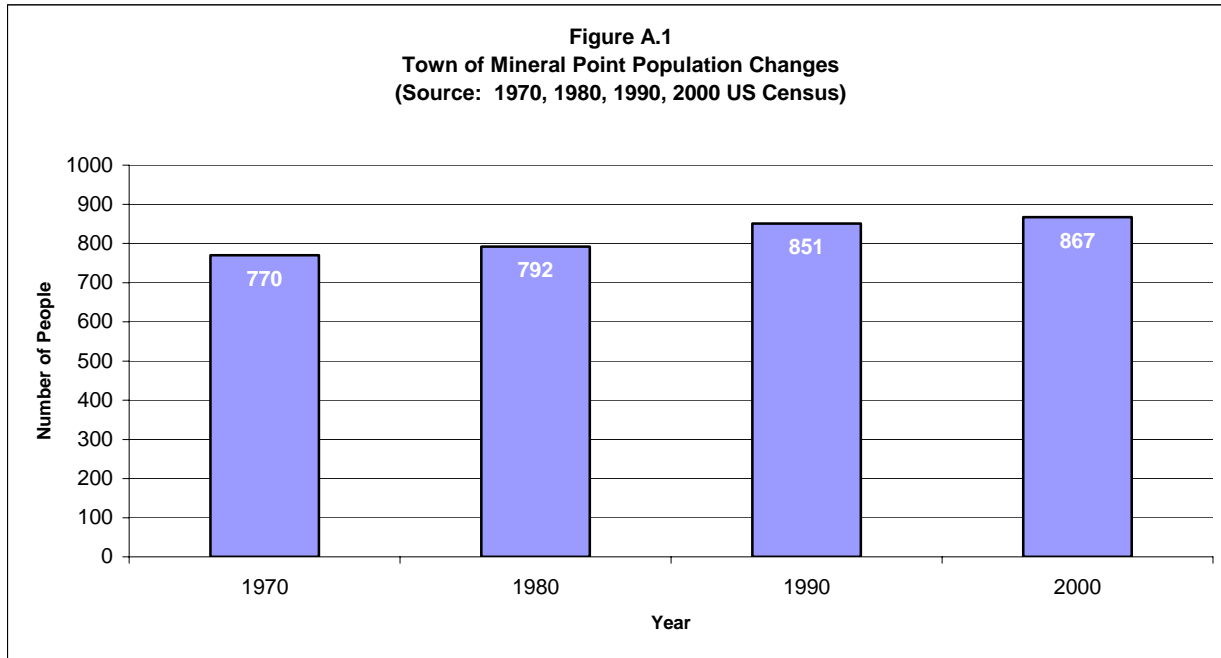
## COMMUNITY PUBLIC PARTICIPATION PLAN

See Appendix A-3 for your jurisdiction's public participation plan.

### DEMOGRAPHIC TRENDS

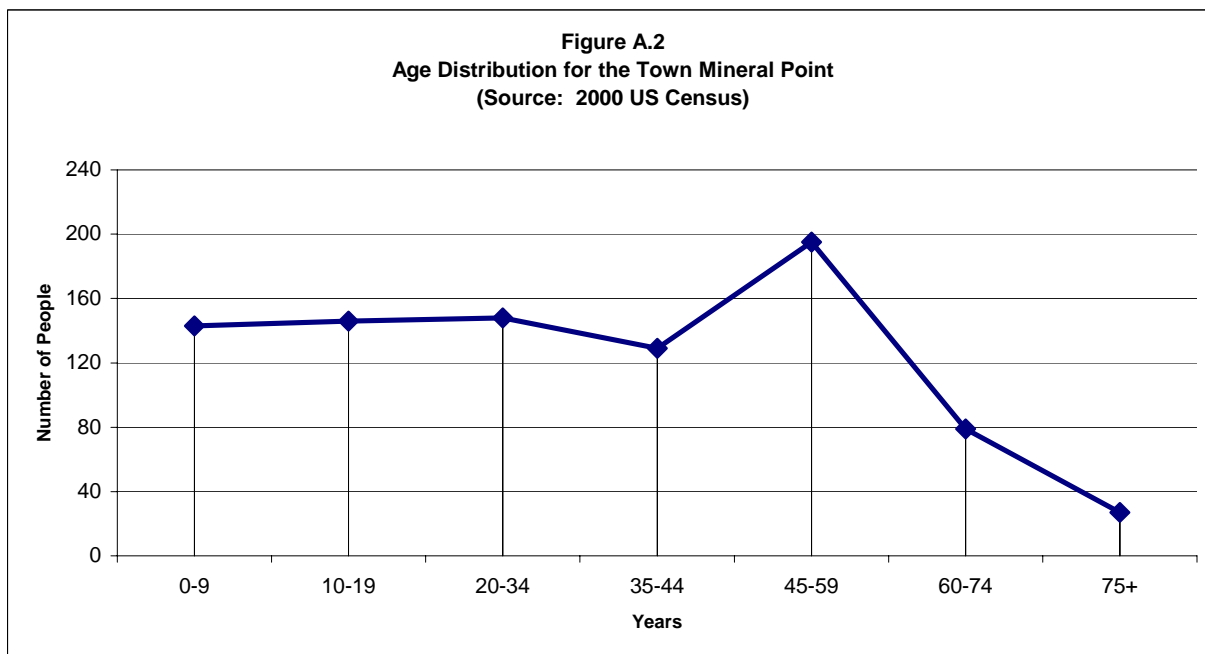
#### POPULATION CHANGES

The Town of Mineral Point's population has increased by 97 people over the past 30 years. Between 1970 and 1980 the Town grew by 3 percent and between 1980 and 1990 by 7 percent. From 1990 to 2000 the Town grew 2 percent.



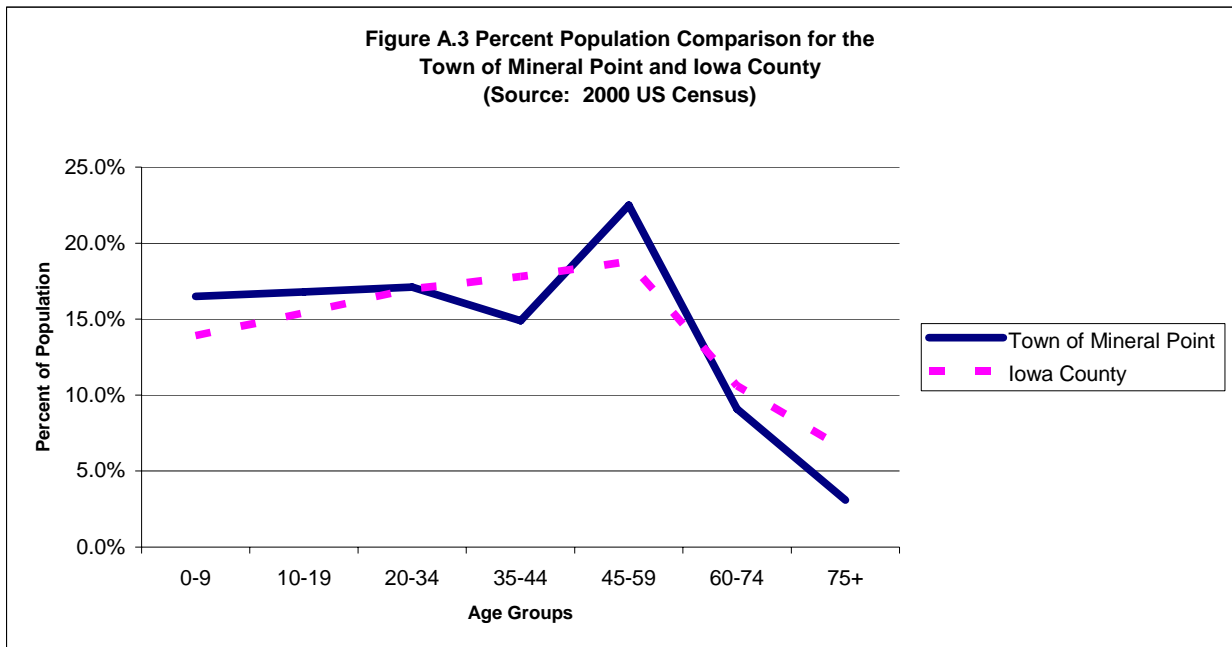
#### AGE DISTRIBUTION

Figure A.2 shows the age distribution of the Town of Mineral Point residents, according to the 2000 US Census. Overall the population is well distributed among all the various age groups. The age group of 45 to 59 year olds has the highest concentration of the population in the Town.



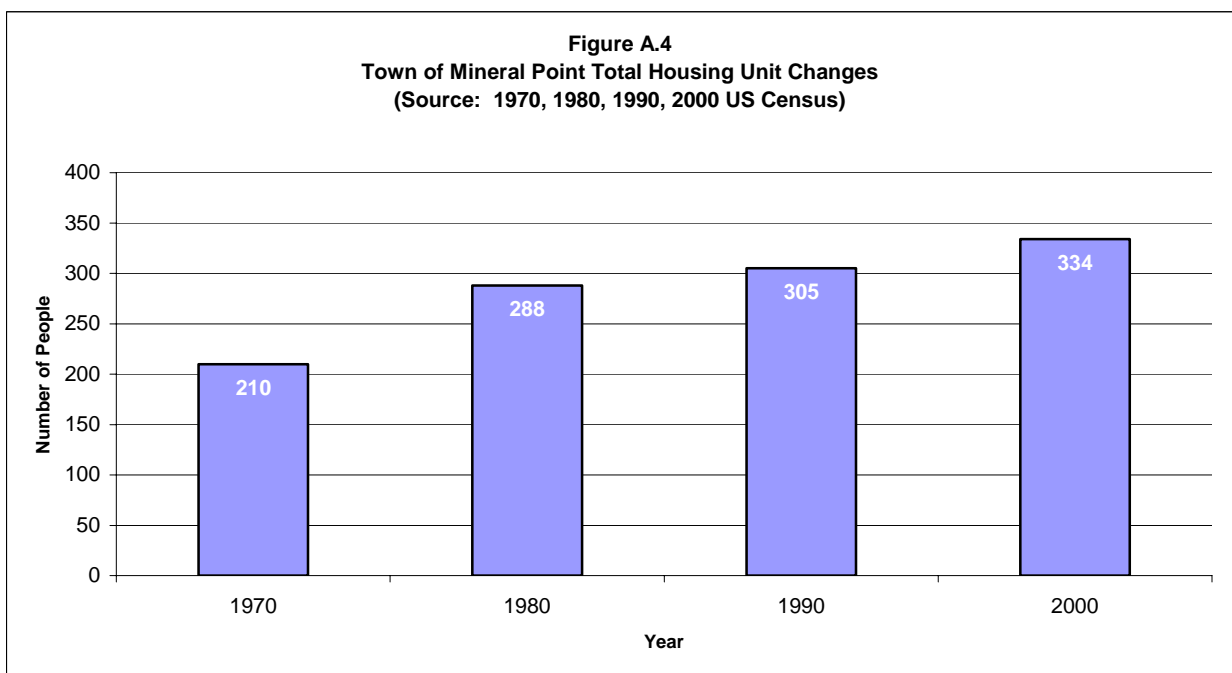
### PERCENT POPULATION

Figure A.3 compares the Town population to Iowa County as a whole. The breakdown of the Town population is somewhat similar to the County population, although the Town is much higher than the County in the 45 to 59 year age group.

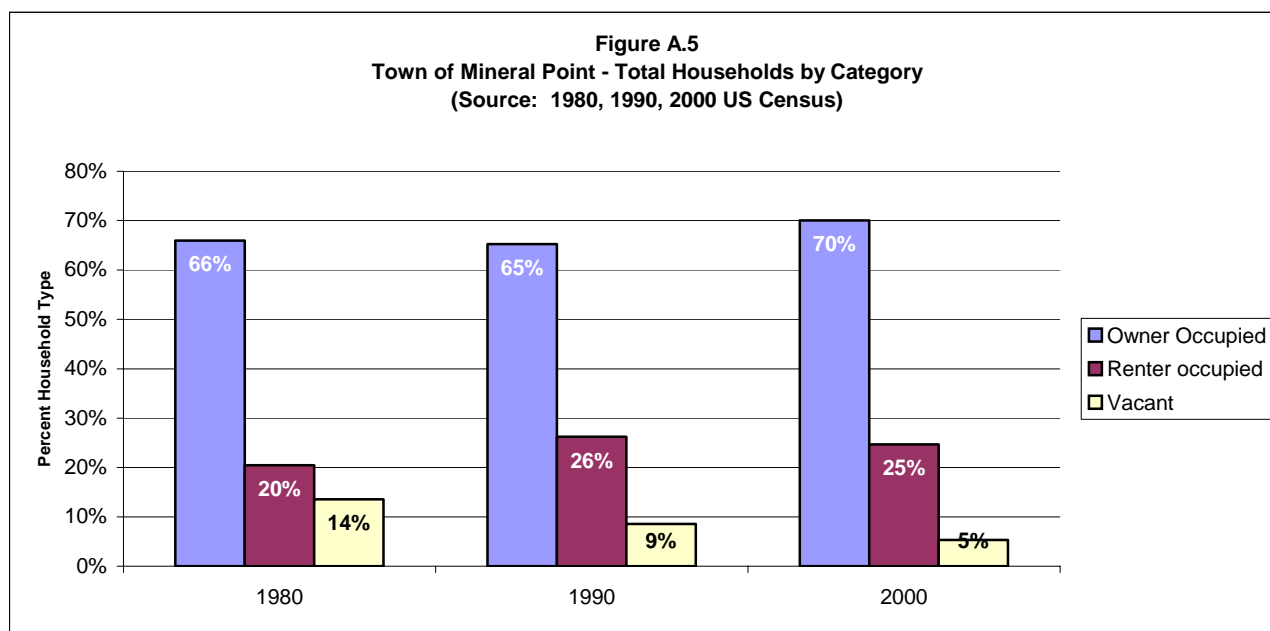


### HOUSING TRENDS

Historically, the Town of Mineral Point has seen an overall increase in the housing supply. “Total Housing Units” refers to the total number of units available for habitation: owned, rented, and vacant. As indicated by Figure A.4 the Town of Mineral Point had an increase of 124 units between 1970 and 2000. For more housing information, go to Section B, Housing Element.



“Total Households” refers to occupied (owned and rented) housing units only. Figure A.5 shows of the 334 housing units in the Town in 2000, 70 percent are owner occupied, 25 percent are renter occupied, and the remaining 5 percent are vacant. The average number of persons per household is 2.88 for owner occupied units, 2.81 for rental units.



## EDUCATION LEVELS

An important factor tied to a community's economic well being, as well as its potential for economic growth, is the link between education levels of residents and employment opportunities. Table A.1 reflects the educational attainment of the Town residents 25 years and older compared with Iowa County and the State of Wisconsin.

**Table A.1: Educational Attainment of Residents 25 Years and Older**

Education	Town of Mineral Point		Iowa County Percent	State of Wisconsin Percent
	Number	Percent		
< 9th grade	5	0.9%	4.2%	5.4%
9th-12th grade, no diploma	24	4.4%	7.4%	9.6%
HS Grad (incl. Equivalency)	256	47.3%	41.8%	34.6%
Some college, no degree	98	18.1%	19.9%	20.6%
Associate Degree	34	6.3%	8.3%	7.5%
Bachelors Degree	76	14.0%	13.2%	15.3%
Graduate or Professional Degree	48	8.9%	5.3%	7.2%
Total population 25 years and older	541	100%	100%	100%

Source: 2000 US Census



**INCOME COMPARISONS**

Table A.2 compares the income levels of the Town of Mineral Point with those of Iowa County and the State of Wisconsin. Median household income is based on every unit of occupancy with one or more unrelated individuals. Median family income is based on units of occupancy with individuals related by blood (children, grandparents, etc.) or law (marriage, adoption, etc.). Per capita income is based on each individual wage earner.

**Table A.2: Income Comparisons**

Income Type	Town of Mineral Point	Iowa County	State of Wisconsin
Median household income	\$42,171	\$42,518	\$43,791
Median family income	\$47,500	\$49,972	\$52,911
Per capita income	\$17,337	\$19,497	\$21,271

Source: 2000 US Census

**EMPLOYMENT CHARACTERISTICS**

Table A.3 is reflective of the 2000 US Census for employed persons 16 years and over and their respective occupations in the Town of Mineral Point, compared by percentage to Iowa County and the State of Wisconsin. By definition of the Census, occupation is referred to as the type of work a person does on the job. For more information, go to Section F, Economic Development Element of this plan.

**Table A.3: Employment Characteristics**

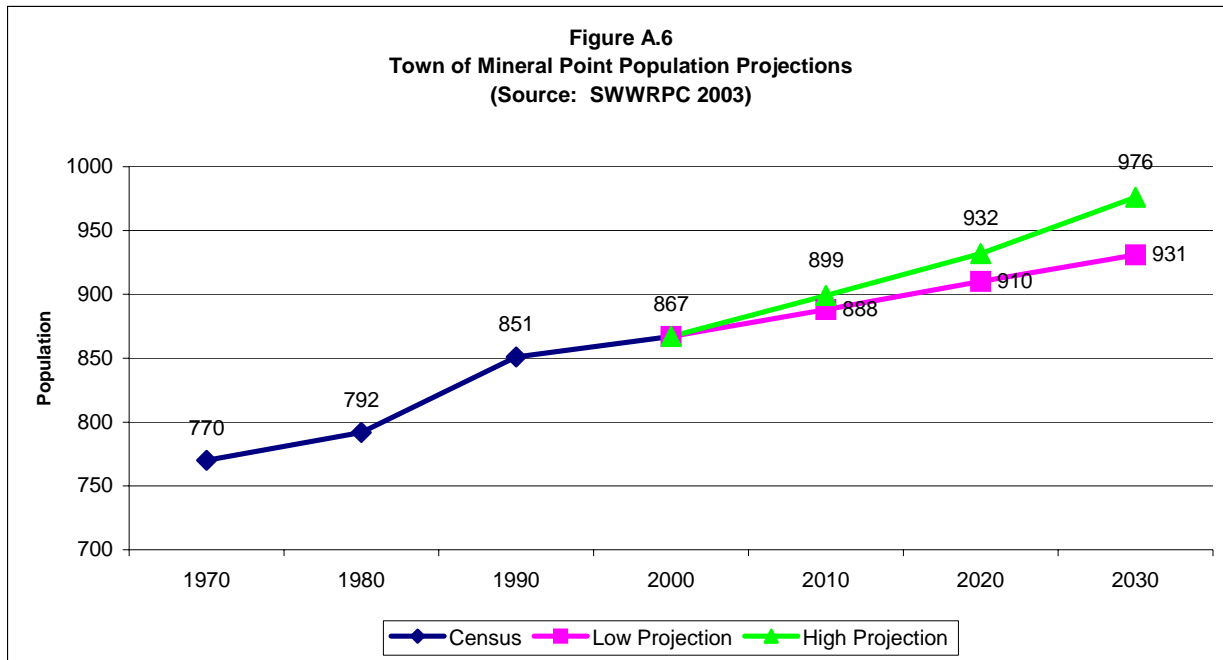
Occupation	Town of Mineral Point		Iowa County Percent	State of Wisconsin Percent
	Number	Percent		
Management, professional and related	201	39.5%	30.9%	31.3%
Services occupations	72	14.1%	12.8%	14.0%
Sales and office occupations	94	18.5%	25.5%	25.2%
Farming, fishing, and forestry occupations	17	3.3%	2.5%	0.9%
Construction, extraction, and maintenance occupations	46	9.0%	10.9%	8.7%
Production, transportation, and material moving occupations	79	15.5%	17.4%	19.8%
Total employed civilian population 16 years and older	509	100.0%	100.0%	100.0%

Source: 2000 US Census

## DEMOGRAPHIC PROJECTIONS

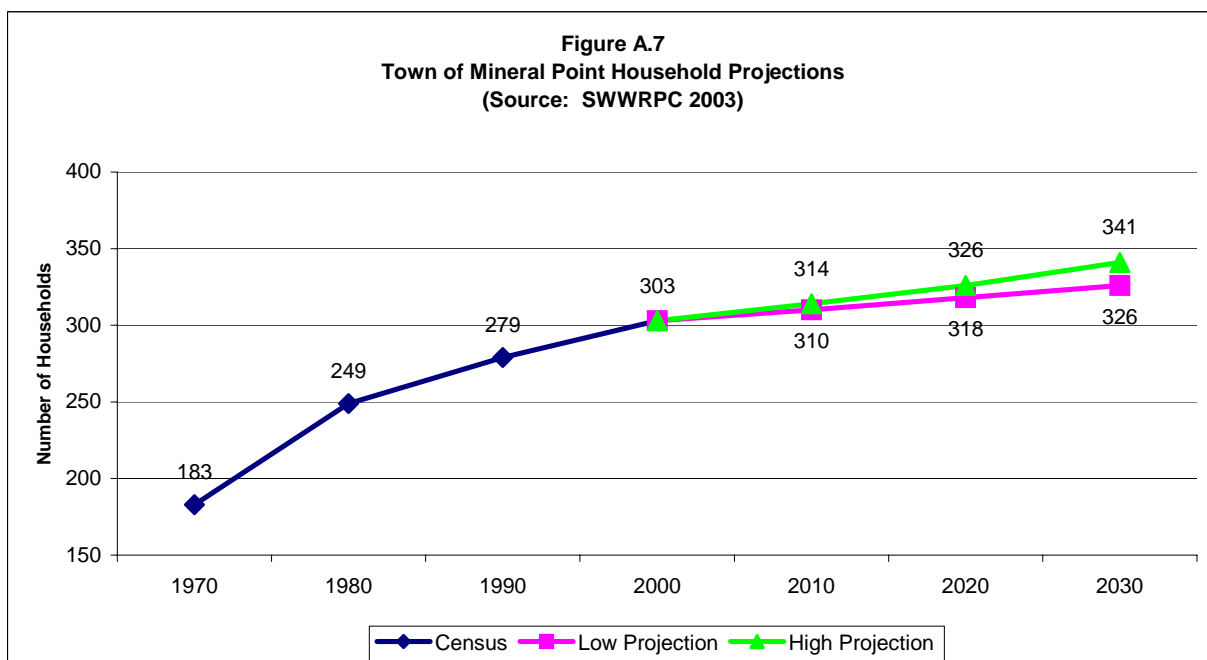
### POPULATION

Preparing population projections is necessary to provide planners, developers, and others with expected increases or decreases in given base years. Reliable projections of population are needed for all kinds of planning or policy decisions whether involving the need for extending utilities, building a new highway, or starting a business. All these require some notion of probable demand for such facilities. Figure A.6 shows past population trends as well as projections to the year 2030. The figure gives both low and high projections, showing an overall population increase in the next 30 years.



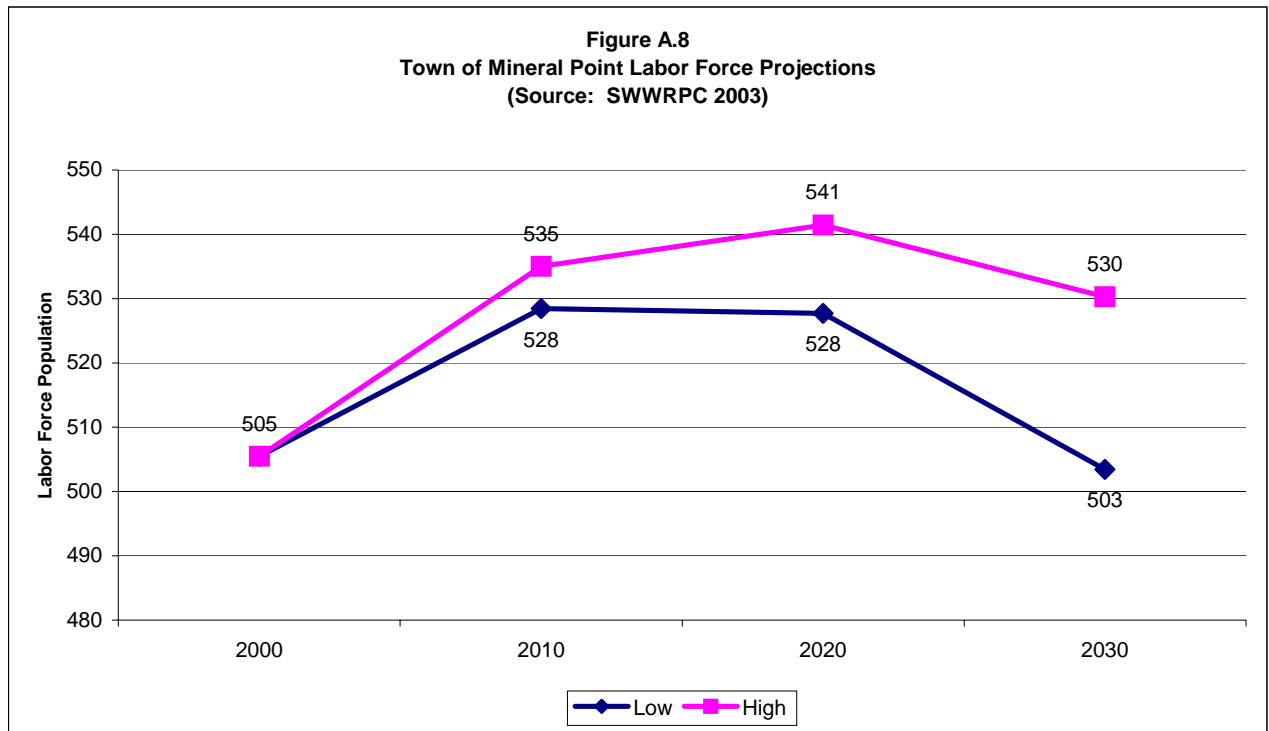
### HOUSEHOLD

Figure A.7 shows household projections based on population projections and average household size from the 2000 US Census.



**LABOR FORCE**

Figure A.8 shows labor force projections for the Town of Mineral Point. These available workers will not necessarily find employment in the Town: many will work in nearby Towns and cities. The figure merely indicates the available labor pool residing in the Town of Mineral Point. For more information, go to Section F, Economic Development Element of this plan.



All of the projections presented in this section are based on past trends. The projections are intended as a guide. A sudden change, such as the creation of a large industry in an outlying area may dramatically impact these projections.

# HOUSING ELEMENT

**EXECUTIVE SUMMARY**

Housing is a basic necessity of life and an important part of the comprehensive planning process. Obtaining suitable, spacious, and affordable housing is often difficult for many residents. Housing is generally considered affordable when housing costs do not exceed 30 percent of household income. Integrating single and multi-family housing units into new developments can support a more diverse population. The addition of units or conversion of larger homes to duplexes or apartments can be a way to increase the supply of multi family housing without dramatically changing the landscape. This section examines the existing housing stock. Included in the housing stock are the total units, age characteristics of the existing housing supply, occupancy rates, structural characteristics, affordability of housing, as well as housing policies and programs.

**Wisconsin State Statute 66.1001(2)(b)*****(b) Housing element.***

A compilation of objectives, policies, goals, maps and programs of the local governmental unit to provide an adequate housing supply that meets existing and forecasted housing demand in the local governmental unit. The element shall assess the age, structural, value and occupancy characteristics of the local governmental unit's housing stock. The element shall also identify specific policies and programs that promote the development of housing for residents of the local governmental unit and provide a range of housing choices that meet the needs of persons of all income levels and of all age groups and persons with special needs, policies and programs that promote the availability of land for the development or redevelopment of low-income and moderate-income housing, and policies and programs to maintain or rehabilitate the local governmental unit's existing housing stock.

## **HOUSING POLICIES**

The following are the housing policies for the Town of Mineral Point.

- **Encourage the provision of an adequate supply of single-family homes and the provision of an adequate supply of condominiums, townhouses, apartments, and duplexes in designated areas near city services. Manufactured (mobile) homes would be allowed in the following areas:**
  - **At the existing two sites through expansion and**
  - **Next to existing farm buildings for the purpose of housing farm employees on-site homes must conform to insulation and weather safety issues.**

See Map H.1 in Section H, Land Use Element for more information.

- **Promote the preservation and rehabilitation of the existing housing stock in the Town of Mineral Point.**

The rehabilitation of housing may not be a problem in the Town today, but it may become one as homes age and require repairs. It is important to encourage property owners to preserve and rehabilitate their homes.

The Division of Community Development (DCD) has identified the conservation of quality housing and housing accessibility as top priorities for allocating federal and state housing resources in Wisconsin. Programs are established to provide essential home rehabilitation, accessibility, and other necessary improvements for dwelling units occupied by low-income homeowners. More information is available at <http://www.commerce.state.wi.us/> and the end of this Section.

- **Preserve and expand the supply of affordable rental and ownership housing for low and moderate-income individuals.**

National and state studies point to a growing problem of housing affordability. Affordability means different things in different communities. It does not automatically mean large blocks of low rent apartments. A home is generally considered affordable when housing costs (this includes rent) do not exceed 30 percent of total household income. What the actual dollar amount of that 30 percent is can cover a wide range. A housing needs assessment might be useful for the Town to determine what housing needs exist and to help define housing affordability in the Town of Mineral Point.

- **Enforce the Iowa County Zoning Ordinance to maintain the character of existing and future residential neighborhoods.**

The key is enforcement of the zoning ordinance, avoiding variances. This will help maintain the character of the Town by enforcing setback requirements, separating incompatible land uses, and enforcing other requirements as outlined in the County ordinance. More information is available at <http://www.iowacounty.org/pd-ordinances.html>.

- **Discourage residential development from areas where soils, slope, or other topographical limitations prove to be unsuitable.**

Review proposed housing developments to be sure they are in areas best suited for residential growth. For example, slope limitations can cause a number of problems, such as run off, steep driveways, and flow problems for water and sanitary sewer service. Refer to the maps in Section E, Agricultural, Natural, and Cultural Resources Element and Map H.1, Section H, Land Use Element for more information. See Section I, Implementation Element for the Town's rural residential siting criteria.

- **Coordinate planning activities with Iowa County and surrounding jurisdictions to effectively plan for residential growth.**

For more information, go to Section G, Intergovernmental Cooperation Element.

➤ **Continue to identify areas and designate land for future housing developments.**

Identifying areas where future residential development is desirable helps the Town plan for overall future growth. The Town of Mineral Point encourages new housing development in close proximity to cities and villages, along major roadways, and in areas that lend themselves to non-obtrusive cluster housing (1-5 acre minimum). Such developments may be identified as “Smart Growth Areas” and can reduce infrastructure costs and keep similar land uses in certain areas. For more information, go to Map H.1, Section H, Land Use Element.

➤ **Review new housing proposals and support those proposals and programs that meet the Town’s housing needs and are consistent with the policies outlined in the comprehensive plan.**

Review housing proposals to be sure they are consistent with the policies outlined not only in the housing section of the comprehensive plan, but other sections as well. This may include doing some type of fiscal impact analysis answering the question: do the benefits of the proposed development outweigh the costs?

**TOWN OF MINERAL POINT HOUSING IMPACT CONCERNS**

The Town of Mineral Point Plan Commission listed concerns that might impact housing development in the Town.

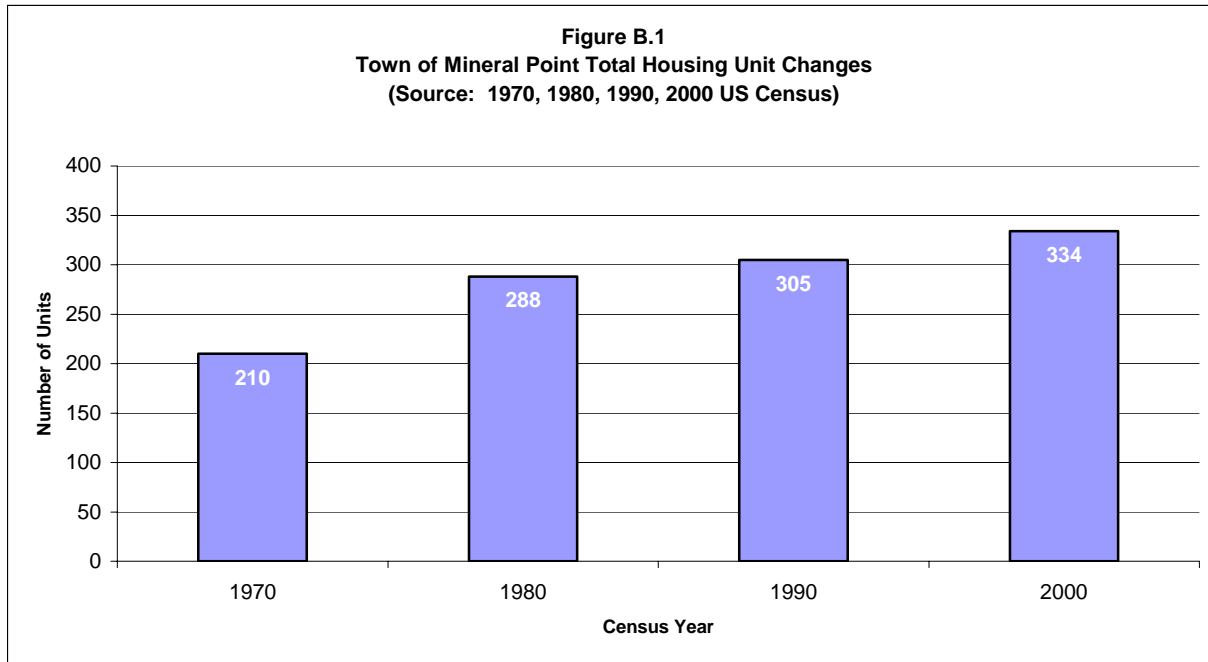
- Employment
- Four-lane highway
- High Densities of Livestock – Confinement Animal Feeding Operations

*The Plan Commission also made note that the housing projections provided by SWWRPC appear too low. The forecast calls for eleven new households in the time period from the year 2000 to 2010. In fact, there have already been 54 new homes built in the last five years.*

## HOUSING CHARACTERISTICS

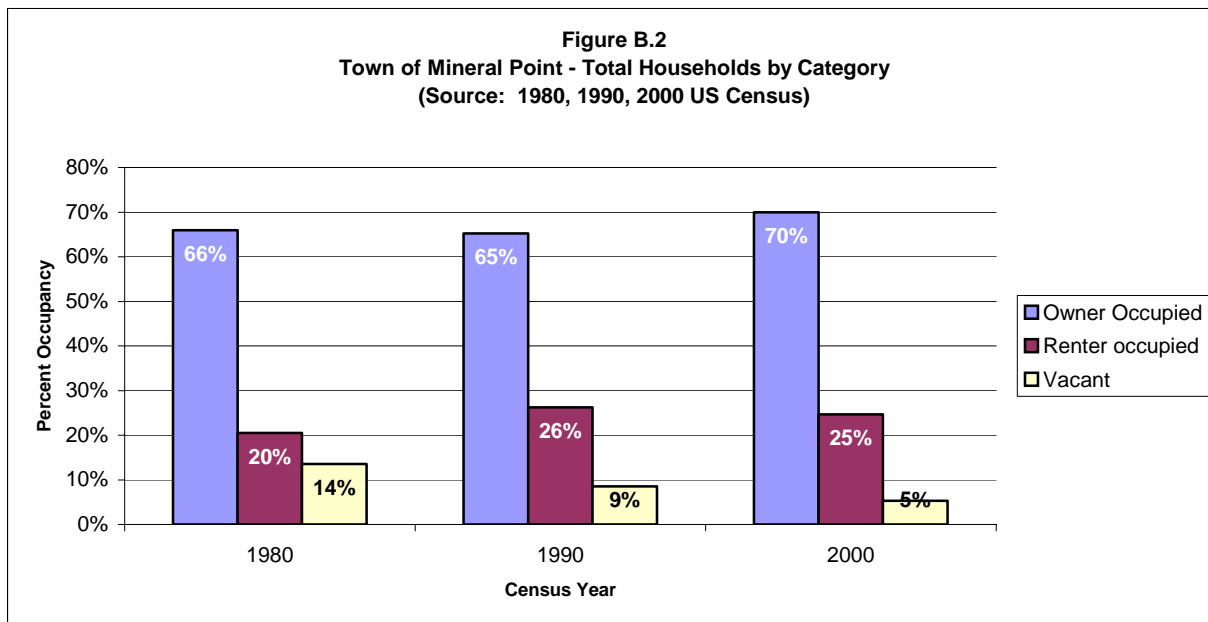
### HOUSING UNITS

The Town of Mineral Point housing supply has increased by 124 units over the last 30 years. As indicated in Figure B.1, the most significant increase occurred between 1970 and 1980, with an increase of seventy-eight units.



### OCCUPANCY CHARACTERISTICS

Figure B.2 indicates the occupancy of households in the Town of Mineral Point according to the 1980, 1990, and 2000 US Census. Between 1990 and 2000, there was a 5 percent increase in owner occupied households, a 1 percent decrease in rental rates, and the vacancy rate decreased 4 percent. According to the 2000 Census, of the 633 housing units in the Town of Mineral Point, 224 were owner occupied, seventy-nine were renter occupied, with the remaining seventeen units vacant. The average number of persons per household was 2.88 for owner occupied units, 2.81 for rental units.





**STRUCTURAL CHARACTERISTICS**

Figure B.3 indicates the type of housing units in the Town of Mineral Point as reported in the 2000 US Census. As indicated, the majority of housing units (83%) in the Town of Mineral Point are single-family homes.

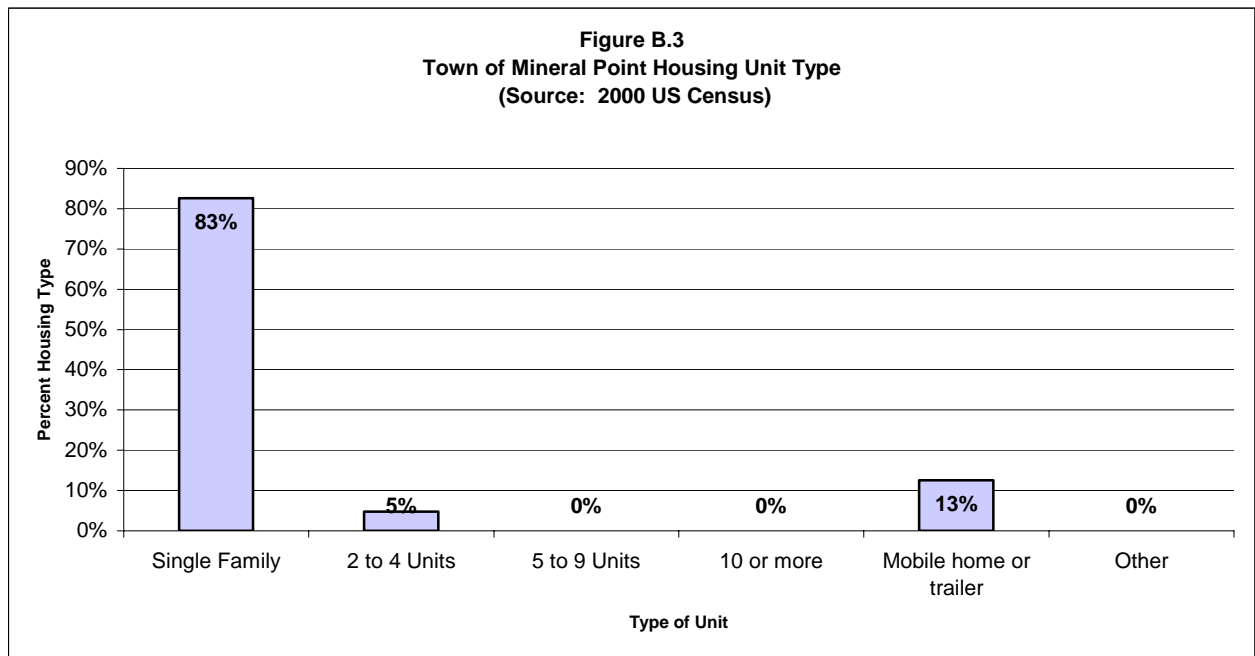
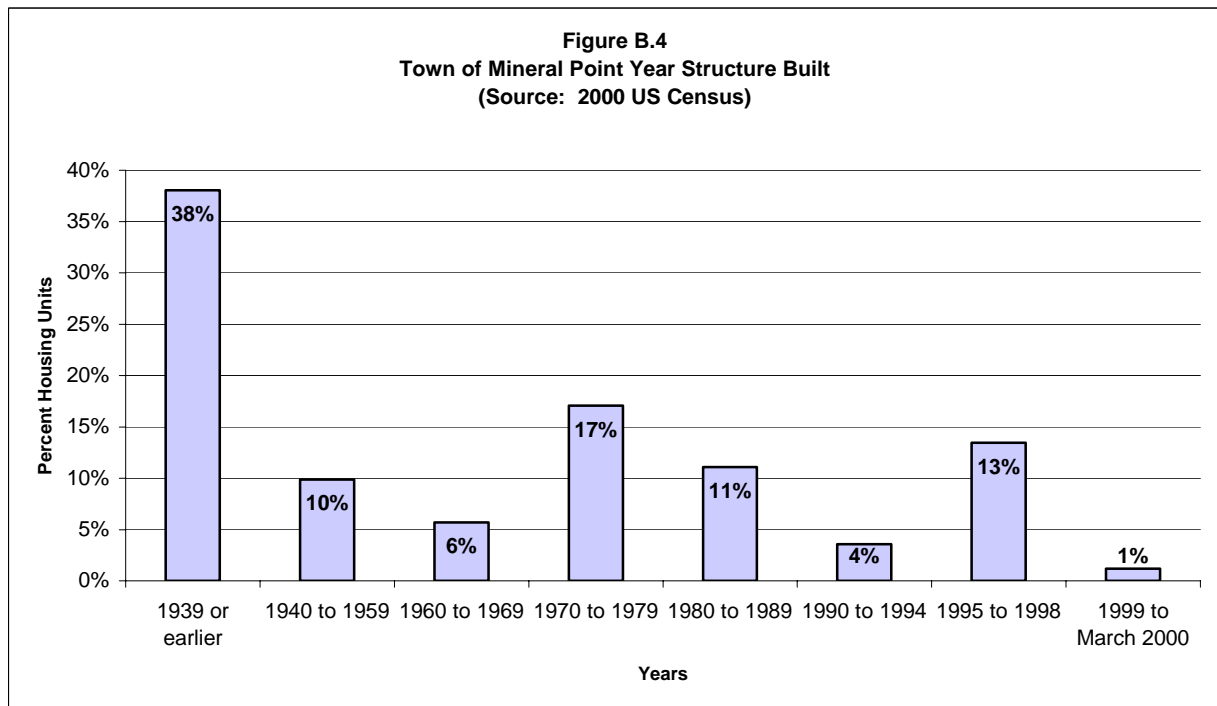
**AGE CHARACTERISTICS**

Figure B.4 shows the age of housing stock in the Town of Mineral Point. Approximately 38 percent of Town of Mineral Point houses were constructed in 1939 or earlier. Forty-four percent were built between 1940 and 1989 and 18 percent were constructed in the past decade.



**HOUSING AFFORDABILITY**

This planning process is an opportunity for local communities to increase housing choices not only by modifying development patterns, but also by increasing the supply in existing neighborhoods that can be served by the current infrastructure.

As mentioned previously in this section, housing affordability is a major component of the comprehensive plan. No single type of housing can serve the varied needs of today's diverse households. Table B.1 compares median home values over a ten-year period (1990 –2000), showing the difference in home values throughout the county. Table B.2 compares median rents paid over the same ten-year period for the county.

**Table B.1: Comparison Of Owner Occupied Median Home Values - 1990 & 2000**

<b>Jurisdiction</b>	<b>1990 Median Home Value - Owner Occupied</b>	<b>2000 Median Home Value - Owner Occupied</b>	<b>Change in Median Home Value 1990 to 2000</b>
Iowa County	\$46,500	\$91,800	\$45,300
City of Dodgeville	\$50,300	\$88,200	\$37,900
City of Mineral Point	\$43,500	\$90,300	\$46,800
Town of Arena	\$60,700	\$122,700	\$62,000
Town of Brigham	\$51,700	\$88,200	\$36,500
Town of Clyde	\$44,200	\$87,500	\$43,300
Town of Dodgeville	\$63,400	\$134,500	\$71,100
Town of Eden	\$40,600	\$122,500	\$81,900
Town of Highland	\$43,800	\$105,100	\$61,300
Town of Linden	\$40,000	\$106,300	\$66,300
Town of Mifflin	\$29,600	\$73,100	\$43,500
Town of Mineral Point	\$51,100	\$135,300	\$84,200
Town of Moscow	\$41,500	\$115,600	\$74,100
Town of Pulaski	\$47,000	\$78,800	\$31,800
Town of Ridgeway	\$45,000	\$153,400	\$108,400
Town of Waldwick	\$38,000	\$80,000	\$42,000
Town of Wyoming	\$65,400	\$123,200	\$57,800
Village of Arena	\$49,300	105,100	\$55,800
Village of Avoca	\$27,500	\$48,900	\$21,400
Village of Barneveld	\$58,900	\$117,600	\$58,700
Village of Blanchardville	\$39,000	\$88,900	\$49,900
Village of Cobb	\$41,900	\$81,200	\$39,300
Village of Highland	\$40,500	\$77,200	\$36,700
Village of Hollandale	\$34,100	\$70,300	\$36,200
Village of Linden	\$30,800	\$70,600	\$39,800
Village of Rewey	\$23,200	\$51,400	\$28,200
Village of Ridgeway	\$44,300	\$88,000	\$43,700

(Source: 1990 & 2000 US Census)

**Table B.2: Comparison Of Renter Occupied Median Rent Paid - 1990 & 2000**

<b>Jurisdiction</b>	<b>1990 Median Rent - Renter Occupied</b>	<b>2000 Median Rent - Renter Occupied</b>	<b>Change in Median Rent 1990 to 2000</b>
Iowa County	\$323	\$502	\$179
City of Dodgeville	\$264	\$569	\$305
City of Mineral Point	\$222	\$446	\$224
Town of Arena	\$292	\$539	\$247
Town of Brigham	\$421	\$575	\$154
Town of Clyde	\$213	\$225	\$12
Town of Dodgeville	\$242	\$604	\$362
Town of Eden	\$225	\$500	\$275
Town of Highland	\$200	\$525	\$325
Town of Linden	\$219	\$506	\$287
Town of Mifflin	\$165	\$488	\$323
Town of Mineral Point	\$243	\$532	\$289
Town of Moscow	\$267	\$513	\$246
Town of Pulaski	\$238	\$513	\$275
Town of Ridgeway	\$238	\$525	\$287
Town of Waldwick	\$175	\$475	\$300
Town of Wyoming	\$256	\$492	\$236
Village of Arena	\$259	\$520	\$261
Village of Avoca	\$175	\$388	\$213
Village of Barneveld	\$267	\$486	\$219
Village of Blanchardville	\$267	\$292	\$25
Village of Cobb	\$220	\$467	\$267
Village of Highland	\$160	\$350	\$190
Village of Hollandale	\$185	\$317	\$132
Village of Linden	\$186	\$453	\$267
Village of Rewey	\$213	\$400	\$187
Village of Ridgeway	\$221	\$497	\$276

(Source: 1990 &amp; 2000 US Census)

**OWNER-OCCUPIED CHARACTERISTICS**

Figure B.5 indicates the value of owner-occupied units in the Town of Mineral Point. The majority of homes in the Town range in value from \$100,000 to \$149,999, with other units both above and below. The median value of an owner-occupied home in the Town in 2000 was \$135,300.

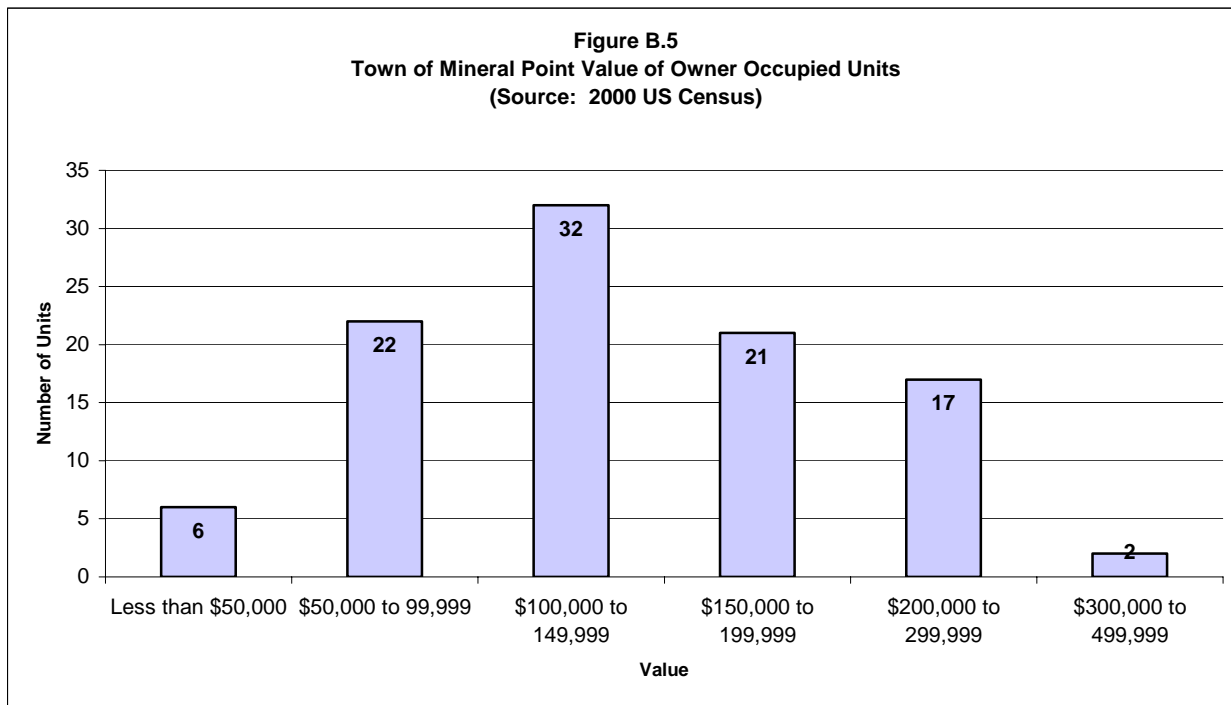
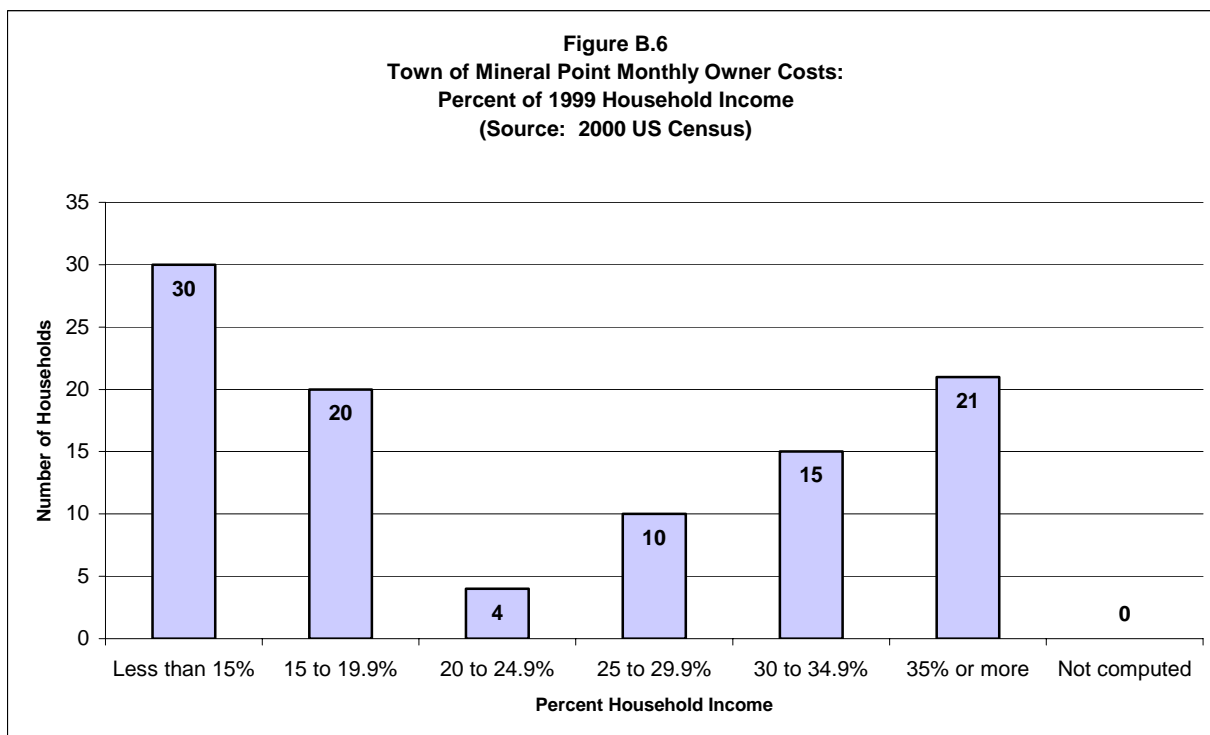
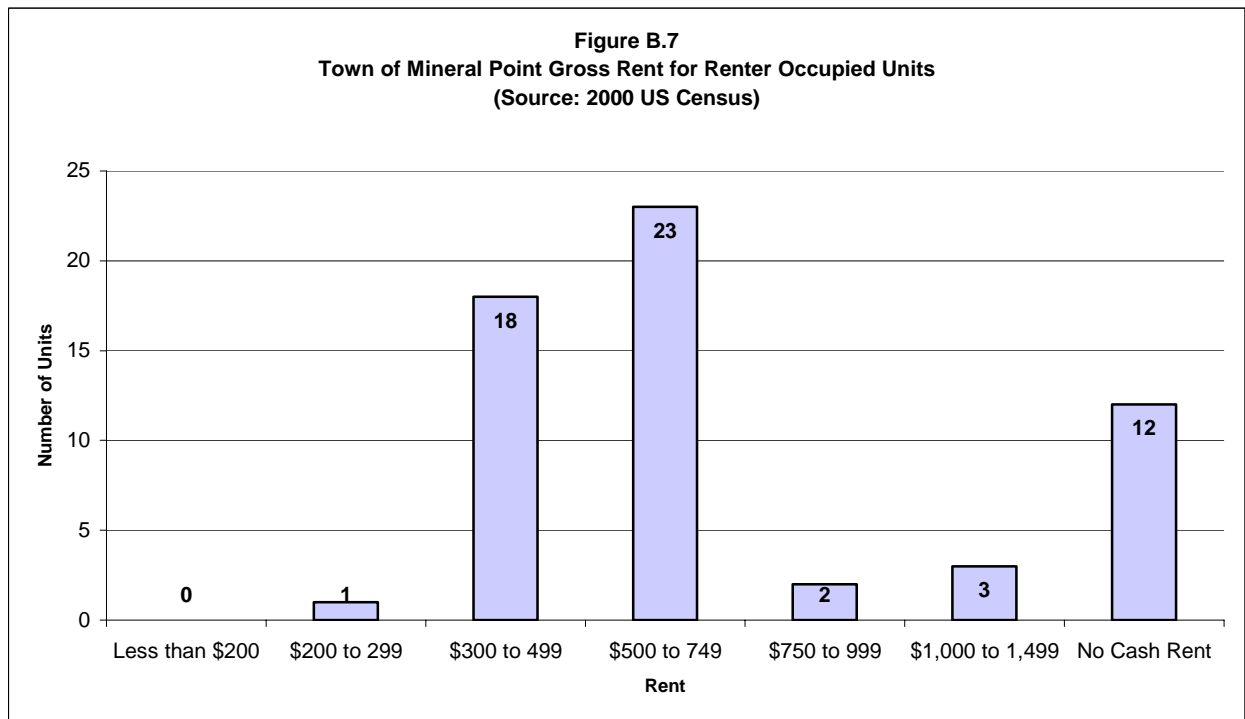


Figure B.6 indicates monthly owner costs as a percentage of 1999 household income. A total of thirty-six households are paying more than 30 percent of their income towards housing costs. A home is generally considered affordable when the total costs do not exceed 30 percent of total household income. However, residents may choose to pay more for a particular style or type of home.

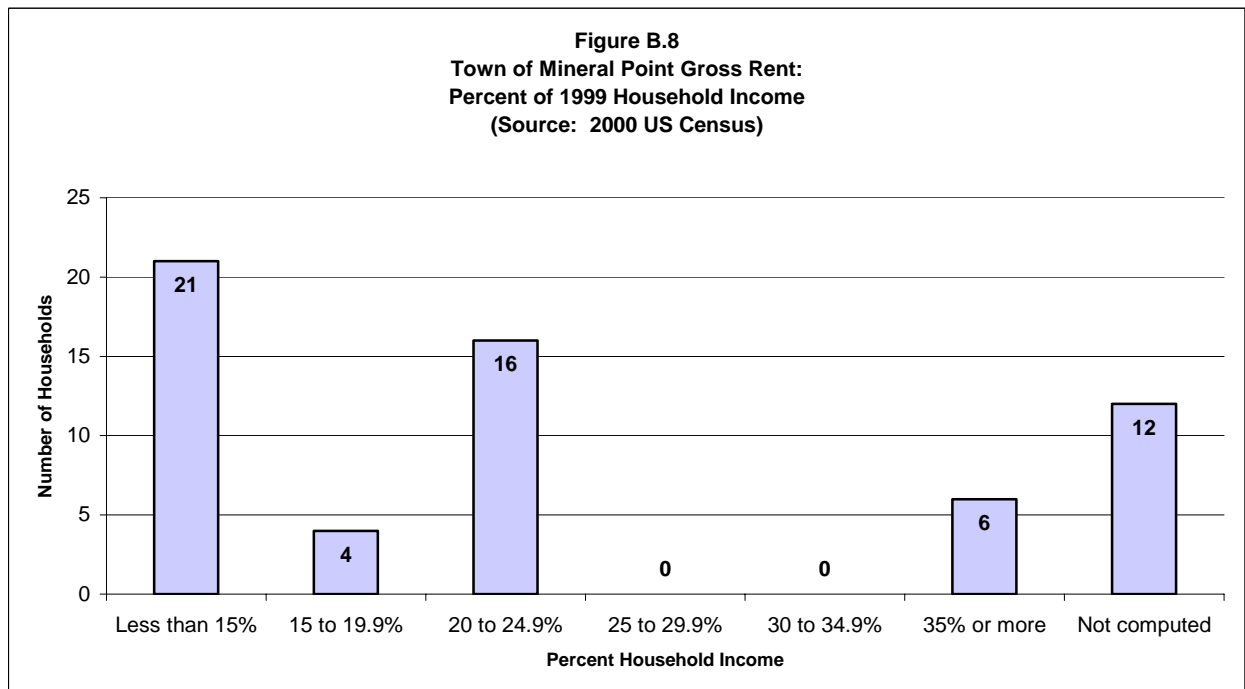


**RENTER-OCCUPIED CHARACTERISTICS**

Figure B.7 indicates the gross rent for renter-occupied units in the Town of Mineral Point for the year 2000. The majority of units are in the range of \$500 - \$749 per month. In the year 2000, the median rent in the Town of Mineral Point was \$532.



As indicated by Figure B.8, six renters are paying in excess of 30 percent of their household income towards housing costs. As mentioned previously, a person should have the opportunity to live somewhere and pay less than 30 percent of their income towards housing. This does not mean that people will not pay more, but that they should have the opportunity available for affordable housing.



## **HOUSING AGENCIES & PROGRAMS**

There are a number of available state and federal housing agencies and programs to assist individuals, developers, and communities in Iowa County. Below are brief descriptions of various agencies and programs. Contact information has been provided for each agency. To find out more specific information or which program best fits your needs contact them directly.

### **WISCONSIN DEPARTMENT OF HOUSING AND INTERGOVERNMENTAL RELATIONS - BUREAU OF HOUSING (DHIR-BOH)**

More than \$40 million is distributed annually to improve the supply of affordable housing for Wisconsin residents. The Bureau of Housing is involved in the following programs:

- Administers federal housing funds such as Home Investment Partnerships, (HOME) and Community Development Block Grants (CDBG)
- Administers a variety of programs for persons with Special Needs (Homeless)
- Provides state housing funds through local housing organizations
- Coordinates housing assistance programs with those of other state and local housing agencies
- Develops state housing policy and provides housing information and technical assistance

#### **WISCONSIN BUREAU OF HOUSING DEPARTMENT OF ADMINISTRATION**

**101 East Wilson Street  
Madison, WI 53702**

**Phone: 608-266-0288**

**<http://www.doa.state.wi.us/dhir>**

### **WISCONSIN HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY (WHEDA)**

The Wisconsin Housing and Economic Development Authority serves Wisconsin residents and communities by providing information and creative financing to stimulate and preserve affordable housing, small business, and agribusiness as a stimulus to the Wisconsin economy.

WHEDA offers programs for both single and multi-family units. Below are examples of projects that may qualify for WHEDA Multifamily Loans.

- New construction
- Acquisition and/or rehabilitation of existing properties
- Historic preservation
- Community-based residential facilities
- Assisted living facilities
- Section 8 properties

#### **WHEDA (Madison Office)**

**201 W. Washington Ave.  
Suite 700  
P.O. Box 1728  
Madison, WI 53701-1728**

**Phone: 1-800-362-2761**

**<http://www.wheda.com>**

### **UNITED STATES DEPARTMENT OF AGRICULTURE - RURAL DEVELOPMENT (USDA-RD)**

The Rural Housing Service helps rural communities and individuals by providing loans and grants for housing and community facilities. Funding is provided for single family homes, apartments for low-income persons or the elderly, housing for farm laborers, child care centers, fire and police stations, hospitals, libraries, nursing homes, schools, and much more.

The Rural Housing Service (RHS) is an agency of the U.S. Department of Agriculture (USDA). Located within the Department's Rural Development mission area, RHS operates a broad range of programs to provide:

- Homeownership options to individuals;
- Housing rehabilitation and preservation funding;
- Rental assistance to tenants of RHS-funded multi-family housing complexes
- Farm labor housing;
- Help developers of multi-family housing projects, like assisted housing for the elderly, disabled, or apartment buildings; and
- Community facilities, such as libraries, childcare centers, schools, municipal buildings, and firefighting equipment in Indian groups, nonprofit organizations, communities, and local governments.

#### **USDA RURAL DEVELOPMENT OF WISCONSIN**

**4949 Kirschling Ct  
Stevens Point, WI 54481**

**Phone: (715) 345-7615**

**FAX: (715) 345-7669**

**<http://www.rurdev.usda.gov/wi/>**

**<http://www.rurdev.usda.gov/rhs/>**

**UNITED STATES HOUSING AND URBAN DEVELOPMENT DEPARTMENT (HUD)**

The mission of HUD is to provide decent, safe, and sanitary home and suitable living environment for every American. More specifically the programs of HUD are aimed at the following:

- Creating opportunities for homeownership
- Providing housing assistance for low-income persons
- Working to create, rehabilitate and maintain the nation's affordable housing
- Enforcing the nation's fair housing laws
- Helping the homeless
- Spurring economic growth in distressed neighborhoods
- Helping local communities meet their development needs

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)**

451 7th Street S.W.  
Washington, DC 20410

Phone: (202) 708-1112

<http://www.hud.gov>

# TRANSPORTATION ELEMENT



**EXECUTIVE SUMMARY**

In 1977, SWWRPC staff and representatives from its five member counties conducted a thorough analysis of the region's transportation system. The report's goal was to: serve as a resource for the residents of southwest Wisconsin to use in analyzing transportation proposals; inform readers of the many varied and complex interrelationships evident in any transportation system; help determine where the emphasis should be placed in planning activities; and to provide a more comprehensive outlook when dealing with transportation problems.

In the intervening years, other transportation plans and reports have also looked at Iowa County and the region, resulting in many improvements to the transportation system.

This document is structured to provide historic context (see Map C.1 for early transportation routes in southwest Wisconsin) and to provide information on local issues within the transportation framework. Although many issues are presented in a regional context, the assertion made in the SWWRPC 1972 *Technical Report No. 4: Prospective for Regional Transportation Planning* holds true today: "It should be emphasized, however, that regional planning is not a substitute for local planning. On the contrary, regional planning is intended to strengthen local planning efforts by providing a more comprehensive base of information in a regional context in order to facilitate rational private and public decisions on the local level."

The advantage of using a regional context to inform local transportation planning is that the relationship to scale is reinforced. From this perspective, the Transportation Element provides historic and regional context, considers local transportation needs, and based on local input provides a 20-year jurisdictional plan that can serve as a resource guide and implementation tool.



**Wisconsin State Statute 66.1001(2)(c)**

*(c) Transportation element.*

A compilation of objectives, policies, goals, maps and programs to guide the future development of the various modes of transportation, including highways, transit, transportation systems for persons with disabilities, bicycles, electric personal assistive mobility devices, walking, railroads, air transportation, trucking and water transportation. The element shall compare the local governmental unit's objectives, policies, goals, and programs to state and regional transportation plans. The element shall also identify highways within the local governmental unit by function and incorporate state, regional and other applicable transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, urban area and rural area transportation plans, airport master plans and rail plans that apply in the local governmental unit.

Beginning on January 1, 2010, any program or action of a local governmental unit that affects land use shall be consistent with that local governmental unit's comprehensive plan, including ...  
(m) An improvement of a transportation facility that is undertaken under s. 84.185.

## **TRANSPORTATION POLICIES**

The following are the transportation policies for the Town of Mineral Point

### ➤ **Transit**

- As a part of the Intergovernmental Cooperation Element, work with City of Mineral Point and WisDOT to explore the value of developing a Park-and-Ride lot.

### ➤ **Land Use**

- Coordination with WisDOT on planning for development.

## **TOWN OF MINERAL POINT**

In reviewing the transportation survey responses that had been completed by residents, the Town of Mineral Point's Plan Commission identified the primary issues and concerns for this plan.

The most satisfactory aspects of the Town of Mineral Point's existing transportation system are:

- Maintenance (sanding and plowing)
- Road Crew late-night volunteer-driven taxi service (from the bars)

The least satisfactory aspect of the community's transportation system is no public transportation (no buses or taxis).

The aspect of the community's transportation system that respondents felt was most important to improve was related to public transportation.

The Town of Mineral Point's Plan Commission respondents identified transportation projects or issues that they foresee in their jurisdiction.

- In the next 10 years: Merry Christmas Lane bridge; widen Bennett Road and surface; create and maintain roads for housing clusters and commercial developments
- In the next 20 years (the planning window for the comprehensive planning process): (no response)

The next section looks more closely at the locally identified transportation issues. In reviewing the transportation survey responses that had been completed by residents, the Town of Mineral Point's Plan Commission respondents ranked the following transportation issues as having the highest priority for meeting local needs (#1 is the highest priority ranking):

1. **Transportation safety**
2. **Agricultural-vehicle mobility**
3. **Tourism (including preservation of rural views)**
4. **Transportation to support economic development**
5. **Mobility needs of the elderly and disabled**
6. **Freight mobility**
7. **Connectivity with the larger transportation system**

These issues thread throughout the Town of Mineral Point's plan—including its housing, economic development, land use, and implementation elements. Although the scope of this plan is local, it recognizes that local planning is part of the mosaic that should inform WisDOT's vision and priorities for budgeting and planning. WisDOT also acknowledges the complexity of balancing these issues:

*"Wisconsin's healthy economy has also caused increased commuter and commercial demand on local roads and streets. Much of the state's 100,000 miles of local roads are facing the same aging infrastructure needs as the state highways. Furthermore, an ever-increasing number of local roads are experiencing congestion problems as communities continue to grow. Because it is essential that state highways and local roads and streets work in unison, the state has to continue to provide funding to local units of governments to help support construction, improvement and maintenance of locally owned highways, roads, streets and bridges. As is the case with the state highway system, it is likely that demands on local roads and streets will continue to grow in the future (WisDOT)."*

Like WisDOT, local governments grapple with these issues and constraints as they make decisions related to housing, development, schools, roads, and funding. A report entitled *The Evaluation of Statewide Long-Range Transportation Plans*, examined Wisconsin's Transportation Plans and concluded:

*"Population growth alone is a challenge that is anticipated in many states. Wisconsin anticipates a 13 percent growth over the plan period [through 2020]. This will create additional demand on existing transportation facilities, along with requiring additional services. This need for services will be compounded by the fact that both its elderly and working age populations will be increasing, with their separate transportation needs" (prepared for the FHWA and US DOT, April 2002)."*

### 2000 US Census for the Town of Mineral Point

Table C.1, drawn from transportation-related responses, is included because it provides some insights related to possible future needs.

- The age of residents is important—those under 15 do not drive; those over 62 may, at some point, be users of shared-ride transportation services. Data for Vehicles Available is also included.
- Employment Status and Work-at-Home numbers provide some perspective on commuting patterns, as does information on Commute Time and Time Leaving Home To Go To Work.
- Information on the Age of Housing Stock is included because housing construction yields increased trip generation and its impacts should be considered.

What future needs are indicated? How do they overlap? It can be difficult to answer these questions and it is more difficult without public input and participation. For WisDOT, this is not simply a goal—it's an obligation. As required by federal law, *"Environmental Justice"* requires public involvement efforts to reach out to minority and low-income populations.

Why? Because historically the interests of these groups have been ignored in transportation decision-making. In Iowa County a four-person household is considered to be *low-income* if it has a total annual income of \$18,100 or less/year. According to the 2000 U.S. Census, 7.3 percent of Iowa County's residents are in this income category and WisDOT is required to make every effort to ensure that their input helps to inform transportation planning decisions.

**Table C.1 – 2000 US Census Data**

POPULATION	T Dodgeville 1501	T Linden 888	C Mineral Point 2560	T Mineral Point <b>916</b>	T Waldwick <b>530</b>	Iowa Co. 22,780	Wisconsin 5,363,675
<b>AGE</b>							
Percentage of the population under 15 years	23.5%	23.6%	23.6%	<b>25.0%</b>	20.3%	22.0%	21.0%
Percentage of the population age 62 or older	14.6%	20.0%	20.0%	<b>9.3%</b>	17.9%	15.5%	15.4%
Median age (in years)	40.1	39.9	39.9	<b>31.7</b>	36.6	37.1	36.1
<b>EMPLOYMENT STATUS</b>							
Employed percentage in the workforce (age 16 & older)	75.1%	64.8%	64.8%	<b>76.4%</b>	74.1%	72.5%	65.8%
Unemployed percentage in the workforce	1.3%	2.0%	2.0%	<b>2.6%</b>	3.4%	3.0%	3.2%
<b>WORK CARPOOLING</b>							
Percentage residents in the labor force working at home:	13.2%	18.7%	18.7%	<b>15.7%</b>	23.3%	8.4%	3.9%
Percentage who drove to work alone	72.5%	70.9%	70.9%	<b>64.8%</b>	55.1%	74.6%	79.5%
Percentage who carpooled	10.6%	7.8%	7.8%	<b>11.5%</b>	15.6%	12.6%	9.9%
2-person carpool	7.7%	7.1%	7.1%	<b>9.7%</b>	12.3%	9.5%	8.1%
3-person carpool	1.4%	0.2%	0.2%	<b>1.0%</b>	3.0%	1.8%	1.2%
4-person carpool	1.1%	0.5%	0.5%	<b>0.8%</b>	0.3%	0.6%	0.4%

**Table C.1 (cont.) – 2000 US Census Data**

<b>WORK CARPOOLING</b>							
5- or 6-person carpool	0.4%	0.0%	0.0%	<b>0.0%</b>	0.0%	0.2%	0.2%
7-or-more-person carpool	0.0%	0.0%	0.0%	<b>0.0%</b>	0.0%	0.4%	0.1%
Public transportation	0.2%	0.5%	0.5%	<b>0.0%</b>	0.0%	0.2%	2.0%
Motorcycle	0.0%	0.0%	0.0%	<b>0.4%</b>	0.0%	0.2%	0.1%
Bicycle	0.2%	0.0%	0.0%	<b>0.0%</b>	0.0%	0.0%	0.4%
Walked	2.4%	2.1%	5.8%	<b>6.0%</b>	4.3%	0.2%	3.7%
Other means	0.8%	0.0%	0.4%	<b>1.6%</b>	1.7%	3.8%	0.4%
<b>COMMUTE TIME TO WORK</b>							
Less than 10 minutes	28.1%	14.0%	31.9%	<b>25.9%</b>	12.1%	25.7%	20.7%
10-14 minutes	22.5%	29.9%	10.9%	<b>18.6%</b>	8.2%	13.8%	18.4%
15-19 minutes	15.2%	21.5%	14.8%	<b>18.9%</b>	8.7%	11.2%	17.0%
20-24 minutes	6.3%	7.6%	14.0%	<b>12.0%</b>	34.2%	10.7%	14.4%
25-29 minutes	3.3%	3.5%	1.9%	<b>3.1%</b>	5.2%	4.8%	6.2%
30-34 minutes	5.3%	7.3%	4.6%	<b>4.5%</b>	10.4%	8.2%	9.6%
35-44 minutes	3.3%	1.2%	4.2%	<b>3.1%</b>	5.2%	7.3%	4.7%
45-59 minutes	8.1%	6.1%	8.1%	<b>8.7%</b>	10.0%	9.8%	4.6%
60-89 minutes	4.7%	4.7%	7.6%	<b>4.0%</b>	4.8%	6.3%	2.6%
90 or more minutes	3.3%	4.4%	2.0%	<b>1.2%</b>	1.3%	2.2%	1.7%
<b>Mean travel time to work (in minutes)</b>	23.1	23.4	22.7	<b>19.2%</b>	24.8	24.7	20.8
<b>TIME LEAVING HOME TO GO TO WORK</b>							
5:00 to 5:59 a.m.	11.9%	14.0%	10.6%	<b>13.4%</b>	11.3%	12.0%	9.6%
6:00 to 6:29 a.m.	8.6%	29.9%	9.2%	<b>12.3%</b>	14.7%	11.4%	8.9%
6:30 to 6:59 a.m.	13.2%	21.5%	10.2%	<b>12.7%</b>	15.6%	15.5%	11.7%
7:00 to 7:29 a.m.	15.9%	7.6%	13.6%	<b>17.2%</b>	8.2%	15.6%	14.3%
7:30 to 7:59 a.m.	19.9%	3.5%	22.5%	<b>11.8%</b>	7.8%	7.1%	15.7%
8:00 to 8:29 a.m.	8.6%	7.3%	7.0%	<b>4.5%</b>	3.9%	2.5%	8.0%
8:30 to 8:59 a.m.	3.0%	1.2%	3.5%	<b>5.0%</b>	2.2%	5.3%	3.7%
9:00 to 11:59 a.m.	4.5%	6.1%	8.2%	<b>6.6%</b>	3.5%	6.7%	6.7%
12:00 to 3:59 p.m.	4.9%	4.7%	6.9%	<b>6.1%</b>	17.3%	11.4%	9.0%
All other times	9.5%	4.4%	8.3%	<b>10.4%</b>	11.3%	12.0%	12.3%
<b>HOUSING STOCK</b>							
Housing constructed between 1990 to March 2000	27.1%	17.3%	11.9%	<b>17.9%</b>	17.8%	17.3%	16.4%
1940 to 1989	41.7%	41.2%	35/6%	<b>43.2%</b>	38.3%	41.2%	60.0%
1939 or earlier	31.2%	41.5%	52.5%	<b>38.9%</b>	43.9%	41.5%	23.6%
<b>HOUSING STOCK</b>							
None	4.0%	3.8%	6.3%	<b>0.9%</b>	0.0%	4.5%	7.9%
One	15.2%	22.1%	37.5%	<b>16.6%</b>	24.0%	26.7%	32.5%
Two	52.1%	41.9%	37.8%	<b>53.0%</b>	48.0%	43.6%	41.5%
Three or more	28.6%	32.2%	18.3%	<b>29.5%</b>	28.1%	25.2%	18.1%
<b>HOUSEHOLD INCOME</b>							
Median reported 1999 household income (in dollars)	\$49,327	\$36,726	\$43,182	<b>\$42,171</b>	\$39,271	\$42,518	\$43,791

**LOCAL TRANSPORTATION INFRASTRUCTURE & ISSUES**

The initial comprehensive planning survey yielded these responses from the residents of the Town of Mineral Point:

- Eighty-nine percent agreed or strongly agreed that Iowa County's overall road network (roads, streets, and highways) meets the needs of its citizens.
- Seventy-three percent agreed or strongly agreed that the condition of local roads in the Town of Mineral Point is adequate for intended uses.

**Transportation Modes**

Plan Commission respondents were asked to identify the transportation modes that currently use public infrastructure within the Town of Mineral Point (in addition to personal cars, trucks, and motorcycles). They are identified below with an **X**.

MODE		Used	Not Used
Travel	Carpooling	<b>X</b>	
	Para-transit (shared-ride, taxi)		<b>X</b>
	Walking	<b>X</b>	
Agriculture	Tractors	<b>X</b>	
	ATVs (all terrain vehicles)	<b>X</b>	
Recreation	Bicycles	<b>X</b>	
	ATVs	<b>X</b>	
	Horses	<b>X</b>	
	Snowmobiles	<b>X</b>	
	Walking	<b>X</b>	
Freight	Trucking	<b>X</b>	
	Rail		<b>X</b>
	Air		<b>X</b>

**Existing Roadways**

The Town of Mineral Point has 72.68 miles of roads:

- 21.80 miles of County Trunk Highways
- 50.88 miles of Local Roads

The most heavily trafficked is the newly constructed segment of the USH 151 corridor, followed by STH 23. As classified on the Iowa County Rural Functional Highway System map, USH 151 is a Principal Arterial. STH 23 is a Major Arterial. STH 39 and CTH D are classified as Major Collectors. CTH O is classified as Minor Collectors. For more information, see Maps C.2, C.3 and C.4 and Tables C-2a, C-2b, and C-2c.

**LOCAL ECONOMIC DEVELOPMENT**

Transportation is a factor in location decisions of commercial and industrial development. In locations where the development is included in local plans, communities should also assess their transportation infrastructure and determine what future improvements may be needed. Communication, during this planning process and when unforeseen development opportunities arise, should include WisDOT, adjacent governmental units, as well as interested parties and other stakeholders. The value of local plans is that they inform county, regional, and state plans and this coordination can help to identify the transportation facilities needed by future development.

The Town of Mineral Point's Plan Commission respondents were asked whether their existing local transportation system does a good job of meeting the needs of the jurisdiction's economic development goals related to

- |                   |     |
|-------------------|-----|
| • Agriculture     | Yes |
| • Retail/Commerce | Yes |
| • Shipping        | Yes |
| • Manufacturing   | No  |
| • Tourism         | Yes |

**ENVIRONMENT**

Transportation and construction projects can impact the natural environment around a project area. When making short- and long-term transportation decisions, it is important to adequately address environmental implications on air quality and energy consumption; agricultural lands; and wetlands and wildlife. One aspect of this is to manage stormwater run-off from transportation facilities. Additionally, transportation improvements and community development decisions should be coordinated and the impacts that each has on the other should be considered. For more information on this topic, see Appendix C-1 and Section E, Agricultural, Natural, and Cultural Resources Element.

Plan Commission respondents indicated that this is covered by the road building authorities and did not request more information.

**AESTHETICS**

The Town of Mineral Point's Plan Commission indicated no interest in the state's Rustic Roads program or in design and aesthetics. See Appendix C-2 for more information.

**TRANSIT, ACCESSIBILITY & SPECIAL NEEDS USERS**

As noted elsewhere in this document, options in Iowa County are limited. The state operates a vanpool program, administered by the Wisconsin Department of Administration, which currently operates seven vans that stop in Iowa County. The closest pick-up point is in the City of Mineral Point. According to the 2000 US Census, 11.5 percent of Town of Mineral Point residents carpool to work (64.8 percent drive alone and 15.7 percent work at home). Plan Commission respondents indicated the consideration of a possible Park-and-Ride site is an item for inclusion in the *Intergovernmental Element* with the City of Mineral Point.

For longer trips, Jefferson Bus Service from Minneapolis, MN travels on the USH 14 corridor through the northern part of Iowa County. There are no stops in Iowa County and none in proximity to the Town of Mineral Point.

Although limited, transportation for the elderly and disabled is provided by the Iowa County Commission on Aging. WisDOT's report *Transportation in Wisconsin: a Vision for the 21<sup>st</sup> Century* projects that by 2020 the number of state residents over 65 will increase by more than 50 percent. Wisconsin has funded a share of local transit operating costs since 1974. Today, state aid is the largest source of funding for Wisconsin's 69 public transit systems—covering more than 40 percent of eligible operating costs. These transit operating aids topped \$251 million in the 2003-05 biennium. According to WisDOT, Wisconsin is ranked 7th nationally in the level of state support for transit operating costs. However, as the *Transit* section of this document indicates, the state's aging rural population will be likely to require more transportation options. Plan Commission respondents indicated these services—as well as the Hodan Center buses which transport the disabled—meet current needs and are projected to meet future needs: "Services should be cost-recovery funded with a voucher system for eligible low-income users."

With regard to any form of transit service recruitment—i.e., local taxi service—they responded, "Let the market determine the need."

With the newly constructed 4-lane USH 151 an intercity transportation trail route was also developed, providing a link for bicyclists between Dodgeville and Mineral Point. The Cheese Country Trail (largely utilized as an ATV recreation corridor) links Mineral Point, Darlington, and Monroe; a similar use trail also connects with Belmont. After reviewing WisDOT/Bicycle Federation of America maps of current conditions and proposed improvements, respondents expressed no interest in developing bicycle lane along with other improvements noting, "Cost would be prohibitive and the survey indicated lack of interest." Of Town of Mineral Point survey respondents who expressed an opinion, only 35 percent indicated that they agreed or strongly agreed that there should be more biking and walking lanes along public roadways.

**NEXT STEP:** As a part of the Intergovernmental Cooperation Element, work with City of Mineral Point and WisDOT to explore the value of developing a Park-and-Ride lot.

## **LAND USE**

The land use and transportation relationship is cyclical, beginning when population and economic growth create demand for land development. New development results in more vehicle trips and places greater demand on surrounding streets, roads, and highways. This is a complex interrelationship. As a WisDOT report acknowledges,

*“WisDOT influences land development mostly through the provision of infrastructure. Some transportation-related regulations also may have an effect. For state transportation, the effects on surrounding land uses are often more unintentional than intentional ... the most significant role that transportation plays in land development is affecting access to land.”*

Some land use trend indicators include:

- Past and projected population growth
- Employment trends by sector
- Residential housing permits housing prices over the last 5-10 years
- Population densities changes: persons/acre; households/acre; commercial persons/acre use (indicating rate of land consumption)
- Conversion of age-land to non-age-land uses and comparison with the land sale prices land remaining in age (indicating stability of age-uses)
- Participation in Farmland Preservation Program (indicating stability of age-uses)
- Septic system permits (indicating development in unsewered areas)
- Changes (or requests) to expand sewer service areas (indicating expansion of urban service areas)
- Commuting patterns (indicating the relationship between employment and residential land uses)

(From *Land Use in Environmental Documents: Indirect and Cumulative Effects Analysis for Project-Induced Land Development*. WisDOT, 1993)

Local government plans, in conjunction with a zoning ordinance, attempt to direct residential, commercial, industrial, and agricultural uses to the most appropriate part of the community. When coordination is lacking or inadequate, the outcome can cause congestion and increase the chance for crashes. Retrofitting transportation facilities for enhanced mobility and safety is difficult for local governments and WisDOT. For more information, see Appendix C-3.

But realistically, given the cyclical nature of the transportation-land use relationship, when transportation improvements alleviate congestion, the newly developed land may become even more accessible, resulting in higher land values and greater pressure to develop adjacent, undeveloped land. The cycle begins again with more intensive levels of development and greater transportation demands. These pressures are being felt in eastern Iowa County. Although some parts of the county are not seeing growth, they may anticipate continued spillover that will have an impact on local development and infrastructure within the 20-year planning window.

Coordination with local governments and WisDOT can serve to address future mobility needs by looking at the potential impacts of planned development. If plans indicate that increased capacity will be needed, it can be incorporated into the transportation plan for that area. If this communication occurs during the planning process, coordination can help to ensure that more options are considered. One of the tools that can help to assess alternatives is to conduct a traffic impact analysis, looking at possible scenarios.

Ideally, WisDOT is included in the local planning process and effective planning helps the community to realize its local goals for development, efficiency, and safety, while minimizing environmental impacts. This can save both money and time, over the long- and short-term. When developments are planned and sited with adequate transportation facilities the community benefits. Land is developed more efficiently if proximity to other development and to transportation infrastructure. WisDOT (and the taxpayers) benefit because transportation investments continue to function throughout their projected life cycle and the public gets the best return on its tax investment.



The community can plan for areas of new business and housing development that will be served by a system of local roads or streets. Rather than wait for a developer proposal, the comprehensive planning process is an opportunity for the community to lay out a logical system of collectors and local roads in undeveloped areas with the jurisdiction's boundaries. The community can potentially alter the plan to suit a particular development's needs and still uphold an overall plan that ensures efficient and safe connectivity. If there are questions during the planning process about the access management implications of a proposed development, coordination with WisDOT early in the process can help minimize future conflicts. See Appendix C-4 for more information.



Plan Commission respondents do anticipate that growth will impact the transportation system in the future with more housing and commercial growth. They report no traffic delays at this time. According to 2000 Census data, 17.9 percent of the township's housing stock has been constructed between 1990 and March 2000. The town does have development guidelines and utilizes access management guidelines. There is coordination with neighboring jurisdictions, Iowa County, and WisDOT.



In Section B, Housing Element, Plan Commission respondents indicated that housing development should be encouraged along major roadways. During the planning process, the township may want to coordinate with WisDOT so that site planning for housing, or other development, considers the safest access. Plan Commission respondents requested more information on WisDOT's access management requirements related to the highway system (more information is also included in the next sections).

#### **Coordination with WisDOT on planning for development**

During the planning process, and beyond, the Town of Mineral Point is urged to coordinate with WisDOT so that designated sites for housing development, and the anticipated volume of traffic generated, will have safe access to the highway system via the local roads network.

#### **ENHANCING & IMPROVING CONNECTIVITY**



Access management attempts to minimize conflicts by coordinating land development access, while preserving the flow of traffic on the surrounding road system in terms of safety, capacity, and speed. The main function of access management is to establish a balance between the existing traffic flow and highway access. It is achieved through managing the design and location of driveways, median openings, and points of access to the state highway system. The level of highway access control is based on the importance of the highway to regional and statewide travel as determined through a functional classification system. Although controversial in some jurisdictions, its primary goal is to ensure highway safety and to sustain the efficiency of the transportation system so costly retrofits don't have to be made later.



### **EFFICIENCY & SAFETY**

A 1980 report entitled *Access Control* explained the rationale for the state's access management regulations:

*"The highly interdependent relationship that exists between land use and highways makes it necessary for the planning of each to be coordinated with the other. ... A property system must provide access to property and safe, efficient movement of traffic from one place to another. Both of these functions cannot easily be provided on the same street or highway. Vehicles entering or leaving the roadway slow traffic and cause congestion. Congested streets or highways handle less traffic than if traffic were moving freely. In addition, congestion imposes increased travel costs on users in the form of longer travel time and greater operating costs, higher accident rates, and loss of the public investment in the street or highway because its traffic carrying capacity is reduced. Access control can provide an effective and low cost means of abating the harmful effects of congestion. Five direct advantages are afforded by controlling access:*

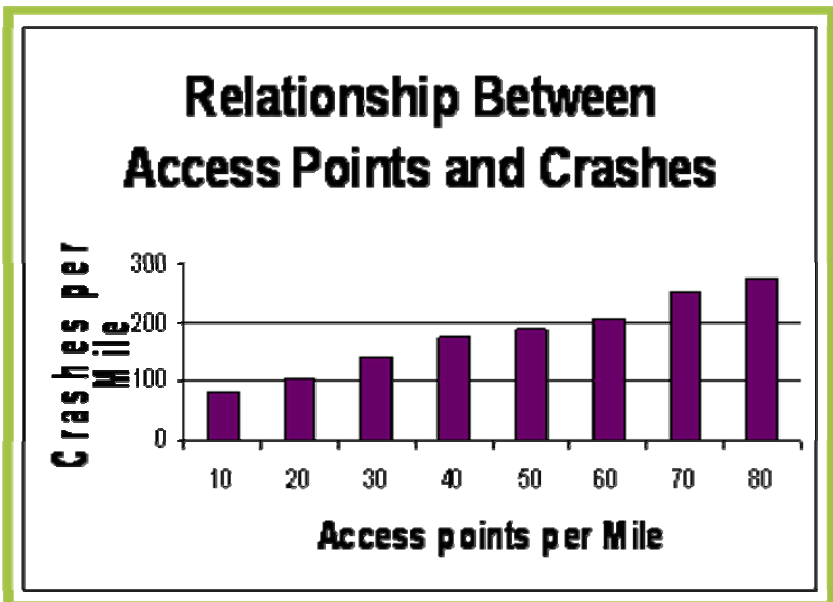
- *Preservation of the capacity and integrity of the roadway*
- *Reduction of travel times*
- *Improved safety and driving conditions*
- *Economy of operation*
- *And protection of the public investment in streets and highways.*

*In contrast, relieving congestion by building new streets and highways [and bypasses] is becoming increasingly less desirable as it becomes more and more difficult to acquire the necessary rights-of-way and to find public funds to pay high construction costs. Continued new construction also consumes extensive amounts of land that may more profitably be put to other uses. ... Like it or not, none of us have an absolute unlimited right to use our land in any manner we please. We must take into consideration the impact that our use of land and land rights will have on others, both our immediate neighbors and the general public. Thus, if use of the right of access creates harmful interference with the public right to travel on a street or highway by increasing congestion and the likelihood of having an accident, the right of access may be regulated..."*

Since 1980, when the quoted report was written, development pressures have only increased. Perhaps the reason that crash data has decreased is that jurisdictions have worked to ensure the safety of corridor routes is preserved.

Nonetheless, access management has been a contentious issue and some people believe that the regulations impede development. Efforts to repeal Administrative Rule 233 came to fruition in 2004. Doubtlessly, there are examples where the implementation of the regulation had been less than ideal.

However, congestion, caused by poor planning, and the resulting loss of the efficiency of a roadway may make development less attractive. On a human scale, the most important issue and the greatest responsibility is to ensure safety. For more information, see Maps C.8 (Access Management), C.9 (Setbacks), and C.10 (Iowa County Traffic Counts) and Tables C-5a and C-5b (Motor Vehicle Crash data for the Town of Mineral Point) at the end of this Section and in Appendix C-5.



## **MAINTENANCE & IMPROVEMENTS**

Each year WisDOT completes 350 to 400 state highway projects, costing an average of \$1.5 million each. In addition, WisDOT returns more than \$500 million to local governments to help finance the operation and improvement of locally-owned roads, streets and bridges. According to WisDOT, highways and bridges face increasing pressures as more traffic and larger trucks cause more wear and tear. At this time, more than 30 percent of the state's highway pavement and 10 percent of bridges are deemed to require rebuilding or replacement. WisDOT projects that even with proper maintenance, the average pavement life is approximately 40 years and the average life of a bridge is about 70 years. Almost the entire highway system and a significant number of bridges will need to be replaced by 2020. See Tables C.4 and C.5 and Maps C.11a and C.11b at the end of this Section for more information.

At the time that this plan is being written, local communities receive one-third of state transportation funds. Transportation aids to local communities include funds for local road construction and maintenance, bridge improvements, capital assistance for airports, rail and harbor facilities, flood damage, expressway policing, and transit operating assistance. General Transportation Aids (GTA) are distributed to every town, village, city, and county in the state to help offset the cost of maintaining and improving the local road and street system. This is the largest category of local aid. In the 2003-05 state budget, GTA funding totals \$747 million.

A WisDOT pilot program is underway to encourage local government officials and WisDOT district staff to jointly evaluate potential local projects before they apply to WisDOT for funding. The purpose of this effort is to improve program stability by providing accurate cost estimates and realistic delivery timelines for local highway and bridge projects at the outset, saving both local governments and WisDOT time and money in delivering local transportation projects.

According to the UW-Madison Transportation Information Center, by using the PASER system and Roadware software, municipalities can determine budget parameters, select possible projects, and evaluate the implications of maintenance decisions.

The Town of Mineral Point uses the state's PASER (**PA**vement **S**urface **E**valuation & **R**ating) program and reports that it is useful for prioritizing and budgeting.

## **COST**

For many local governments, maintenance of the local road system is the single largest expenditure category. Privatization is often touted, but to-date, only a small handful of Wisconsin cities and villages (less than 1 percent) have privatized street repair and maintenance. A more common municipal practice in Wisconsin is contracting with county highway departments for certain types of repairs and maintenance, ranging from complete contracting to cooperative projects. Not surprisingly, development can add new demands for services and increase local costs without providing comparable increase in revenues. (Taken, in part, from UW-Extension *Fact Sheet #2: Comparison of Service Production Methods and the Incidence of Privatization*) In 2003 the Town of Mineral Point was budgeted to receive \$89,443.25 in General Transportation Aids and Connecting Highway Aids. The amount budgeted for 2004 was \$92,856.00. See Table C-6 at the end of this Section for more information.

### **Reconstruction**

- Completely rebuilds road
- Flattens curves and hills
- Widens pavement and shoulders
- Improves safety and rideability
- May require some land acquisition

### **Reconditioning**

- Involves reconditioning plus resurfacing
- Retains existing pavement core
- Improves roadside-shoulder widening and ditch restoration
- Improves isolated deficient curves, hill crests, intersections

### **Resurfacing**

- Includes new pavement and gravel shoulders (includes base patching)
- May include intersections paving
- Places beam guards where needed
- Highway needing improvement:
- Maintains specific areas of potholes, extensive cracking, uneven pavement, low shoulders and rutting

—WisDOT



**Maintenance & Improvements**

The State of Wisconsin's Local Road Improvement Program (LRIP) is a reimbursement program and pays up to 50 percent of total eligible project costs, with the balance matched by the local unit of government. Towns are eligible under the Town Road Improvement Program (TRIP). Eligible projects include (but are not limited to) asphalt purchasing, bridge replacement or rehabilitation, design or feasibility studies, reconstruction, and resurfacing. LRIP is a biennial program. See Tables C-7a and C-7b, as well as Appendix C-6 for more information.

**Capital Improvement Program**

Many municipalities use a Capital Improvement Program (CIP) to assist in planning for major project costs. A CIP is a multi-year scheduling of physical public improvements, based on the examination of available fiscal resources, as well as the prioritization of specific public improvements, to be constructed for a period of five to six years into the future. Capital improvements are those that include new or expanded physical facilities that are relatively large in size, expensive, and permanent. Street improvements, public libraries, water and sewer lines, and park and recreation facilities are common examples of capital improvements. See Appendix C-7 for more information.

The Town of Mineral Point does not have a capital improvement program and is not interested in creating one at this time.

STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
WISCONSIN INFORMATION SYSTEM FOR LOCAL ROADS  
City / Village / Town / County Certified Mileage List  
Jan 1, 2003

COUNTY OF IOWA (25)

TOWN OF MINERAL POINT ( 018 )

**Table C.2a**

Page 1

Road Name	Gross Miles	County Miles	Municipal Miles	County Jurisdiction			Municipal Jurisdiction		
				Arterial	Collector	Local	Arterial	Collector	Local
Antoine Rd	3.21		3.21						3.21
Bernett Rd	0.54		0.54						0.54
Blotz Rd	0.15		0.15						0.15
Brecken Rd	1.75		1.75						1.75
Burr Oak Rd	1.19		1.19						1.19
Chris Na Mar	0.20		0.20						0.20
CTH D	4.89	4.89			2.39	2.50			
CTH DD	3.74	3.74				3.74			
CTH O	2.53	2.53			2.53				
CTH QQ	1.99	1.99				1.99			
CTH S	2.85	2.85			2.85				
CTH Y	3.74	3.74				3.74			
CTH YD	2.06	2.06				2.06			
Douglas Rd	0.20		0.20						0.20
Dream Lane Rd	0.15		0.15						0.15
E Barrel Town Rd	1.66		1.66						1.66
E Lake Rd	0.90		0.90						0.90
E Pleasant View Rd	2.43		2.43						2.43
E Survey Rd	1.77		1.77						1.77
Ferndale Rd	2.91		2.91						2.91
Ferrell Rd	3.13		3.13						3.13
Governor Dodge Rd	1.63		1.63						1.63
Greysville Rd	0.24		0.24						0.24
Harris Rd	0.50		0.50						0.50
Horne Rd	0.29		0.29						0.29
Ivey Rd	0.37		0.37						0.37
Jacobson Rd	0.40		0.40						0.40

Last Updated Date : 08/20/2003 05:07:38 PM

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STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
WISCONSIN INFORMATION SYSTEM FOR LOCAL ROADS  
City / Village / Town / County Certified Mileage List  
Jan 1, 2003

COUNTY OF IOWA (25)

TOWN OF MINERAL POINT ( 018 )

**Table C.2b**

Page 2

Road Name	Gross Miles	County Miles	Municipal Miles	County Jurisdiction			Municipal Jurisdiction		
				Arterial	Collector	Local	Arterial	Collector	Local
Lawinger Rd	0.18		0.18						0.18
Merry Christmas Ln	0.09		0.09						0.09
Midway Rd	0.09		0.09						0.09
Mill Creek Rd	0.94		0.94						0.94
Miller Rd	1.08		1.08						1.08
N Oak Park Rd	1.74		1.74						1.74
Oak Park Rd	0.12		0.12						0.12
Old Barreltown Rd	0.61		0.61						0.61
Old Highway Rd	0.60		0.60						0.60
Pittz Rd	0.18		0.18						0.18
Pleasant View Rd	3.11		3.11						3.11
Ridge St	0.54		0.54						0.54
Rock Branch Rd	3.58		3.58						3.58
Ruppert Rd	1.21		1.21						1.21
S Barreltown Rd	1.75		1.75						1.75
Shake Rag St	0.23		0.23					0.23	
S Oak Park Rd	1.66		1.66						1.66
Spitz-Barth Rd	1.20		1.20						1.20
Stone Rd	0.09		0.09						0.09
Sunny Ridge Rd	2.16		2.16						2.16
Survey Rd	1.74		1.74						1.74
Suthers Rd	1.32		1.32						1.32
S Wisconsin St	0.09		0.09						0.09
TN RD 13	0.07		0.07						0.07
TN RD 27	0.06		0.06						0.06
TN RD 41	0.15		0.15						0.15
TN RD 42	0.32		0.32						0.32

STATE OF WISCONSIN  
 DEPARTMENT OF TRANSPORTATION  
 WISCONSIN INFORMATION SYSTEM FOR LOCAL ROADS  
 City / Village / Town / County Certified Mileage List  
 Jan 1, 2003

COUNTY OF IOWA (25)

TOWN OF MINERAL POINT ( 018 )

Table C.2c

Page 3

Road Name	Gross Miles	County Miles	Municipal Miles	County Jurisdiction			Municipal Jurisdiction		
				Arterial	Collector	Local	Arterial	Collector	Local
Town Line Rd	0.95		0.95						0.95
View Point Dr	0.37		0.37						0.37
Weidenfeller Rd	0.63		0.63						0.63
W Lake Rd (2)	0.40		0.40						0.40
<b>Total Miles</b>	<b>72.68</b>	<b>21.80</b>	<b>50.88</b>	<b>0.00</b>	<b>7.77</b>	<b>14.03</b>	<b>0.00</b>	<b>0.23</b>	<b>50.65</b>

**Crashes by Severity**

	Fatal Crashes	Injury Crashes	Prop Damage Crashes	Total Crashes	Economic Loss
1997	3	22	33	58	\$3,352,300
1998	1	16	28	45	\$1,729,400
1999	0	20	34	54	\$641,400
2000	1	23	32	56	\$1,850,100
2001	1	23	29	53	\$1,720,600
5-Yr Mu. Avg	1	21	31	53	\$1,858,760
WI Average	667	41,481	88,182	130,330	\$2,471,400,000

**Non-fatal Injury Severities**

	Persons Killed	Total Persons With Non-Fatal Injuries	Incapacitating (A) Injuries	Non-Incapacitating (B) Injuries	Possible (C) Injuries
1997	3	46	2	19	25
1998	1	26	5	5	16
1999	0	27	0	8	19
2000	1	32	3	13	16
2001	1	32	0	6	26
5-Yr Mu. Avg	1	33	2	10	20
WI Average	748	61,830	6,488	18,535	36,806

	Speed-Related Crashes*	Alcohol-Related Crashes*	Disregarded Traffic Control Crashes*	Fail-to-Yield Crashes*
1997	9	9	0	2
1998	11	4	1	3
1999	11	5	1	6
2000	18	10	2	5
2001	14	3	0	4
5-Yr Mu. Avg	13	6	1	4
WI Average	20,822	8,668	7,202	25,211

\* These figures represent all crashes that involved these driver factors as tallied by possible contributing circumstances on the MV4000 or by citations issued. There is some overlap among the categories; for example, some crashes involved both speed and alcohol.

This report counts all crashes that occurred on public roads and were reported by law enforcement officers. It presents all crashes that occurred in the municipality, even if the municipality lies in more than one county. WI Average figures represent the 1997-2001 statewide average. Data for this report comes from the WisDOT-DMV Traffic Accident Database.

	Pedestrian Crashes	Bicycle Crashes	Motorcycle Crashes	School Bus Crashes	Hit and Run Crashes	Deer Crashes
1997	0	0	0	0	4	11
1998	0	0	1	0	2	11
1999	0	0	0	0	3	7
2000	1	0	2	1	1	8
2001	0	0	0	0	2	8
5-Yr Mu. Avg	0	0	1	0	2	9
WI Average	1,693	1,368	2,025	826	12,963	20,087

	15-20 Year Old Drivers In Crashes	Total (All Ages) Drivers In Crashes	Youth Ages 1-4 Injured or Killed	Youth Ages 5-13 Injured or Killed	Youth Ages 14-18 Injured or Killed
1997	16	88	0	3	17
1998	11	61	0	1	3
1999	14	76	0	0	3
2000	16	82	1	0	5
2001	14	75	1	1	7
5-Yr Mu. Avg	14	76	0	1	7
WI Average	38,823	218,460	924	3,857	10,141

	15-20 Yr Old Drinking Drivers In Crashes	21-34 Yr Old Drinking Drivers In Crashes	35-64 Yr Old Drinking Drivers In Crashes	55 and Older Drinking Drivers In Crashes
1997	2	6	3	0
1998	2	2	0	0
1999	1	1	3	0
2000	1	4	6	0
2001	0	2	1	0
5-Yr Mu. Avg	1	3	3	0
WI Average	1,147	3,983	3,028	498

This report counts all crashes that occurred on public roads and were reported by law enforcement officers. It presents all crashes that occurred in the municipality, even if the municipality lies in more than one county. WI Average figures represent the 1997-2001 statewide average. Data for this report comes from the WisDOT-DMV Traffic Accident Database.



## **TENTATIVE HIGH COST BRIDGE PROJECTS SCHEDULE**

[illegible]

TABLE C.5

WISDOT DISTRICT 1 | FEBRUARY 1, 2003 SNAPSHOT

2002-2007 SIX YEAR HIGHWAY IMPROVEMENT PROGRAM - IOWA COUNTY						
HWY	PROJECT TITLE	MILES	COST EST. (RANGE)	YEAR(S)	TYPE	DESCRIPTION
14	WISCONSIN RIVER - MAZOMANIE ROAD	12.23	\$4,000,000- \$4,999,999	2004	PVRPLA	Pulverize the existing asphalt and overlay with asphaltic pavement.
18	CTH ID INTERCHANGE	0	\$750,000- \$999,999	2002	BRRLPL	Construct a new diamond interchange at County Highway ID at Barneveld.
18	CTH ID INTERCHANGE	0.97	\$4,000,000- \$4,999,999	2002	RECST	Construct a new diamond interchange at County Highway ID at Barneveld.
18	MONTFORT - DODGEVILLE	14.22	\$4,000,000- 4,999,999	2005-2007	PVRPLA	Replace pavement and pave five feet of the shoulders.
23	USH 151 - IOWA ST. DODGEVILLE	0.67	\$100,000- \$249,999	2003	RDMTN	Recycle the existing blacktop and pave 5 feet of the shoulder.
80	HIGHLAND - STH 133 (B-932)	0.06	\$100,000- \$249,999	2003	BRRLPL	Replace deficient existing bridge.
130	STH 23 - WISCONSIN RIVER (B-933)	0	\$250,000- \$449,999	2005-2007	BRRLPL	Replace deficient existing bridge.
151	DODGEVILLE BYPASS - 4 LANES	3.59	\$1,000,000- \$1,999,999	2005-2007	RDMTN	Install dowels and diamond grind the rough pavement..
151	STH 23 OVERPASS (B-24)	0.01	\$100,000- \$249,999	2005-2007	BRSHRM	Overlay bridge deck.
151	BELMONT - DODGEVILLE	12.17	\$15,000,000 OR GREATER	2002	MAJOR	Reconstruct the roadway; the new roadway to be four lanes divided with bypasses of Mineral Point and Belmont.
151	BELMONT - DODGEVILLE	3.59	\$500,000- \$749,999	2003	MAJOR	Reconstruct the roadway; the new roadway to be four lanes divided with bypasses of Mineral Point and Belmont.
151	BELMONT - DODGEVILLE	0.8	\$500,000- \$749,999	2004	MAJOR	Reconstruct the roadway; the new roadway to be four lanes divided with bypasses of Mineral Point and Belmont.



# TABLE C.6

12/22/2003 December Final Calculations

## General Transportation Aids (GTA) and Connecting Highway Aids (CHA)

District	CVT Code	Municipality	2003	2004
1	25000	COUNTY OF IOWA	<b>\$885,595.07</b>	\$871,800.52
1	25002	TOWN OF ARENA	\$141,948.50	\$141,948.50
1	25004	TOWN OF BRIGHAM	<b>\$107,018.00</b>	\$105,247.75
1	25006	TOWN OF CLYDE	\$52,103.75	\$52,103.75
1	25008	TOWN OF DODGEVILLE	\$130,049.50	\$130,049.50
1	25010	TOWN OF EDEN	\$85,116.00	\$85,116.00
1	25012	TOWN OF HIGHLAND	\$129,739.25	\$129,739.25
1	25014	TOWN OF LINDEN	\$98,489.50	\$98,489.50
1	25016	TOWN OF MIFFLIN	\$78,128.25	\$78,128.25
1	25018	TOWN OF MINERAL POINT	\$89,443.25	<b>\$92,856.00</b>
1	25020	TOWN OF MOSCOW	\$71,832.00	\$71,832.00
1	25022	TOWN OF PULASKI	\$67,981.25	\$67,981.25
1	25024	TOWN OF RIDGEWAY	\$88,988.75	\$88,988.75
1	25026	TOWN OF WALDWICK	\$58,710.25	\$58,710.25
1	25028	TOWN OF WYOMING	\$54,111.25	\$54,111.25
1	25101	VILLAGE OF ARENA	<b>\$24,639.30</b>	\$24,280.08
1	25102	VILLAGE OF AVOCA	<b>\$19,077.85</b>	\$18,917.22
1	25106	VILLAGE OF BARNEVELD	\$37,994.83	<b>\$38,372.12</b>
1	25111	VILLAGE OF COBB	\$22,273.07	<b>\$23,019.94</b>
1	25136	VILLAGE OF HIGHLAND	\$34,324.90	<b>\$36,845.62</b>
1	25137	VILLAGE OF HOLLANDALE	\$13,441.06	<b>\$15,457.22</b>
1	25146	VILLAGE OF LINDEN	<b>\$22,508.11</b>	\$21,367.87
1	25176	VILLAGE OF REWEY	\$8,759.94	<b>\$7,243.14</b>
1	25177	VILLAGE OF RIDGEWAY	\$26,023.16	<b>\$28,104.88</b>
1	25216	CITY OF DODGEVILLE	<b>\$317,440.92</b>	\$316,502.24
1	25251	CITY OF MINERAL POINT	\$117,910.69	<b>\$126,260.22</b>

2003-2004 Funding changes indicated in bold.

2003

1	25216 CITY OF DODGEVILLE	\$23,062.66
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# TABLE C.7a

## 2002-2003 LRIP Project Reports — Iowa County

Muni Name	Project No	Road Description From To	Project Type	Total Cost	LRIP Limit
City of Dodgeville MSIPLT	6603	Valley St. Iowa St. Dacotah St.	Reconstruction	\$25,000.00	\$10,443.64
Village of Cobb MSIPLT	5932	Benson Street Wilson Street School Street	Reconstruction	\$100,990.00	\$14,000.00
Village of Ridgeway MSIPLT	6604	Wells St. Hughett St. Main St.	Reconstruction	\$22,847.79	\$11,423.89
Town of Arena TRIP	7109	Coon Rock Road High Point Rd Demby Rd	Reconstruction	\$85,346.04	\$17,877.88
Town of Arena TRIP	6605	Ray Hollow Rd Knight Hollow Rd Ush 14	Reconstruction	\$25,419.43	\$9,000.00

# TABLE C.7b

## 2002-2003 LRIP Project Reports - Iowa County

Muni Name Component Name	Project No	Road Description From To	Project Type	Total Cost	LRIP Limit
Town of Brigham TRIP	7142	Mill Dam Road 1.4 miles 1.65 miles south of CTH K	Resurfacing	\$15,911.26	\$7,955.63
Town of Brigham TRIP	6602	Mill Dam Rd 1.4 miles south of CTH K 1.65 miles south of CTH K	Reconstruction	\$72,891.75	\$36,445.87
Town of Dodgeville TRIP	6526	Sneed Creek Nelson Rd North Town of Wyoming	Reconstruction	\$41,124.35	\$20,562.17
Total for Iowa County				\$389,530.62	\$127,709.08

# UTILITIES AND COMMUNITY FACILITIES ELEMENT



**EXECUTIVE SUMMARY**

The purpose of this section is to inventory existing utilities and community facilities in the Town of Mineral Point. Utilities and community facilities, often referred to as public works, is the physical infrastructure that allows a community to function and grow. Community facilities may include libraries, municipal offices, schools, police stations, fire stations, parks, etc. Many of the community facilities are supported by utilities including water services, sewer system, stormwater drainage, electricity, etc. This section also includes projections of when the municipalities may need to upgrade utilities in order to efficiently and effectively support the needs of the population.

**Wisconsin State Statute 66.1001(2)(d)*****(d) Utilities and Community Facilities***

A compilation of objectives, policies, goals, maps and programs to guide the future development of utilities and community facilities in the local governmental unit such as sanitary sewer service, storm water management, water supply, solid waste disposal, on-site wastewater treatment technologies, recycling facilities, parks, telecommunications facilities, power-generating plants and transmission lines, cemeteries, health care facilities, childcare facilities and other public facilities, such as police, fire and rescue facilities, libraries, schools and other governmental facilities. The element shall describe the location, use and capacity of existing public utilities and community facilities that serve the local governmental unit, shall include an approximate timetable that forecasts the need in the local governmental unit to expand or rehabilitate existing utilities and facilities or to create new utilities and facilities and shall assess future needs for government services in the local governmental unit that are related to such utilities and facilities.

**UTILITY AND COMMUNITY FACILITY POLICIES**

The following are the utilities and facilities policies for the Town of Mineral Point.

- **Encourage well testing as a means of protecting drinking water supplies for private, individual well users.**

The responsibility for safe drinking water from private wells resides with the homeowner. However, providing reminders (perhaps through a mailing) and encouraging residents to have their wells checked can be a useful way for the Town to help protect public health.

There are a variety of contaminants that can be in well water and testing for them depends on the type and toxicity of the contaminant. At a minimum, all private wells should be checked annually for Coliform bacteria and nitrates. Other contaminants such as pesticides, lead, copper, Volatile Organic Compounds (VOCs), Polychlorinated Biphenyls (PCBs), arsenic, radium, boron, radon, and fluoride are tested on differing schedules, some on an as need basis, others only once for the life of the well.

- **Educate landowners on the management and maintenance of private septic systems.**

Remind Town residents to be aware of the requirements of their septic systems, as all need inspection and maintenance in order to function properly.

- **Develop a stormwater management strategy to protect ground and drinking water supplies.**

A Town level stormwater management strategy could outline recommendations and techniques to reduce soil erosion, retain or create buffer strips near surface waters, educate the public on non-point source pollution, emphasize conservation agricultural practices, and other such activities that all help reduce the amount of runoff entering the hydrologic system.

- **Develop a strategy for siting telecommunication (“cell”) towers.**

Identifying ahead of time what locations are most suitable and desirable for telecommunication towers will give the Town some measure of control in where towers are placed in the community. This can help prevent towers being placed in locations that are offensive aesthetically or create negative impacts on the local environment.

- **Ensure that new development bears a fair share of capital improvement costs necessitated by the development.**

When approving new developments, be aware of the costs attributed to public works projects such as road or bridge improvements.

- **Guide new growth to areas that are most efficiently served with utilities.**

Extending public utilities (roads, water, sewer) to new development can be very expensive, especially if the development is far from the existing infrastructure. Refer to Section B, Housing Element for recommended housing development locations in the Town.

**Other community facilities or utilities important to the Town of Mineral Point**

- Iowa County Fairgrounds



**PUBLIC UTILITIES****WATER SYSTEM STATISTICS**

Private wells supply approximately 650 households and fifteen businesses in Mineral Point.

**WASTEWATER TREATMENT SYSTEMS**

Private septic systems treat wastewater from approximately 650 households and fifteen businesses Mineral Point.

**SPECIAL SERVICE DISTRICTS**

Mineral Point has two special service districts: a lake district and a dam commission.

**STORMWATER MANAGEMENT**

The Town of Mineral Point does not have a stormwater management strategy.

**COMMUNITY FACILITIES**

See Map D.1 at the end of this section for locations of various community facilities and utilities in the Town.

**POLICE, FIRE AND EMERGENCY SERVICES**

Town of Mineral Point police protection is provided by the Iowa County Sheriff Department. The city of Mineral Point provides both fire and rescue services.

**RECYCLING AND GARBAGE**

The Town of Mineral Point has curbside collection for both garbage and recyclables.

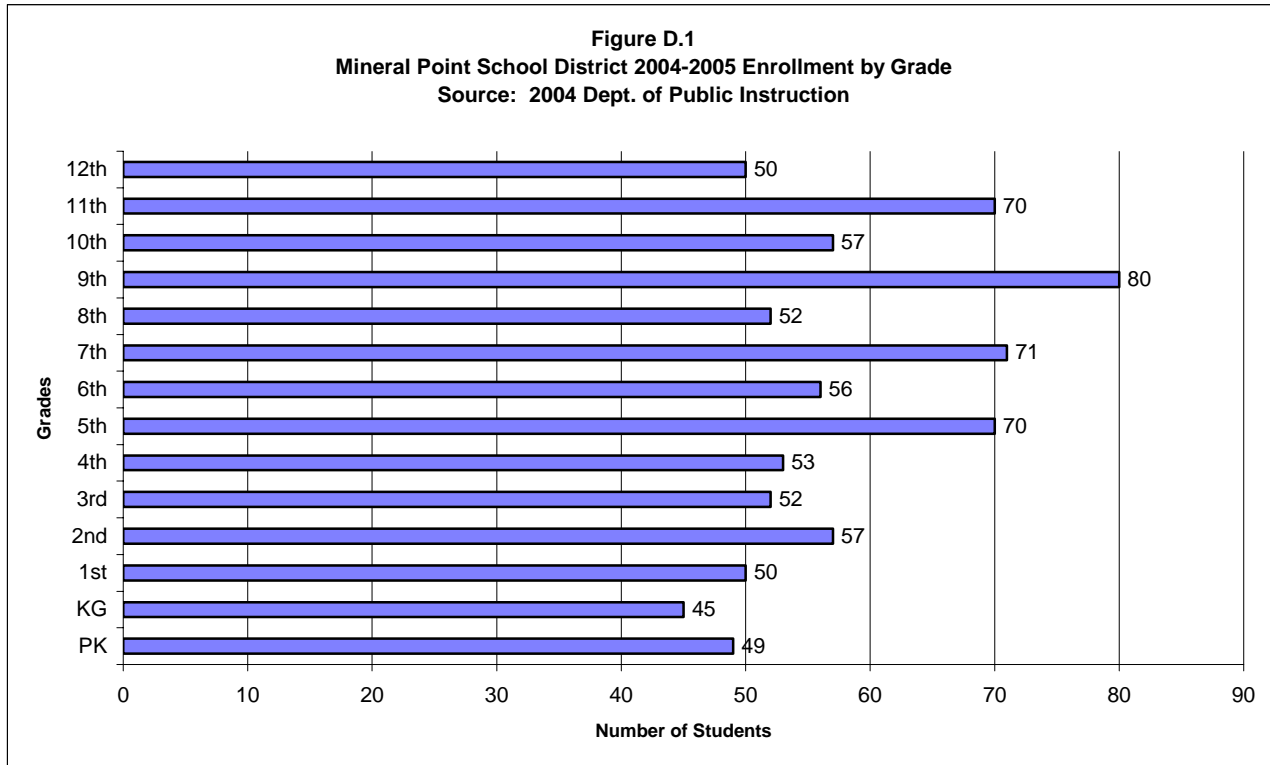
**MUNICIPAL BUILDING/ LIBRARY SERVICES**

The Town of Mineral Point Town Hall is located at 38 Shake Rag Street in the city of Mineral Point. Mineral Point is currently planning to build a new Town Hall. Mineral Point residents use public libraries in the City of Mineral Point and Dodgeville.

### PRIMARY AND SECONDARY EDUCATION

Pre-K – 12 education for Town children is provided through the Mineral Point School District. Educational facilities in the Town of Mineral Point include Mineral Point Public High School and St. Joseph's private Elementary and Middle School (in Dodgeville).

According to Department of Public Instruction data, in 2004-2005 the Mineral Point School District had 812 students. Figure D.1 below shows the enrollment by grade in the District. See Map D.2 for all school districts in Iowa County.



### HIGHER EDUCATION

The nearest college serving Mineral Point is Southwest Wisconsin Technical College in Fennimore.

### HEALTHCARE FACILITIES

There are no healthcare facilities located within the Town of Mineral Point. However, residents do have access to a variety of healthcare providers such as the Upland Hills Health Hospital, the medical clinics of Mineral Point Medical Center, Mineral Point Clinic, and various dentists. Other medical facilities available to Town residents include the Mineral Point Care Center and Sienna Crest (assisted living). See Appendix D-3 for healthcare facilities in southwest Wisconsin.

### CEMETERIES

Please refer to Section E, Agricultural, Natural, and Cultural Resources Element for information on local cemeteries.

### CHILDCARE

There are a variety of childcare services in the Town of Mineral Point.

### PARKS AND RECREATION

Please refer to Section E, Agricultural, Natural, and Cultural Resources Element for information on local parks and recreation facilities.

### **TELECOMMUNICATIONS AND OTHER UTILITIES**

The Mineral Point Plan Commission noted that there are telecommunication towers in the Town. The Plan Commission opposes any new towers unless they are co-located with existing towers. Cell phone antennas from competing providers must be co-located on existing towers as well. The Township supports the County tower ordinance.

### **COMMUNITY FACILITY/UTILITY PROJECTS**

Mineral Point is investigating the possibility of creating a Mineral Point Town Park. The Town is also in the planning stages of building a new Town Hall.

### **UTILITIES AND COMMUNITY FACILITY AGENCIES AND PROGRAMS**

There are a number of state and federal agencies and programs to assist communities with public works projects. Below are brief descriptions of various agencies and programs. Contact information is provided for each agency. To find out more specific information or which program best fits your needs contact the agency directly.

#### **UNITED STATES DEPARTMENT OF AGRICULTURE – RURAL DEVELOPMENT (USDA-RD) COMMUNITY FACILITIES DIRECT GRANT AND LOAN PROGRAM**

The community facilities grant program provides grants to assist the development of essential community facilities in rural areas and towns of up to 20,000 people. The objective of the agency is to construct, enlarge, extend, or otherwise improve community facilities providing essential services to rural residents. This can include the purchase of equipment required for a facility's operation. All projects funded by the RHS grant program must be for public use.

#### **USDA RURAL DEVELOPMENT OF WISCONSIN**

4949 Kirschling Ct  
Stevens Point, WI 54481  
Phone: (715) 345-7615  
FAX: (715) 345-7669

<http://www.rurdev.usda.gov/wi/>  
<http://www.rurdev.usda.gov/rhs/>

#### **COMMUNITY FACILITIES GUARANTEED LOAN PROGRAM**

The community facilities loan program is similar to the grant program in that it provides funding for essential community facilities, such as schools, roads, fire halls, etc. Again, local jurisdictions must have a population of less than 20,000 to apply. Applications are funded based on a statewide priority point system. For more information on the loan program, visit the USDA-RD website or call the office listed above.

#### **UNITED STATES DEPARTMENT OF AGRICULTURE – RURAL UTILITIES SERVICE (RUS)**

There are a number of available programs through USDA-RUS as part of the Water and Environmental Programs (WEP). WEP provides loans, grants, and loan guarantees for drinking water, sanitary sewer, solid waste, and storm drainage facilities in rural areas and cities and towns of 10,000 or less. Public bodies, non-profit organizations, and recognized Native American Tribes may qualify for assistance. WEP also makes grants to non-profit organizations to provide technical assistance and training to assist rural communities with their water, wastewater, and solid waste programs. Some of the available programs include:

- Water and Waste Disposal Direct and Guaranteed Loans
- Water and Waste Disposal Grants
- Technical Assistance and Training Grants
- Solid Waste Management Grants
- Rural Water Circuit Ride Technical Assistance

More detailed information can be obtained on any of the above programs by contacting USDA Rural Development Office.

### **WISCONSIN DEPARTMENT OF NATURAL RESOURCES BUREAU OF COMMUNITY FINANCIAL ASSISTANCE (DNR-CFA)**

The Bureau of Community Assistance administers a number of grant and loan programs. The Bureau supports projects that protect public health and the environment and provide recreational opportunities. The Bureau has three major areas of programs, which include the following:

- **Environmental Loans**

This is a loan program for drinking water, wastewater, and Brownfield projects.

- **Environmental Financial Assistance Grants**

This is a grant program for non-point source runoff pollution, recycling, lakes, rivers, municipal flood control, and well compensation.

- **Land & Recreation Financial Assistance Grants**

This is a grant program for conservation, restoration, parks, stewardship, acquisition of land and easements for conservation purposes, recreational facilities and trails, hunter education, forestry, forest fire protection, household hazardous waste collection, dam rehabilitation and abandonment, dry cleaner remediation, and urban wildlife damage.

#### **WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WI-DNR)**

101 S Webster St  
Madison WI 53703

Phone: 608-266-2621  
Fax: 608-261-4380

<http://www.dnr.state.wi.us>

These are the major program headings. There are numerous programs available for specific projects underneath these umbrella programs. For example, under the Environmental Loans Program, there is the Safe Drinking Water Loan Program (SDWLP). The SDWLP provides loans to public water systems to build, upgrade, or replace water supply infrastructure. For more detailed information on other programs, contact the Wisconsin DNR or visit the website listed above.

### **WISCONSIN DEPARTMENT OF COMMERCE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PUBLIC FACILITIES (CDBG-PF)**

This program is designed to assist small communities with public facility improvements. Eligible activities would include publicly owned utility system improvements, streets, sidewalks, disability accessibility projects, and community centers. Local governments including towns, cities, and counties are eligible. Federal grant funds are made available on an annual basis. The maximum grant for any single applicant is \$750,000. Grants are only available up to the amount that is adequately justified and documented with engineering or vendor estimates.

#### **WI DEPARTMENT OF COMMERCE DIVISION OF COMMUNITY DEVELOPMENT**

PO Box 7970  
Madison, WI 53707  
Phone: 608-266-8934  
Fax: 608-266-8969

<http://www.commerce.state.wi.us>  
<http://www.rurdev.usda.gov/rhs/>

### **WISCONSIN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PUBLIC FACILITIES (CDBG-PFED)**

This program helps underwrite the cost of municipal infrastructure necessary for business development. This program requires that the result of the project will ultimately induce businesses, create jobs, and invest in the community. More information is available from the Wisconsin Department of Commerce.

**AGRICULTURAL,  
NATURAL, AND  
CULTURAL  
RESOURCES  
ELEMENT**

**EXECUTIVE SUMMARY**

As the Town of Mineral Point continues to grow, it is vital that it keep in mind the agricultural, natural, and cultural resources of the area. It can be very challenging for rural communities to allow new low-density development and at the same time protect the natural environment and preserve the character of the area, including cultural and historic resources. At first, development may have only a limited impact on the natural landscape, but as development continues, the visual and environmental impacts become more and more apparent. For these reasons, it is crucial to be aware of the existing agricultural, natural, and cultural resources.

There are a number of agricultural, natural, and cultural resources to be aware of as we plan for the future, including the following:

**Agricultural Resources**

Number of Farms

Acreage of Farmland

Livestock

Crop Production

Soil Capabilities

Farmland Potential

**Natural Resources**

Water Resources

Topography

Geologic Resources

Forest / Woodlands

Wildlife Habitat

Parks and Open Space

Soils

**Cultural Resources**

Historic Buildings

Museums

Landmarks

Churches

Rural Schools

**Wisconsin State Statute 66.1001(2)(e)*****(e) Agricultural, natural, and cultural resources element***

A compilation of objectives, policies, goals, maps and programs for the conservation, and promotion of the effective management, of natural resources such as groundwater, forests, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources, parks, open spaces, historical and cultural resources, community design, recreational resources and other natural resources.

**AGRICULTURAL, NATURAL, AND CULTURAL RESOURCES POLICIES**

The following are the agricultural, natural, and cultural resources policies for the Town of Mineral Point. (Parcel splits and minimum lot sizes are addressed in Section H, Land Use Element.)

- **Routinely remind residents of the importance of their agricultural, natural, and cultural resources and the need for continued protection of local open spaces to provide recreational opportunities.**

Tell residents about the agricultural, cultural, and natural resources in their Town and let them know ways they can support and protect them. Flyers included with a tax mailing, articles in the local newspaper, workshops, or other similar education efforts can help inform residents.

Work with the City of Mineral Point and Iowa and Lafayette Counties to protect contiguous natural areas that give local residents space to pursue recreational opportunities.

- **Build partnerships with local clubs and organizations in order to protect important natural areas.**

Work with local chapters of groups like Ducks Unlimited, Pheasants Forever, and local sportsman's clubs that all have a common interest of protecting the environment. Cooperation can reduce duplication of effort and in turn cut costs.

- **Enforce noxious weed control ordinances.**

At both the national and state level, concern is growing about non-native species that threaten the stability of native or more desirable plant communities. In order to protect the agricultural and natural resources of Iowa County from invasive, noxious weeds, local ordinances designed for the mutual benefit of citizens and the environment should emphasize education, prevention and cooperation between landowners and governmental agencies.

- **Maintain proper separation distances between urban and rural land uses to avoid conflicts.**

It is important to maintain separation distances between urban and rural land uses, as issues often arise including neighbors complaining about noises, smells, chemical sprays, and farm machinery on the roadways.

- **Identify recharge areas for local wells and inventory potential contaminant sources.**

Contamination of local drinking water resources can be devastating and very costly to reverse. Be aware of recharge area locations for wells and potential contamination sources. Again, education of residents on local water resource issues may be beneficial.

- **Restrict development from major drainage areas in order to aid in stormwater runoff and prevent flooding.**

Refrain from developing drainage ways and floodplains that serve as stormwater runoff systems. Drainage basins were established naturally for a reason and should be preserved.

- **Establish standards to decrease and prevent light pollution.**

A lighting ordinance which recognizes the benefits of outdoor lighting and provides clear guidelines for its installation can help maintain and compliment Mineral Point's character.

- **Promote tourism opportunities and continue to pursue efforts to capitalize on local resources in conjunction with programs like walking tours, the Wisconsin Historical Markers Program, distributing ATV or bike trail maps, maintaining trails, and preserving the natural beauty of the area.**

Every jurisdiction is unique and can capitalize on its natural beauty and historic or cultural significance. For example, tours can be walking, driving, or biking with certain areas of cultural or environmental significance identified.

- **Utilize County, State, and Federal programs to conserve, maintain, and protect agricultural, natural, and cultural resources.**

Numerous state and federal programs aim specifically at protecting farmland, wetlands, forests, historic buildings, etc. There are agencies and contact information at the end of this section.

### **AGRICULTURAL RESOURCES**

Agricultural resources play an important role in the past and future of southwestern Wisconsin. Even though this plan is being developed for the Town of Mineral Point, the importance of agricultural resources in the surrounding area should not be underestimated. Farming is very important to the Town aesthetically, culturally, economically, recreationally and for heritage reasons.

### **FARMING CONFLICTS**

Since the Town of Mineral Point is an active agricultural area, there are some conflicts. For instance, some existing landowners want privacy (no immediate neighbors). Non-farm residents sometimes do not keep their fences up, let weeds get out of control, show a lack of respect for crops, and complain about farm smells (manure) and unsightly farm realities like downed cattle or manure in the roadways.

The Plan Commission suggested that a “good neighbor” policy be developed that lists typical farm activities (manure spreading season, controlled burns, slow-moving vehicles on roads, etc.) and be distributed with tax bills or periodically run in local newspapers and shopping weeklies to acquaint households with farm practices.

### **FARM EXPANSION**

As farming becomes more global, the forces driving agricultural change are reflected in the decline of traditional agricultural commodities. One strategy farmers have begun to follow is farm expansion and modernization. Expanding can help farmers maintain their net income and can sometimes also lead to efficiencies and lower production costs. Modernization strategies can also help improve farming operations. However, expansion and modernization bring with them possibilities of greater impacts to the local environment, as well as issues such as modernized farms needing fewer employees, resulting in local agricultural job losses. Larger operations may also require larger manure handling facilities, increasing the chances of more spills or odor complaints.

The Commission believes that such expansion should be limited, with limitations including pollution (water and air), proximity to residences, and number of animal units.

### **YOUNG FARMERS**

One challenge facing farming in southwest Wisconsin is the lack of young people to replace a generation of older farmers. While farmers are retiring at the same rate, fewer young people are getting into farming. Communities seeking to retain their local agricultural economy and way of life need to consider strategies that will bring new or young people into farming.

The Town of Mineral Point Plan Commission suggested that if farming were profitable, young people would become involved. Some “keys” as profitable farming ventures include niche markets, marketing, and efficiency. (The Plan Commission noted that it is uncertain how much of a role the Town can play in this issue.)



**FARMING INFRASTRUCTURE**

Farming infrastructure includes businesses and services such as a feed mill, equipment vendor, or veterinarian might supply. Farm supply businesses and food processing facilities represent important resources to area farmers as well as the broader local economy. In order to maintain farming it is essential to preserve the farming infrastructure.

**FARM TYPES**

A strong farming infrastructure can support a wide variety of operations in the Town of Mineral Point. The Plan Commission did not believe that stating a preference for either a single- or multi-enterprise farm was applicable to their planning process.

**FARMER RETIREMENT**

Land has inherent value but it is also valuable for what it produces and as it provides the farmer with a source of retirement funds. Trying to find a middle path of conserving farmland while enabling farmers to retire by profiting from their land is a statewide issue. The Plan Commission suggested that sensitive rural housing growth would be important in this issue. Other ideas include:

- Work with the City of Mineral Point for a “compact growth” pattern. Concentrate housing near services.
- Create policies that acknowledge respect for personal property rights.
- Create a “good neighbor” policy.

**FARMING AND COMMUNITY VISION**

It is important to Mineral Point's community vision to maintain both current farm operations and agriculture in general.

**FARMING DATA**

As indicated by Figure E.1, between 1987 and 2002 there was an overall increase of 335 farms in the county. (The US Agricultural Census defines a farm as any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have produced and sold during the census year.)

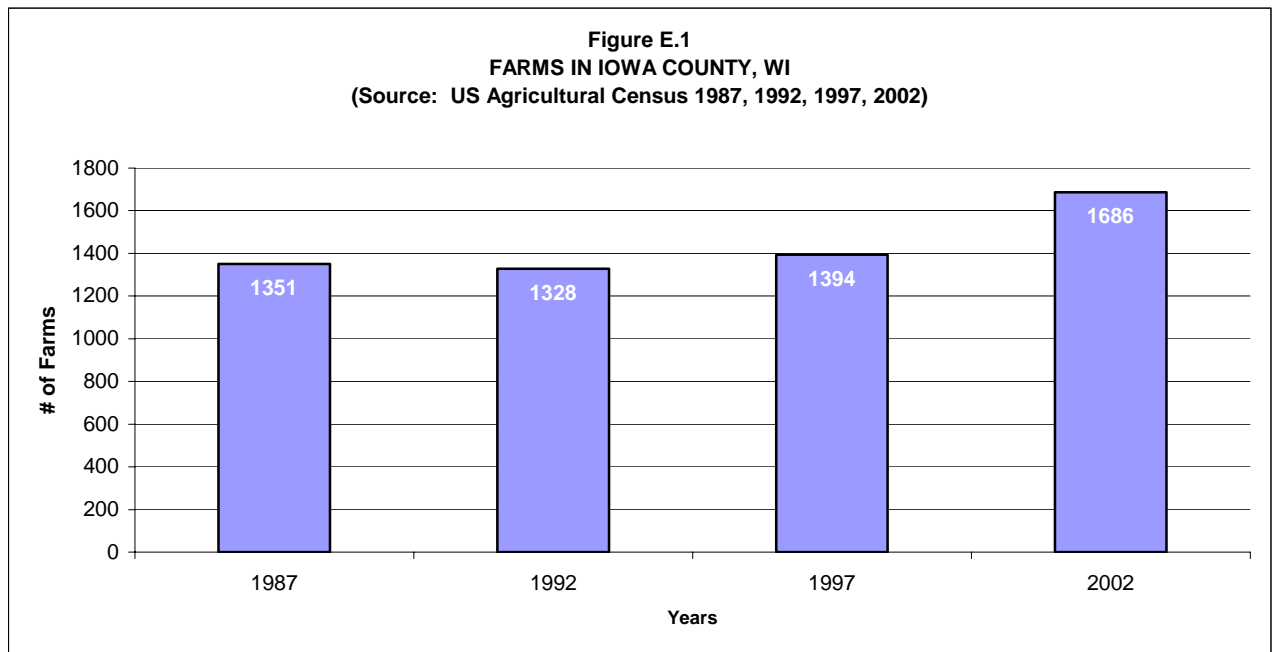


Figure E.2 relates to the number of farms in Iowa County, as it shows the total number of acres in farms. There has been an overall decline in the total number of acres farmed. A contributing factor is the amount of farmland being converted to residential, recreational, or conservation land.

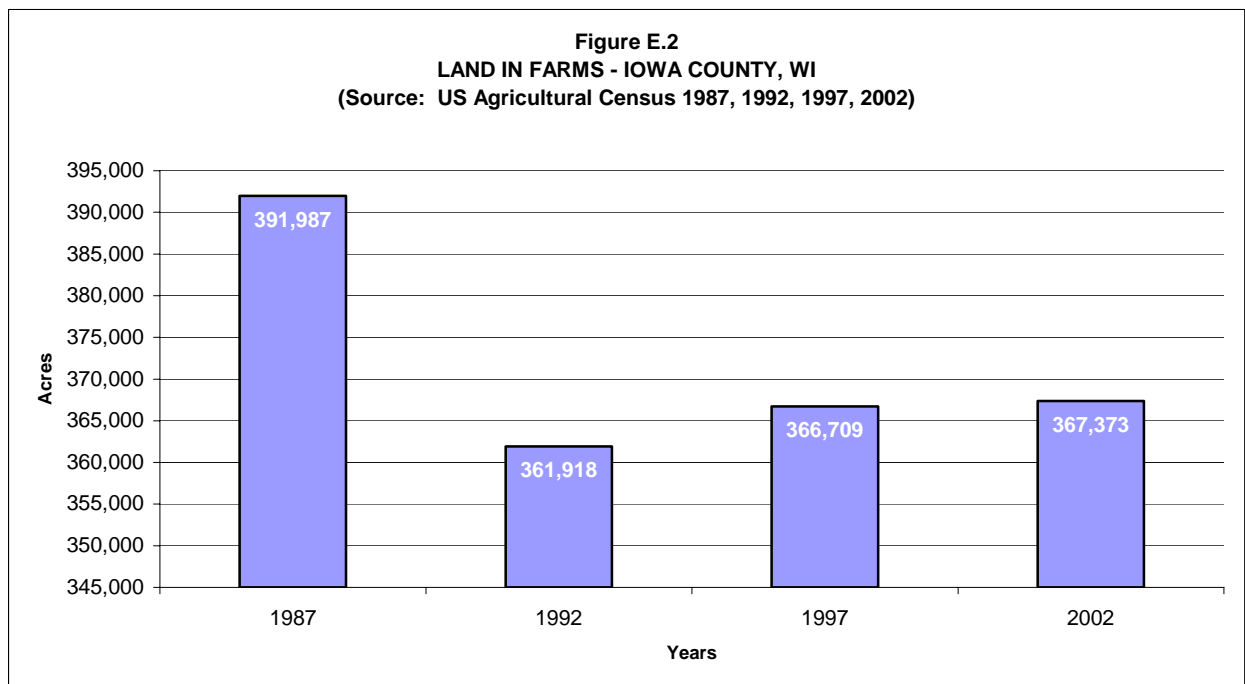


Figure E.3 shows the number of farmland sales and conversion in Iowa County. All towns show changes in sales and conversion but the Town of Eden is the lowest.

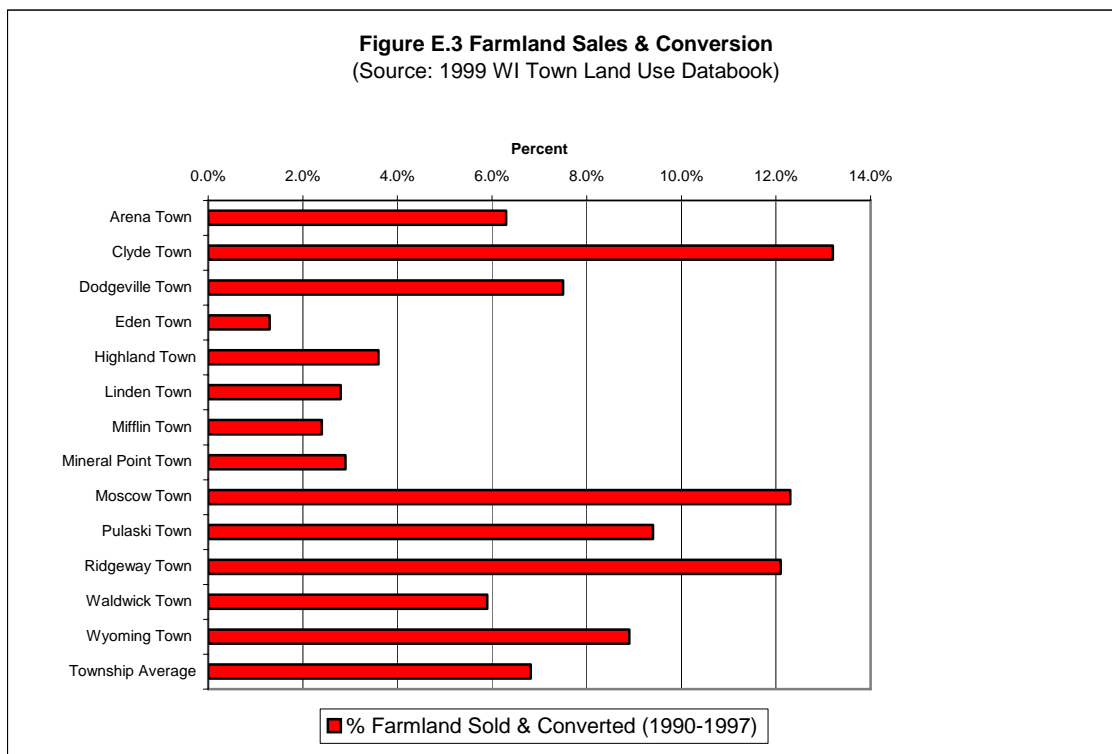


Figure E. 4 shows the average value of sale per acre of land. Most towns are roughly \$950 per acre with the Town of Wyoming an obvious exception.

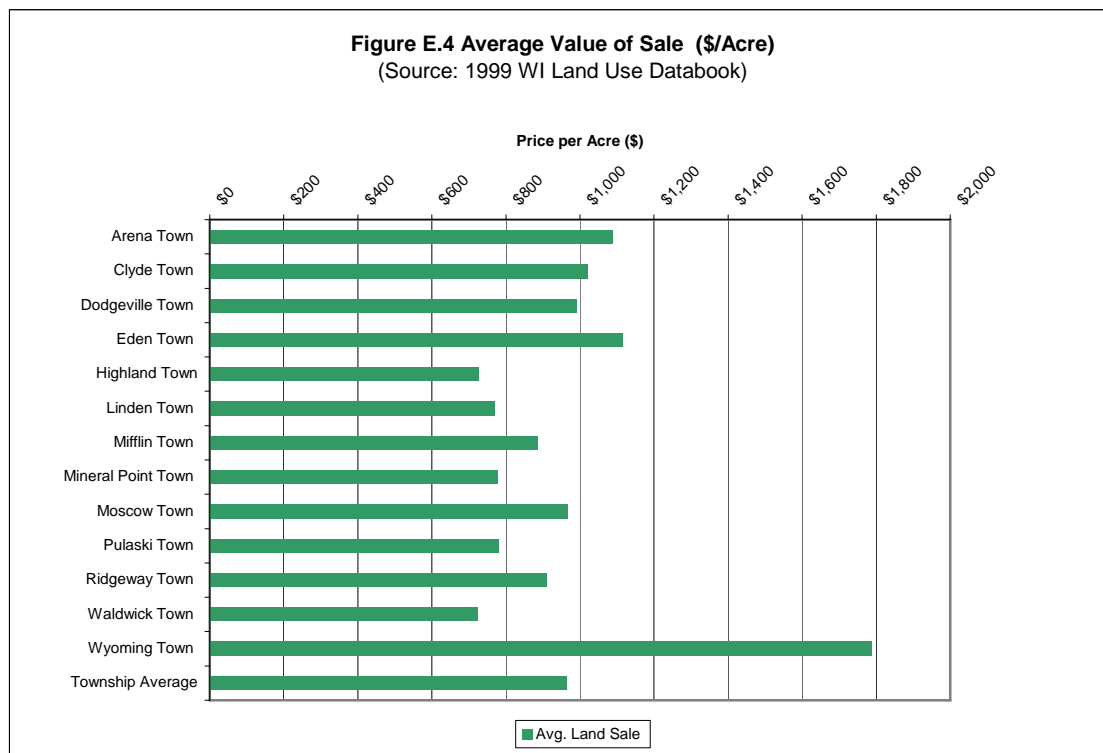
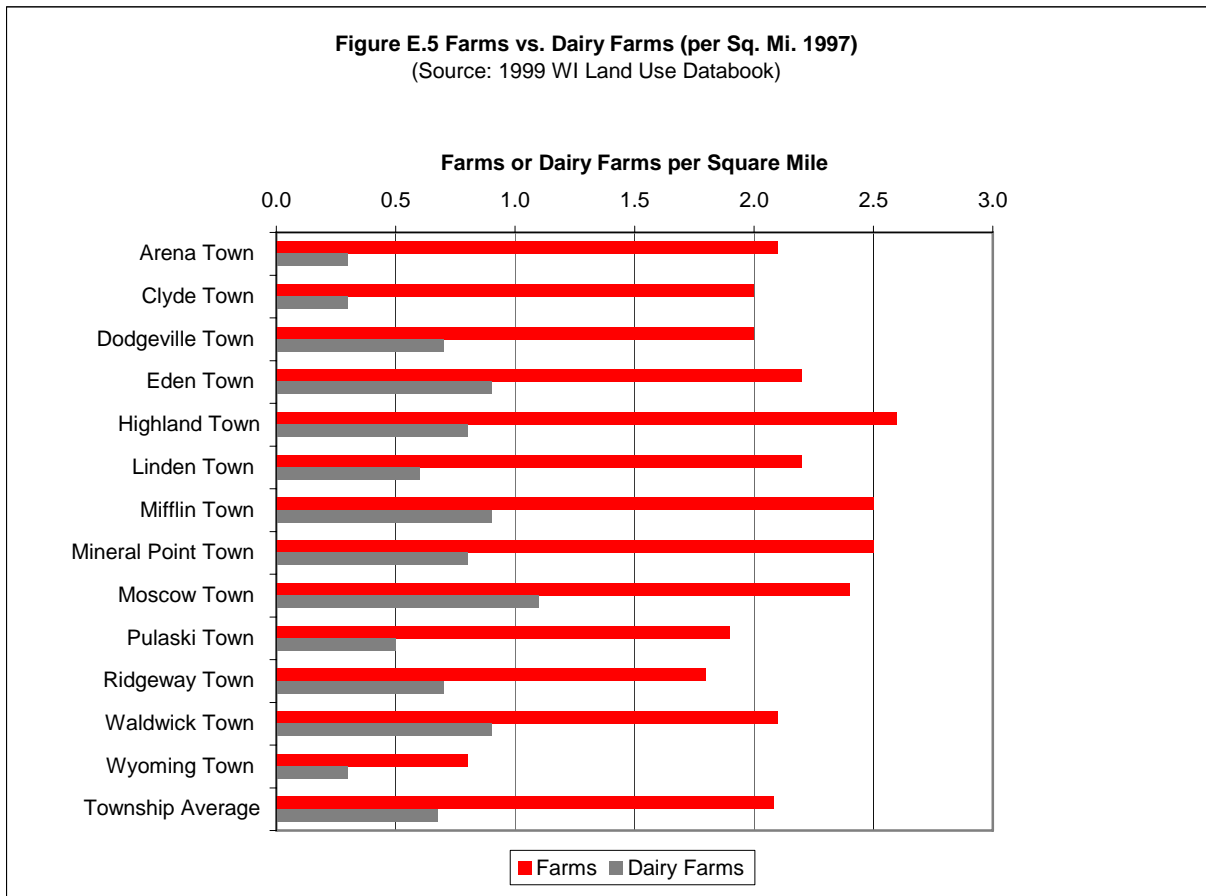


Figure E.5 shows a comparison of farms to dairy farms per square mile in 1997. Non-dairy farms were greater in number than dairy farms in all the towns of Iowa County.



### **FARMLAND POTENTIAL**

In The Town of Mineral Point, 72 percent of the soils are classified as prime, state, and local importance. Map E.1 is a town level soil classification map. The classifications are

Prime Farm land - Most Capability Group I and II Soils  
(25 percent of soils in Iowa County)

State Importance - Most Capability Group III Soils  
(20 percent of soils in Iowa County)

Local Importance - Varies but in Southwestern Wisconsin some Capability Group IV, V, and VI Soils. In Iowa County these include land with better moisture holding capacity – valuable locally for pasture and hay production.  
(27 percent of soils in Iowa County)

Other - Soil groups of importance (Capability Group VII, VIII) not noted in the categories above.

### **LAND COVER**

Map E.2 shows the importance of agricultural resources in the Town of Mineral Point. It also shows the importance of natural resources, including forested lands, open water, and wetlands.

### **NATURAL RESOURCES**

Natural resources are the essence of the natural environment. Whether obvious or not, impacts to sensitive environmental communities and resources often have significant adverse impacts on the human community.

**WATER RESOURCES**

Water is one of the most commonly used natural resources, serving an intrinsic function in the community. People utilize groundwater for drinking water, industrial uses, recreational purposes, etc. on a daily basis. Plants and animals rely on water to survive. Water is also one of the most easily contaminated resources. Because of its mobile nature, contaminants can travel far from their source through the ever-moving water cycle. This type of pervasive pollution is commonly known as non-point source pollution (NPSP).

Non-point source pollution comes from many diffuse sources resulting from a wide variety of human activities. NPSP directly impacts water resources. The Town of Mineral Point protects its water resources by monitoring construction sites for lack of erosion barriers and alerts the WI DNR to violators.

**SURFACE WATER**

Watercourses and water bodies provide various recreational opportunities, including fishing, swimming, boating, and passive recreational opportunities such as bird watching. Streams provide habitat for aquatic species, and other wildlife. There are no major lakes or rivers in the immediate area, but the Pecatonica River and area lakes and streams serve recreational needs of area residents. See Map E.3 for surface water resources in the Town of Clyde and Map E.4 for Town watersheds. Mineral Point is located in the Mineral Point and Sudan Branch watershed, the Middle Pecatonica River watershed, and the Upper East Branch of the Pecatonica River watershed.

**FLOODPLAINS**

The Federal Emergency Management Agency (FEMA) has designated flood hazard areas along many surface water resources. The importance of respecting floodways and floodplains is critical in terms of planning and development. Ignoring these constraints can cause serious problems relating to property damage and the overall safety of residents. Due to Iowa County being entirely within the Driftless Area, the flood plains are largely the result of a well-developed dendritic (tree branch-like) drainage pattern draining the fairly rugged topography. This, together with low infiltration rates for most of its soils, combines to make overall flood risk in Iowa County quite high. See Map E.5 for the FEMA map.

The Town of Mineral Point is at risk from periodic flooding. To lower that risk, the Town builds retaining ponds and roads that conform to land contours.

**WETLANDS**

Wetlands serve a variety of functions, including playing an important role in stormwater management and flood control, filtering pollutants, recharging groundwater, providing a habitat for many wildlife species and plants, and offering open space and passive recreational opportunities. Iowa County wetlands include all marshes and swamps and those areas excluded from cultivation or other use because they are intermittently wet. The steep topography of southwest Wisconsin results in most natural wetlands being closely linked to the region's rivers and streams.

The Wisconsin Wetland Inventory (WWI) was completed for the state in 1985. Pre-European settlement wetland figures estimate the state had about 10 million acres of wetlands. Based on aerial photography from 1978-79, the WWI shows approximately 5.3 million acres of wetlands remaining in the state representing a loss of about 47% of original wetland acreage. This figure does not include wetlands less than 2 or 5 acres in size (minimum mapping unit varies by county). Because the original WWI utilized aerial photographs taken in the summer some wetlands were missed, especially in the northern counties since interpretation was difficult due to leaf cover. Also, wetlands that were farmed as of the date of photography used and then later abandoned due to wet conditions were not captured as part of the WWI. Most wetland losses in Iowa County have likely been due to draining for farming.

The Legislature authorized the DNR to update the WWI on a 10-year cycle. Budget constraints and lack of staff have slowed this process to a 24-year cycle at best. Digitizing wetland maps to obtain accurate wetland acreage information is on a rotation almost twice that long. As a result there is no reliable qualitative and quantitative data about current rates of wetland loss. For more information, go to <http://www.dnr.state.wi.us/org/water/fhp/wetlands/facts.shtml>.)

The Town of Mineral Point protects its wetland resources by determining location and positioning of driveways and culverts. It also works with the Natural Resource Conservation Service and the Farm Service Agency.

## GROUNDWATER

Groundwater is a critical resource, not only because it is used on a daily basis, but also because rivers, streams, and other surface water depends on groundwater for recharge. Groundwater, whether from municipal or private well, supplies all Iowa County residents with drinking water. See Map E.6 for depth to groundwater levels for Mineral Point.

Groundwater can easily become contaminated through non-point source pollution. The Driftless Area is characterized by thin soils over fractured limestone, sandstone, or shale bedrock and it is in this type underlying geology where the potential for groundwater contamination is greatest. The Town of Mineral Point does not have a municipal well; all wells are individual, therefore there is no need for any wellhead protection plan. To protect groundwater in the Town, the jurisdiction controls herbicide use and manure spreading.

Water supply is impacted as communities grow, bringing increased demand to supply groundwater to new homes, businesses, and industries. Increased well pumping can reduce the amount of recharge to surface waters, causing streamflow reduction, loss of springs, and changes in wetland vegetative communities. The Groundwater Bill (2003 Act 310) addresses groundwater quantity issues, requiring approval for siting, fees, and an environmental review. While this legislation is currently more relevant in areas of the state experiencing severe water quantity issues (e.g. the Central Sands region), the principle of controlling groundwater withdrawal in all parts of the state is quite important. By 2006, a groundwater advisory committee will be put together to address groundwater management in

*“...other areas of the state in which the withdrawal of groundwater over the long term adversely affects the availability of water for use or adversely affects water quality due to the effects of drawdown of the groundwater and in which there is a need for a coordinated response among the state, local government units, regional planning commissions, and public and private users of groundwater to address the effects on groundwater availability or quality.” (2003 Wisconsin Act 310, published May 6, 2004).”*

The Plan Commission was unsure whether increased groundwater demand is an issue in the Town.

It is important to keep the groundwater resource in mind for many areas of comprehensive planning. Ultimately, what takes place above ground directly impacts this resource below the surface. There are a number of activities that directly impact the quality of water resources.

Potential pollution sources that can affect the groundwater supply include but are not limited to:

- On-site septic systems
- Sewage Treatment Plants
- Surface Waste Water Discharge
- Sanitary Landfills
- Underground Storage Tanks
- Feedlots
- Junkyards
- Abandoned Quarries
- Abandoned Wells
- Pesticide and Fertilizer Applications
- Road Salt
- Household Cleaners & Detergents
- Unsewered Subdivisions
- Gas Stations
- Chemical Spills
- Leaking Sewer Lines
- Old Mine Openings or Shafts

## WILDLIFE AND NATURAL COMMUNITIES

Wildlife enriches our lives by providing opportunities for observing or photographing animals in their native habitat. Wildlife serves as an educational stimulus by provoking human curiosity about the natural world.

**Habitat is the combination of food, water, shelter, and space necessary to meet the needs of wildlife.**

Humans have an environmental responsibility to protect wildlife and the habitat it needs to survive. Since wildlife can cause problems by destroying property, carrying disease, producing unsanitary waste, and conflicting with human activities, it is important to provide natural habitat at a distance from human activities where animals will not be in contact with humans and can live and breed without interference.

The Town of Mineral Point is within the Southwest Savanna ecological landscape as defined in the 2002 Land Legacy Report, released by the WI DNR. This landscape is characterized by rolling hills, defined ridges, and little forest. Historically, grasslands covered the hills and ridges of this part of Wisconsin. Savannas, grasslands with a partial canopy of open grown trees, home to a wide array of wildlife, particularly birds, were also part of the historic landscape. Today, savannas and grassy ridge tops are rare. Descriptions of the natural communities of Iowa County are listed in Appendix E-1.

The Town of Mineral Point works to protect wildlife and wildlife habitat by encouraging wildlife friendly agricultural practices on a farm-by-farm basis. Currently the Town as a government unit does not actively work to protect scenic hills and ridge tops, nor does it provide support to programs or groups dedicated to prairie and savanna restoration, believing that such efforts are personal decisions on the part of the individual landowner.

### **THREATENED AND ENDANGERED SPECIES**

The Federal Endangered Species Act of 1973 was enacted to conserve threatened and endangered species of wildlife and plants. The Wisconsin Department of Natural Resources (DNR) has used the Natural Heritage Inventory (NHI) to develop maps for all counties in the state providing generalized information about rare, threatened and endangered species. The DNR-NHI maps (Map E.7a and E.7b) have been included at the end of this section for a reference. Refer to Appendix E-2 for a list of the Threatened and Endangered plant, animal, and natural communities of the Town of Mineral Point

Threatened and Endangered plant species are vulnerable to a variety of exotic, invasive plants, such as Bull Thistle and Wild Parsnip. The Town of Mineral Point works to control invasive weeds by the Canadian Thistle policy, enforcement of weed control of noxious plants, and through roadside mowing. The Plan Commission also noted that it is uncertain what role the Town can play in this issue.

### **FOREST RESOURCES**

Forests provide raw materials for the forest products industry and a venue for hunting, hiking, and fishing. They help sustain water resources and provide habitat for a wide variety of plants and animals, including threatened and endangered species. They also help balance global warming effects through oxygen production and carbon sequestration. Over half the forested lands in Wisconsin (57%) are privately owned. See Map E.2 for forested lands in the Town of Mineral Point.

### **RURAL FORESTS**

Forty-six percent of Wisconsin is forested (16 million acres). Forests therefore represent one of Wisconsin's most important land uses and are often times a defining feature of communities or whole regions. Other benefits of forests include:

- Recreational opportunities such as hunting, fish, and hiking
- Groundwater protection
- Home for wide variety of plants and animals, including Threatened and Endangered species
- Cleaning the air by producing oxygen and storing carbon
- Part of Wisconsin's culture

The Town of Mineral Point supports sustainable forestry programs through the Managed Forest Law. The Town is not interested in developing sustainable forestry programs, deeming such programs to be up to the individual landowner. The Town does not have a municipal tree-planting program, nor does it see a need for one.

### **THE URBAN FOREST**

One natural resource often forgotten is the urban forest. The urban forest does not necessarily only relate to trees, but also includes shrubs, flowers, vines, ground cover, grass, and other plants within an urban area.

The Town of Mineral Point does not have any Urban Forest.

### ENVIRONMENTAL CORRIDORS

Environmental corridors refer to areas that contain groupings of natural resource features. Areas of concentrated natural resource activity ("rooms"), such as wetlands, woodlands, prairies, lakes, and other features, become even more functional when linked by environmental corridors ("hallways"). If corridor resource features are placed on a map, they can form a linear space.

Fish and wildlife populations, native plant distribution, and even clean water all depend on movement through environmental corridors. For example, wildlife populations isolated in one wooded location can overpopulate, die out, or cause problems for neighbors if there are not adequate corridors to allow the population to move about freely. Over 70 percent of all terrestrial wildlife species use riparian corridors, according to the USDA Natural Resources Conservation Service (NRCS).

#### Environmental Corridor Benefits:

- Reduced Flooding
- Reduced Soil Erosion
- Improved Water Quality
- Improved Water Quantity
- Groundwater Recharge
- Bank Stabilization
- Improved Air Quality
- Improved Wildlife Habitat

#### Social Benefits:

- Walking and Hiking
- Cross Country Skiing
- Horseback Riding
- Photography
- Wildlife Viewing

Map E.8 shows several natural resource features within Mineral Point, which can act as environmental corridors. Preserving environmental corridors can be a highly effective way to protect the natural and cultural resources in an area.

### AIR AND LIGHT

The Plan Commission did not identify any air pollution issues at this time.

The jurisdiction is impacted by light pollution. Good outdoor night lighting increases safety, helps provide security, and enhances a community's nighttime character. By improving the quality of night lighting through decreasing glare and reducing light trespass, sky glow is decreased as well. With good lighting, visibility, safety, and security are improved, energy waste is minimized, and there is a much more comfortable nighttime environment.

Unfortunately, new lighting technologies have produced lights that are extremely powerful and when improperly installed, create problems of excessive glare, higher energy use, light trespass, and light pollution ("sky glow"). Excessive glare can be annoying and may cause safety problems, particularly to cars night-driving on roads with intensely lighted businesses along them. Higher energy use from bigger and more powerful lights result in increased costs for everyone. Light trespass reduces everyone's privacy while light pollution negatively impacts people's enjoyment of the night sky and disorients migrating birds and animals. In order to reduce light pollution the Town controls billboard illumination. The Plan Commission is interested in learning more about light pollution reduction programs and techniques.

### GEOLOGIC AND SOIL RESOURCES

Soils and geology are also important planning considerations particularly when thinking about new development. Today, technological advances can overcome many development challenges relating to soil and geology; however, it is important that these resources are not abused, overused, or contaminated. Particular attention must be paid to soils when development is occurring on steeper slopes and for septic systems. Drain-fields must be located to allow adequate infiltration and the sewage treatment provided by soils. A series of maps including slope limitations (Map E.9), septic limitations (Map E.10), and depth to bedrock (Map E.11) can be found at the end of this Section.

Southwest Wisconsin is part of the unglaciated region known as the Driftless Area. Most of the bedrock in this region is sedimentary rock, consisting of sandstone and shale or limestone, containing mineral resources. Mineral resources are divided into two categories, metallic and non-metallic. Metallic resources in the region include lead and zinc. Non-metallic resources include sand, gravel, and limestone, with limestone as one of the most significant geologic resources in the area, used frequently for road building. Refer to Map E-12 for a town level map showing mines and quarries. There are four active quarries in Mineral Point. The Town permits their operation and purchases product from them.



Restricting access to abandoned mines or quarries could help protect these areas from becoming source points for groundwater contamination.

### **PARKS AND OPEN SPACE**

Open space serves many important functions. It protects ecologically sensitive areas including wetlands and water resources, important wildlife habitat, and sensitive soils. Open space plays an important role in shaping the character of the community, as nothing can replace the visual impact of vast open space, whether it is agricultural land or woodlands. Preserving open spaces not only directly protects resources, but the space becomes a vital buffer zone. Open space can take the form of parks, cropland and pastures, greenbelts, wetlands or floodplains. Open space can also serve many functions for a community other than recreation, such as the following:

- Flood management
- Preserving prime agricultural land
- Limiting development that may occur
- Buffering incompatible land uses
- Structuring the community environment

### **LOCAL PARK AND RECREATION RESOURCES**

Parks can serve a limited neighborhood area, a portion of the community, or the entire community or region and provide area and facilities for outdoor recreation for residents and visitors.

The Mineral Point area offers a variety of recreational amenities and opportunities to recreational users and visitors including:

- Snowmobile trail
- Cheese Country Trail
- New Highway 151 bike trail

The Town of is also near the recreational opportunities that Yellowstone and Governor Dodge State Parks provide. Refer to Map E.13 for Iowa County parks in the Town of Mineral Point.

### **CULTURAL AND HISTORIC RESOURCES**

Many communities often ignore cultural and historic resources in order to deal with “real” issues facing their community. However, the proper appreciation of these assets is vital to the long-term success of a community. Respecting and utilizing these available resources increases the overall quality of life and provides opportunities for tourism.

Determining what cultural and historic resources are has been left open to some interpretation. For the purpose of this report, historic resources include historic buildings and sites (as identified by the national register of historic places), museums, churches, cemeteries, old country schools, etc. The information presented here is to serve as a guide to cultural and historic resources but is not inclusive.

### **HISTORIC PLACES**

The Spensley Farm is the only state and nationally registered historic site in the Town of Mineral Point. The Spensley Farm was added to the State Register November 6, 1996, and put on the National Register April 14, 1997. Refer to Map E.14.

### **CHURCHES**

Churches have had a significant impact on the culture of the Town of Mineral Point area. The Pleasant View Church is the only place of worship in the Town. Refer to Map E.15.

### **CEMETERIES**

Cemeteries are identified as prominent historic and cultural resources. They can provide an historic perspective of an area, giving names and ethnicities of previous residents. Refer to Map E.15.

The following cemeteries serve the Town:

- St. Mary's
- Graceland
- Greysville

## RURAL SCHOOLS

The old time, one room schoolhouse once dotted the landscape, providing public education for mainly rural communities. Over time, these buildings were utilized less and less, as larger, more centrally located schools were built and students were bused in from the country. Nevertheless, the one room schoolhouse remains an icon of American rural culture, representing the opportunity for all children to learn “the three R’s”: reading, ‘riting, and ‘rithmetic. The publication “*Schools of Iowa County*” by Metcalf, Williams, and Pustina (1976), documents these schools in greater detail; Map E.14 at the end of this Section shows locations.

The following schools were documented in the Town of Mineral Point:

- |                         |                         |                   |
|-------------------------|-------------------------|-------------------|
| • Oak Park              | • Barreldown            | • Broad View      |
| • Greysville/Graysville | • Pleasant View         | • Ferndale        |
| • South Survey          | • Burr Oak              | • Mt. Gilead      |
| • Rock Ridge            | • Town of Mineral Point | • Prairie Chicken |
| • Plum Grove/Gov. Dodge | • Sweet Clover          | • Hoare           |

## OTHER HISTORIC BUILDINGS AND SITES IN THE TOWN OF MINERAL POINT

The Town of Mineral Point Plan Commission identified six other historic sites in the Town. Refer to Map E.14.

- “Badger” holes (a.k.a. “digging” holes – early mine pits) in multiple locations such as Barreldown Road
- Trapper’s cabin foundation (on border of S.Sullivan & L. Holland Farms)
- Spensley Stone Bridge remains (on Hwy QQ)
- Ice harvesting dam (on Hwy QQ)
- Old log lead furnace (L.Holland farm)
- Lead smelter site (on Hwy QQ)

## CULTURAL RESOURCES, HISTORIC PRESERVATION PROGRAMS, AND SPECIAL EVENTS

The Town of Mineral Point promotes and supports the Iowa County Fair and the creation of a Township Park. Other historic and cultural resources important to the Town are listed below in Table E.1.

**Table E.1 - Cultural Resources Most Important To Your Community**

Cultural Resource	Threats
Barns, old farmhouses, agricultural buildings	Changing agricultural economy
Viewscapes	Insensitive development
4H clubs	Lack of County support
Losing farms and farmers	
County fair	

## RESPONSE TO THREATS TO CULTURAL RESOURCES IN YOUR COMMUNITY

The Town of Mineral Point Plan Commission identified no threats to cultural resources in the community.

## ARCHEOLOGICAL RESOURCES

About 10,000 years ago, **Paleo-Indians** entered Wisconsin as they hunted woolly mammoth, mastodon, and bison. These large mammals lived on the abundant vegetation beginning to grow as the glaciers retreated northward.

Around 8,000 years ago, during the **Archaic Period**, the climate became warmer and dryer. Animals found in the state today replaced the large Ice Age mammals. People lived in smaller family groups in caves, rockshelters, along rivers, and around lakes and wetlands. They harvested wild plants, nuts, and acorns. They hunted animals such as deer and elk.

About 3,000 years ago, during the **Woodland Period**, people lived in large villages and began to use bows and arrows to hunt. It was during this period that many mounds, including effigies, or mounds built in the shape of turtles, birds, bears and other animals, were built throughout Wisconsin. These people were Wisconsin’s first potters and gardeners.

The **Mississippian Period** began about 1,000 years ago. In Wisconsin these people are called **Oneota**. They lived in villages and planted gardens to grow crops such as corn, beans, and squash. They had a complex trade network that extended to both the Atlantic and Gulf coasts.

Jean Nicolet, a French explorer, arrived in Wisconsin in 1634. At that time, the Indian tribes present in the state included the Ho Chunk (Winnebago), Potawatomi, Menominee, and Ojibwa (Chippewa) Indians. This marked the beginning of the **Historic Period**.

The list below gives archeological sites documented in your community. This is not a complete list because some sites disappear due to development or agriculture and some may not yet been reported to the State Historical Society.

**Table E.2- Archeological Sites in Your Community\***

Site/Code Name	Site Type	Cultural Significance
Wedig	Cave/rockshelter	Unknown Prehistoric
IA-0114	Campsite/village	Unknown Prehistoric
IA-0115	Workshop site	Unknown Prehistoric
Stoner	Mounds (conical), Mounds (linear)	Unknown Prehistoric
IA-0102	Campsite/village	Unknown Prehistoric
Finkelmeyer I	Campsite/village	Unknown Prehistoric
Finkelmeyer II	Campsite/village	Unknown Prehistoric
Finkelmeyer III	Campsite/village	Unknown Prehistoric
Finkelmeyer IV	Campsite/village	Unknown Prehistoric
IA-0107	Campsite/village	Unknown Prehistoric
IA-0108	Campsite/village	Unknown Prehistoric
IA-0109	Campsite/village	Unknown Prehistoric
IA-0110	Campsite/village	Unknown Prehistoric
IA-0111	Campsite/village	Unknown Prehistoric
IA-0106	Campsite/village	Unknown Prehistoric
IA-0098	Campsite/village	Unknown Prehistoric
IA-0099	Campsite/village	Unknown Prehistoric
IA-0100	Campsite/village	Unknown Prehistoric
IA-0103	Campsite/village	Unknown Prehistoric
IA-0112	Campsite/village	Unknown Prehistoric
IA-0113	Campsite/village	Unknown Prehistoric
Cothren	Other	Historic Euro-American
IA-0072	Campsite/village	Unknown
Lindeman	Campsite/village	Early Woodland
Holzmillner	Cave/rockshelter	Unknown
Ruined Farmstead	Cabin/homestead	Historic Euro/American
Feed Mill	Cabin/homestead	Historic Euro/American
Wayside	Campsite/village	1. Archaic 2. Late Woodland
Mineral Site	Cabin/homestead	Historic Euro/American
Cody Site	Quarry/mine	Historic Euro/American
Moreland Mine	Quarry/mine	Historic Euro/American
Moreland Tailings	Quarry/mine	Historic Euro/American
Carl Cenite Mine	Quarry/mine	Historic Euro/American
South Barre Town Road Mines	Quarry/mine	Historic Euro/American
Lillian	Quarry/mine	Historic Euro/American
Goldthorpe	Quarry/mine	Historic Euro/American
Fallen Oak	Quarry/mine	Historic Euro/American
Lindhauer Mine	Quarry/mine	Historic Euro/American
Carey Tailing Site	Quarry/mine	Historic Euro/American
Wedig Tailing Site	Quarry/mine	Historic Euro/American
R.C. Tailings Site	Quarry/mine	Historic Euro/American
Wild Plum	Quarry/mine	Historic Euro/American
Knapp Site	Cabin/homestead	Historic Euro/American
Rooster Site	Isolated finds	Unknown Prehistoric
Blaze Site	Campsite/village	Late Paleo-Indian
Blank Angus	Quarry/mine	Historic Euro/American
Suthers Site	Cabin/homestead	Historic Euro/American
Parsnip Site	Workshop site/Campsite/Village	Unknown Prehistoric
Carey Site	Campsite/village	Unknown Prehistoric
Sleeping Cow Site	Campsite/village	Unknown Prehistoric
Bogoshwava Site	Isolated finds	Unknown Prehistoric
Carey III Site	Campsite/village	Early Archaic
Mineral Point Hill	Quarry/mine	Historic Euro/American
Ingraham House	Cabin/homestead	Historic Euro/American

\*Due to the delicate nature of archeological sites, the Wisconsin State Historical Society does not release specific locations.

**CULTURAL RESOURCE CONTACT IN THE TOWN OF MINERAL POINT**

The Town Plan Commission identified Mr. James Stoschein as the Town's Cultural Resource Contact for the Town. Mr. Stoschein may be reached at 1126 CTH QQ, Mineral Point, WI 53565.

**HISTORIC ORDINANCE**

The Town of Mineral Point does not have an historic preservation ordinance and does not wish to create one.

**AGRICULTURAL, NATURAL, AND CULTURAL RESOURCE AGENCIES AND PROGRAMS**

There are a number of available state and federal programs to assist with agricultural, natural, and cultural resource planning and protection. Below are brief descriptions of various agencies and programs. Contact information has been provided for each agency. To find out more specific information or which program best fits your needs contact them directly.

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WI-DNR)**

The Department of Natural Resources is dedicated to the preservation, protection, effective management, and maintenance of Wisconsin's natural resources. It is responsible for implementing the laws of the state and, where applicable, the laws of the federal government that protect and enhance the natural resources of our state. It is the one agency charged with full responsibility for coordinating the many disciplines and programs necessary to provide a clean environment and a full range of outdoor recreational opportunities for Wisconsin citizens and visitors. The Wisconsin DNR has a number of programs available ranging from threatened and endangered species to water quality to parks and open space to wetlands.

**WISCONSIN DEPARTMENT OF  
NATURAL RESOURCES (WI-DNR)**

101 S Webster St  
Madison WI 53703

Phone: 608-266-2621  
Fax: 608-261-4380

<http://www.dnr.state.wi.us>

The Bureau of Community Financial Assistance (CFA) administers grants and loan programs, under the WI-DNR. Financial program staff works closely with local governments and interested groups to develop and support projects that protect public health and the environment, and provide recreational opportunities.

**WISCONSIN DEPARTMENT OF TRADE AND CONSUMER PROTECTION (DATCP)**

The Wisconsin Department of Trade and Consumer Protection inspects and licenses more than 100,000 businesses and individuals, analyzes millions of laboratory samples, conducts hundreds of hearings and investigations, educates businesses and consumers about best practices, adopts rules that have the force of law, and promotes Wisconsin agriculture at home and abroad.

Specifically DATCP has two divisions that relate directly to the agriculture and natural resource section of the comprehensive plan. The Environmental Division focuses on insects, land and water, as well as plants and animals. The Agricultural Division focuses on animals, crops, agricultural resources, and land and water resources.

**WISCONSIN DEPARTMENT OF TRADE  
AND CONSUMER PROTECTION  
(DATCP)**

2811 Agriculture Drive  
PO Box 8911  
Madison WI 53708

Phone: 608-224-4960

<http://www.datcp.state.wi.us>

**WISCONSIN NATURAL RESOURCE CONSERVATION SERVICE (NRCS)**

The Natural Resources Conservation Service is the federal agency that works with landowners on private lands to conserve natural resources. NRCS is part of the U.S. Department of Agriculture, formerly the Soil Conservation Service.

Nearly three-fourths of the technical assistance provided by the agency goes to helping farmers and ranchers develop conservation systems uniquely suited to their land and individual ways of doing business. The agency also provides assistance to other private landowners and rural and urban communities to reduce erosion, conserve and protect water, and solve other resource problems.

**WISCONSIN NATURAL RESOURCES  
CONSERVATION SERVICE (NRCS)**

6515 Watts Road,  
Suite 200  
Madison, WI 53719

Phone (608) 276-USDA

<http://www.wi.nrcs.usda.gov>

**WISCONSIN HISTORICAL SOCIETY**

The Society serves as the archives of the State of Wisconsin. It collects books, periodicals, maps, manuscripts, relics, newspapers, and audio and graphic materials as they relate to North America. It maintains a museum, library, and research facility in Madison, as well as a statewide system of historic sites, school services, area research centers, administering a broad program of historic preservation and publishing a wide variety of historical materials, both scholarly and popular. The historical society can also provide assistance for various state and federal programs.

**WISCONSIN HISTORICAL SOCIETY**

**Office of Preservation Planning  
Division of Historic Preservation  
Wisconsin Historical Society**

**816 State Street  
Madison, WI 53706**

**Phone: 608-264-6500**

**<http://www.wisconsinhistory.org>**

# **ECONOMIC DEVELOPMENT ELEMENT**

**EXECUTIVE SUMMARY**

The purpose of this section is to analyze business, industry, and employment trends and characteristics in Iowa County. Selected information is presented at the minor civil division level, a Census Bureau term for cities, villages, and towns. Specifically, this section provides an overview of the economy, sets policy direction for economic growth, and identifies strategies, programs, and projects to improve the economy. Specific information in this section includes employment status of the population, labor force participation rates, work status and income levels, employment industries and occupations, along with other relevant information.

Information in this element of the comprehensive plan comes from visioning sessions conducted at the end of 2002, the countywide public opinion surveys also conducted toward the beginning of the planning process, the economic development questionnaire presented to the cluster groups, and a nominal countywide meeting, held in November 2003 where cluster groups answered several questions about their views of economic development and future economic development needs in their area.

**Wisconsin State Statute 66.1001(2)(f)****(f) *Economic Development***

A compilation of objectives, policies, goals, maps and programs to promote the stabilization, retention or expansion, of the economic base and quality employment opportunities in the local governmental unit, including an analysis of the labor force and economic base of the local governmental unit. The element shall assess categories or particular types of new businesses and industries that are desired by the local governmental unit. The element shall assess the local governmental unit's strengths and weaknesses with respect to attracting and retaining businesses and industries, and shall designate an adequate number of sites for such businesses and industries. The element shall also evaluate and promote the use of environmentally contaminated sites for commercial or industrial uses. The element shall also identify county, regional and state economic development programs that apply to the local governmental unit.

## **INTRODUCTION**

The economic development strategy for a community is a compilation of the objectives, policies, or goals, along with requisite maps, and the identification of programs and projects that promote the stabilization, retention, or expansion of the economic base and quality employment opportunities in the local governmental unit. It normally incorporates an analysis of the labor force and the economic base of the community. It tries to assess the categories or types of new businesses and industries that are desired by the local governmental unit, and identifies the jurisdiction's strengths and weaknesses for attracting or retaining these businesses and industries.

The requisite number of industrial or business sites needed to accommodate the community's stated goals and objectives, includes the evaluation of any known environmentally contaminated sites that could be used for commercial or industrial purposes. The strategy also identifies any applicable county, regional, state, or national economic development programs that may apply to the economic development goals of the community.

High profile projects for Iowa County communities include the need to fulfill tax increment financing district plans and the attraction of new business investments to the county. The county now has an enhanced opportunity to attract and grow additional businesses as a result of the major highway improvements to the US Highway 151 corridor. Opportunities also exist to facilitate new investments within downtown areas, and to enhance and promote tourism. The Tax Incremental Finance (TIF) law (SB 305/306, adopted February 29, 2004) makes it easier for cities and villages to add residential development where there is a desire for it. The Tourism, Agriculture, Forestry (TAF) law (AB 347, adopted April 13, 2004) helps towns pursue tourism, agricultural, or forestry based developments. There appears to be a strong commitment to rural issues throughout the county, and by working together as a county, many problems may be able to be addressed.

First and foremost is a strong recommendation that the county and its communities consider the formation of a countywide economic development organization, and specific recommendations, including a possible model to follow, is provided in the policy statements below. The reasons for doing such a thing are numerous and compelling. Among them:

- (1) The county has several industrial and business parks that have had, or are proposed for, considerable public investment, and these should be marketed by the communities;
- (2) Iowa County as a whole, along with several of its communities, has a strong economic development tool in a relatively large revolving loan fund that can be more effectively utilized if full time professional staff were available to work with prospective borrowers;
- (3) From a regional economic development perspective, Iowa County is the "hole in the donut" being surrounded on all sides by counties that have formed countywide economic development corporations (Grant, Lafayette, Green, Richland and Sauk) or have other significant economic development capacity (Dane). There are many regional initiatives, such as the Agricultural Development Zone tax credit program, and the Southwest Wisconsin Regional Economic Development Coalition (<http://swwrpc.org/redc>) that could benefit from greater Iowa County participation if additional staff capacity were available.
- (4) Approximately three-quarters of all counties in the state, including many rural counties, have found the need to form countywide economic development organizations. It is one of the most effective models for promoting the local area and working on a myriad of issues of interest to its members. It is also not too large and not too small to be effective, and the members have a considerable number of things in common;
- (5) Economic development is more than just enhancing business development or creating and saving jobs. It is complex, with many areas of concern, including preservation or modernization of farms, protecting the environment, promoting new housing, and many more. In order to achieve community goals, it may be necessary to increase the institutional capacity to deal with them. Such an organization, with its economy of scale, can be very affordable to its members.

The Wisconsin Economic Development Association (WEDA) provides more information below.



**What is Economic Development or Why The Buck (\$) Starts Here!**

Economic development (ED) is a term commonly heard these days but it is an important concept that is often misunderstood.

**What is Economic Development?**

Economic development is the process by which a community organizes and then applies its energies to the tasks of improving the economic well-being and quality of life for the community. Economic development is an investment in the community.

**Why Should You Be Concerned About Economic Development?**

The reasons are quite basic. Economic development helps pay the bills. Economic development is about working together to maintain a strong economy by creating and retaining desirable jobs, which provide a good standard of living for individuals, thereby increasing the tax base, so a community, county or state can provide the level of services residents expect.

**Does Economic Development Really Matter?**

A community needs ED in order to help pay for growing citizen wants, to retain and grow existing businesses, to attract new business and investment, to nurture local entrepreneurs (start-ups) and to replenish income lost by dollar "leakage" out of the community through the purchase of goods made elsewhere. Job growth and maintenance in local basic industries (which produce goods and services sold outside the area) brings new dollars into the community. New dollars invested or spent in a community generate more economic activity, creating a "multiplier" effect. The higher the multiplier, the greater is the effect on the local economy. The same applies for new jobs in the community. Multiplier total impacts commonly fall in the range between 1.5 and 2. Subsequently, the total community impact of new dollars or jobs can be up to double the amount of the original amount.

Similarly, new capital investment in real property generates a continuous revenue stream through property taxes. At the average rate for Wisconsin cities, one million dollars in new business property produces annual revenue of \$25,000. Vacant and underutilized property can generate the opposite result. Due to these dynamic circumstances, if there is no mechanism to foster growth and positive change, the alternative is community economic stagnation and decay.

**Why Economic Development Now?**

Economic development has increasingly become an integral part of public policy decision-making. Simultaneously, until recently, ED success has been continual, to the point where it was assumed and taken for granted. For example, during the economic boom of the 1990's, Wisconsin dramatically outperformed the nation in job creation for its citizens. Labor shortages became the major concern.

Now, the problem is how can scarce (limited) resources be utilized in the most efficient manner to satisfy both individual and collective wants?

Major changes in world and national economies are now taking place. In response to globalization, some companies are merging, moving, shrinking, or closing. Community economic success is no longer a "given" and cannot be taken for granted. What then?

It all depends upon how a community reacts to economic change; what it knows about itself, its economy and the wants and needs of all its citizens; and, how it is positioned to satisfying these wants and needs in the future.

The significance of ED programs and professions is never greater than in "challenging" times. The last place to look for cuts and cost savings is the one place – ED – that can best influence growth and prosperity. This is an important and continual job, requiring cooperation, analysis, expertise, and action.

**ECONOMIC DEVELOPMENT POLICIES**

Below are the policies that will help Iowa County and its jurisdictions achieve a self-sustaining economic development initiative in both the short- and long-term.

- **The various interested communities, county representatives, and other parties including businesses and business organizations, should meet to discuss the creation of a countywide economic development corporation.**

Such a corporation should be formed under Chapter 181 of the Wisconsin Statutes, avoiding the creation of a county economic development corporation under Chapter 66 of the Statutes. Virtually all of the more than fifty such corporations in the state are formed under Chapter 181, and also organized under Section 501(c)4 or 501(c)6 of the Internal Revenue Code. A potential model for such a corporation is that of the Fond du Lac County Economic Development Corporation (<http://www.fcedc.com/>). This organization is somewhat different from the typical economic development corporation in the sense that it has a large number of business and industry memberships, in addition to the more usual municipal and county partnerships. The principal purpose of that corporation is to promote business and economic development within the county, including business retention, entrepreneurship and community development.

- **All incorporated jurisdictions, as well as the county, should provide for annual funding of economic development needs, including, but not limited to membership dues in organizations that promote economic development beneficial to the county.**

Cities and villages should have an annual appropriation for economic development activities to include, but not be limited to, dues or contributions to local, county or other economic development organizations that the community or county feels is highly beneficial in terms of cost/benefit. An economic development budget, even a modest one, may also assist to address any pressing issues that are identified at times other than when the budget is prepared.

- **Each community should create a community fund through the Community Foundation of Southern Wisconsin, especially if there is not an alternative vehicle for encouraging local charitable contributions that go toward overall community betterment.**

A Community Fund is a charitable component of the Community Foundation of Southern Wisconsin, Inc. It allows individuals and groups to contribute time and money toward the betterment of a specific community. Each has a volunteer board comprised of community members that encourage the growth of the fund and oversees distributions in the form of grants based on community projects, programs and other changing needs.

- **Utilize the availability of training programs to enhance local capacity building for purposes of community and economic development.**

Establish an organized and trained business recruitment and retention team within a community development organization by seeking assistance from existing resources that are available (i.e., UW Extension, Alliant Energy, SSWRPC, etc.). Also participate in the Community Leadership Alliance that offers training for existing and potential community leaders. Contact the County University Extension office to inquire about this program.

- **Develop necessary information to market the community and the available business sites and available buildings within the community on the Internet.**

Develop a "community profile" with applicable information of value to potential new businesses and residents to help them make a location decision and to give them local contacts for additional information. Ensure that printed or electronic profiles are updated annually. It is important that this information be posted to a web site where information on industrial and commercial sites in the county can be easily found. Site selection locators most often find information about sites and buildings on web sites, such as that of Forward Wisconsin, Inc. (<http://www.siteswi.com>).

➤ **Work on tourism potential as tourism is one of the fundamental assets of Iowa County.**

The county and its communities should partner with the Point of Beginnings Heritage Area, Inc. (POB) to have a countywide presence (a display) and a community presence (pamphlets and other printed material) in the new Belmont Area Visitor's Center now constructed at Belmont. The POB opened the facility to the public on May 1, 2004. A plan to partner with a countywide tourism organization, such as a county tourism committee, has been developed for the purposes of ensuring active participation between Point of Beginnings organization and each of the three counties it serves.

➤ **Make historic preservation and tourism a fundamental economic development strategy of community and county efforts.**

Iowa County communities have some of the earliest histories in the state, which have played a pivotal role in the development of the state. Historic preservation and heritage tourism is undoubtedly among the greatest assets that the area has. Tourists, and many people in general, are very interested in history, and the area should preserve and promote its history as a major economic development strategy. This means providing support to active groups who work diligently on either protecting the history of the area, or in promoting it. There are many organizations, from genealogical groups to historical societies, to tourism committees and non-profit organizations. Communities should strive to work closely with these groups to help them achieve their goals.

➤ **Conduct a housing needs assessment in all areas interested in housing development, and make housing development a fundamental economic development strategy in areas where this is desired, but evaluate proposals by doing a feasibility analysis.**

Housing has been identified as a key need in many communities. Private consultants are available to assist communities in determining what types of housing is needed, but more importantly, what types of housing can be supported by the community. Investment in new housing is not inexpensive for communities or developers, and any assistance that can be provided in establishing need and feasibility may encourage the development of the right kind of new housing for the community.

➤ **Become familiar with new Tax Increment Financing (TIF) and the Tourism, Agriculture, Forestry (TAF) laws. This is pertinent for any jurisdiction, even towns, as there may be considerable opportunities for economic development.**

Significant changes in Wisconsin's tax increment financing law represent the largest overhaul of this law in many years. The changes are substantial and will make it easier for a community to create one, and will provide for more advantageous time lines for making investments and paying off the associated debt. The TIF law is one of the most powerful economic development tools in existence. The new TAF law can assist towns getting help with projects whose goals are to foster or augment tourism, agriculture, or forestry development.

### **ESTABLISHING PRIORITIES**

During the community visioning work completed in December 2002, the term "job" or "jobs" was very rarely used in answering the questions posed at the session. (These questions are listed below.) Terms such as preserve, conservation, history, farms and agriculture, and services were commonly used. This discussion was centered on the participant's feelings about quality of life in general. Jobs, of course, are important as they provide a livelihood and a good job, with benefits, and provide a better standard of living.

- What do you like about living in this area of Iowa County?
- What are some of the community values?
- What are some of the challenges or concerns facing your community?
- What are some opportunities for your communities in the future?
- What type of development or redevelopment should occur in this area?
- What words do you want your grandchildren to use to describe your community?
- What do you want to preserve?
- What do you want your community to look like in 2022?

In preparation of this plan, the Issues and Opportunities Element identified the strengths, weaknesses, opportunities, and issues of each cluster group. The following is a listing of the top significant **countywide** strengths, opportunities, issues, and weaknesses as identified by the local planning commissions. The number in parentheses after each item is the number of jurisdictions that indicated the particular statement. Although these issues may differ from area to area within the county, these are considered to be the most important on a countywide basis. The following were determined to be the most significant based on the number of jurisdictions listing the items. All items receiving relatively few mentions are ignored for purposes of this discussion.

**Significant Countywide Strengths**

- Rural/Natural Beauty-Rural Character/Atmosphere (12)
- Agriculture and Farmland (10)
- Small Town Atmosphere (10)
- Community Services - Fire/ambulance/police/ etc. (10)
- Roads/snow removal (9)
- Recreation and Open Space (8)

**Significant Countywide Opportunities**

- New Residential Development – Subdivisions/assisted living/starter homes/affordable housing (12)
- Business and Industry – Creation, attraction and support (12)
- New and Existing Recreation Areas (10)

**Significant Countywide Issues (also called threats)**

- Preservation of Natural Resources/Scenic Preservation (10)
- Availability of Jobs and Economic Opportunities (10)
- Preservation of Farm and Agricultural Lands (7)
- Declining School Enrollment (6)

**Significant Countywide Weaknesses**

- Lack of Job Opportunities (9)
- Lack of Commercial and Industrial Property (6)
- Lack of Housing Options – Single Family, Elderly, Affordable, Starter (6)
- High Taxes (5)

The list of strengths, opportunities, issues, and weaknesses shown in Table F.1 attempts to demonstrate how identified weaknesses and threats should be alleviated by playing on one's strengths and opportunities. Conversely, addressing some issues or weaknesses may compromise current strengths or opportunities. For instance, residential or industrial development can adversely effect the preservation of farms and natural resources. While broadening the tax base through the attraction or establishment of new businesses can have a beneficial effect on property taxes, especially in the long run, residential development requires careful analysis to determine if the proposed activities will indeed have a beneficial or an adverse effect on the tax rates. For this reason, it is strongly suggested that jurisdictions pursuing larger residential developments have a feasibility study done by a qualified consultant prior to entering into development agreements calling for expenditure of public funds, even if those funds are recoverable from the developer relatively soon or at some time in the future. The costs to the public in terms of public services resulting from development should be evaluated.

**Table F.1 – Strengths/Opportunities and Weakness/Threats Relationships**

<b>Relationship between Strengths/Opportunities and Weaknesses/Threats.</b>  <i>Row items with an "X" can best alleviate corresponding column items. Column items with an "O" are hindered by the corresponding row items.</i>		<b>Weaknesses</b>				<b>Issues (Threats)</b>		
		Lack of Job Opportunities (9)	Lack of Commercial & Industrial Property (6)	Lack of Housing Options (6)	High Taxes (5)	Preservation of Natural Resources/Scenery (10)	Availability of Jobs & Economic Opportunities (10)	Preservation of Farm and Ag. Lands (7)
<b>Strengths</b>	Rural/Natural Beauty-Rural Character/Atmosphere (12)					X		
	Agriculture and Farmland (10)							X
	Small Town Atmosphere (10)							
	Community Services - Fire/ambulance/police/etc. (10)							
	Roads/snow removal (9)							
	Recreation and Open Space (8)					X		
<b>Opportunities</b>	New Residential Development (12)			X		O		O
	Business & Industry – Creation, attraction, support (12)	X	X		X		X	O
						X		O
	New and Existing Recreation Areas (10)							

Although the visioning sessions indicated that the things most important to participants were not jobs per se, but generally quality of life, the exercise of identifying strengths, weaknesses, opportunities, and issues did indicate that many jurisdictions identified the creation, attraction, and support of business and industry as an opportunity. This same opportunity for a better life was identified through residential development. Working on the jurisdiction's strengths and opportunities can, if effectively and concertedly pursued, have a direct positive impact on many identified major weaknesses or threats.

The following are comments from cluster work groups about their dreams for economic development in their areas, and what they feel should be accomplished in order to meet their goals.

**Northwest Cluster: Village of Highland, Town of Highland, Village of Avoca, Town of Pulaski**

- *What are your dreams for economic development in Iowa County or your area?*
  - Improve transportation that includes building a new bridge between Avoca and Gotham.
  - The NW corner of Iowa County attracts technology companies to the area that provide good jobs.
- *What does Iowa County or your communities need to do?*
  - Greater citizen participation in promoting our communities.
  - Patronize local businesses.

**Northeast Cluster: Village of Arena, Town of Arena, Town of Clyde and Town of Wyoming**

- *What are your dreams for economic development in Iowa County or your area?*
  - Arena is a rural bedroom community.
  - Clyde and Wyoming a rural agriculture, land steward, residential place.
- *What does Iowa County or your communities need to do?*
  - Towns need to support the Village and its goals of economic development and self-sufficiency, while maintaining the rural character of their areas.
  - Town of Arena would accept some annexation by the Village of Arena.

**Central Cluster: City of Dodgeville, Town of Dodgeville, Village of Ridgeway, Town of Ridgeway**

- *What are your dreams for economic development in Iowa County or your area?*
  - Adaptive reuse of existing farm buildings and dwellings in rural and city areas.
  - Increase tourism, agricultural base, bed-and-breakfasts, artists, outdoor recreation, and affordable housing for all.
- *What does Iowa County or your communities need to do?*
  - Set goals and cooperate and communicate.

**Southwest Cluster: Village of Linden, Town of Linden, Town of Eden, Town of Mifflin**

- *What are your dreams for economic development in Iowa County or your area?*
  - Healthcare for everyone.
  - More diversity in retail and manufacturing (a downtown shoe store).
  - An economic climate that will attract young people and encourage them to stay here and provide a good living yet continue the rural way of life.
  - No urban sprawl.
- *What does Iowa County or your communities need to do?*
  - Pull in more diverse manufacturing.
  - Needs to capitalize on tourism -- House on the Rock, Taliesin, Mineral Point, rustic roads, Governor Dodge, Wisconsin Cheese, bike trails, affordable opportunities, Blackhawk Park.
  - Advertise more (e.g. Uplands).

**South Central Cluster: City of Mineral Point, Town of Mineral Point, and Town of Waldwick**

- *What are your dreams for economic development in Iowa County or your area?*
  - We want our development to be non-abusive to ground water, good for the eye and air.
  - Employers that pay a good wage to improve quality of life.
  - We want this area to be a good area to grow up.
- *What does Iowa County or your communities need to do?*
  - County could have a compendium or list of the cities and towns and what they offer. List commercial areas, housing areas, parks, hotels, restaurants, tourist attractions, provide a summary for each governmental unit.

**Southeast Cluster: Village of Hollandale, Town of Moscow, Village of Blanchardville**

- *What are your dreams for economic development in Iowa County or your area?*
  - Dream is train/light rail.
  - Antique center/artists. Emphasis on arts -- tourism destination.
  - Senior Center.
  - Assisted living -- graduated care.
  - A café.

- *What does Iowa County or your communities need to do?*
- Zoning that allows for home-based businesses.
  - Better Internet connectivity.
  - Try to keep business local, encourage local trading.
  - Publicize what we have to offer.

#### **ECONOMIC DEVELOPMENT RESULTS FROM THE COUNTYWIDE PUBLIC OPINION SURVEY**

- Eighty-two percent of respondents strongly agreed or agreed that Iowa County should work to coordinate efforts to actively recruit new businesses and industry.
- Sixty percent of respondents strongly agreed or agreed that all Iowa County communities should provide at least some land with infrastructure (water, sewer access, etc.) for industrial and commercial uses either owned publicly or privately.
- Sixty-eight percent of respondents strongly agreed or agreed that development at the edge of cities and villages should be required to have municipal water and sewer services.
- The following types of businesses were most desired by the survey respondents:

<b>Business Type</b>	<b>Essential</b>	<b>Very Important</b>	<b>Important</b>
a. Agricultural	41%	33%	18%
b. Commercial / Retail	19%	35%	32%
c. Downtown / Main Street	20%	29%	33%
d. Home based businesses	9%	22%	38%
e. Industrial & Manufacturing	15%	30%	35%
f. Tourism & Recreation	26%	31%	28%

**LABOR FORCE CHARACTERISTICS**

Tables F.2 through F. 13 provide a variety of data, which includes age and sex for the county and minor civil divisions, with comparisons in many cases to the State of Wisconsin. Included is a list of major employers in Iowa County.

**Table F.2 – Employment Status And Commuting To Work: 2000**

Geographic area	Population 16 years and over--		Civilian labor force--	Workers 16 years and over
	Percent in labor force		Percent Unemployed	Percent worked outside county of residence
	Total	Female		
Iowa County	75.5	71.7	3.9	36.5
COUNTY SUBDIVISION AND PLACE				
Arena village	79.6	72.5	2.4	80.3
Arena town	75.9	70.4	5.1	70.9
Avoca village	64.3	55.3	8.4	73.9
Barneveld village	78.4	78.4	2.8	68.2
Blanchardville village (Iowa part)	74.5	68.1	3.9	83.6
Blanchardville village (Lafayette part)	69.1	65.6	0.9	71.1
Brigham town	78.8	72.2	2.9	49.0
Clyde town	73.0	71.8	4.0	40.8
Cobb village	69.1	67.8	3.2	23.6
Dodgeville city	77.3	76.8	4.8	22.2
Dodgeville town	76.4	71.8	1.7	22.0
Eden town	78.2	69.5	3.3	15.8
Highland village	75.6	72.1	3.3	25.4
Highland town	74.0	68.6	3.7	21.1
Hollandale village	56.1	52.3	2.5	74.8
Linden village	71.6	66.0	6.7	27.8
Linden town	66.7	56.4	2.9	15.8
Livingston village (part)	85.7	80.0	0.0	8.3
Mifflin town	82.8	80.4	3.7	21.7
Mineral Point city	72.8	69.6	3.5	25.8
Mineral Point town	79.0	72.6	3.2	20.5
Montfort village (part)	72.0	65.4	0.0	16.7
Moscow town	82.2	79.5	4.5	49.9
Muscoda village (part)	74.1	63.0	0.0	85.0
Pulaski town	79.2	75.4	3.5	47.8
Rewey village	62.7	58.3	0.8	40.2
Ridgeway village	77.3	72.1	4.4	55.7
Ridgeway town	77.2	76.6	5.8	38.1
Waldwick town	77.5	73.7	4.4	22.6
Wyoming town	79.8	74.4	4.9	54.5

Source: U.S. Census Bureau, Census 2000 Summary File 3. Prepared by SWWRPC.

Table F.2 above is generally self-explanatory. Three-quarters of the adult population are in the labor force, and only slightly fewer females than males participate in the work force as a percent of all persons age 16 and over. It should be noted that the female population is larger for this broad age group, so employment among women is nearly at full employment. Only 3.9 percent of workers were unemployed at the time of the census. More than one out of every three persons employed commute outside of the county for employment.



**Table F.3 – Occupation of Employed Civilians 16 Years and Over: 2000**

Geographic Area	Percent Distribution by Occupation					
	Management, professional, and related occupations	Service occupations	Sales and Office Occupations	Farming, fishing, and forestry occupations	Construction, extraction, and maintenance occupations	Production, transport, and material moving occupations
<b>Iowa County</b>	<b>30.9</b>	<b>12.8</b>	<b>25.5</b>	<b>2.5</b>	<b>10.9</b>	<b>17.4</b>
Arena village	15.0	17.0	24.5	0.6	18.9	24.0
Arena town	27.2	12.8	25.6	2.2	15.8	16.5
Avoca village	12.2	12.9	24.7	1.1	14.0	35.1
Barneveld village	31.1	11.4	27.2	0.3	13.9	16.0
Blanchardville (pt)	27.4	11.0	30.1	0.0	9.6	21.9
Brigham town	43.8	12.2	19.9	5.3	10.3	8.5
Clyde town	34.3	10.1	23.1	4.7	13.0	14.8
Cobb village	31.8	6.9	35.9	0.8	9.8	14.7
Dodgeville city	28.2	17.4	30.8	0.4	6.2	17.0
Dodgeville town	40.0	10.0	22.1	1.6	10.8	15.5
Eden town	36.6	6.3	18.5	12.7	16.6	9.3
Highland village	23.0	12.8	31.0	0.0	16.5	16.7
Highland town	34.8	11.2	18.1	8.7	12.6	14.6
Hollandale village	14.7	8.6	39.7	1.7	16.4	19.0
Linden village	20.6	18.1	23.5	2.5	18.1	17.3
Linden town	34.7	8.1	23.0	5.6	9.3	19.3
Livingston village (pt)	8.3	66.7	0.0	25.0	0.0	0.0
Mifflin town	41.1	5.5	25.9	9.0	7.9	10.5
Mineral Point city	29.9	13.9	25.6	0.6	9.6	20.5
Mineral Point town	39.5	14.1	18.5	3.3	9.0	15.5
Montfort village (part)	27.8	19.4	22.2	0.0	19.4	11.1
Moscow town	44.5	11.8	18.9	4.1	7.7	13.0
Muscoda village (pt)	5.0	10.0	17.5	10.0	12.5	45.0
Pulaski town	35.6	11.3	17.6	5.9	9.5	20.3
Rewey village	25.2	11.8	27.6	3.9	15.0	16.5
Ridgeway village	13.2	11.5	30.3	1.0	15.8	28.2
Ridgeway town	37.0	10.6	23.6	3.1	7.1	18.6
Waldwick town	34.7	5.9	28.7	6.9	8.9	14.9
Wyoming town	45.6	9.2	15.4	0.0	10.8	19.0

Source: U.S. Census Bureau, Census 2000 Summary File 3, prepared by SWWRPC.

Table F.3 data above are major occupational groups. ("Occupation" refers to the type of work a person does on the job.) For Iowa County residents, only 2.5 percent of the population is in the farming, fishing and forestry occupations, while the table on the following page identifies slightly more than ten percent in the agriculture, forestry, fishing, and hunting industry. Many people identify themselves as working in the agricultural industry, while not farming. More than 30 percent of residents are in management and other professional occupational categories. This percentage approaches 45 percent in many areas. Data is available at a more detailed occupational level from the American FactFinder on the US Census Bureau's web site (<http://www.census.gov>).

**Table F.4 – Industry and Class of Worker of Employed Civilians 16 Years and Over: 2000**

Geographic Area	Percent in Selected Industries		Percent government workers (local, state or federal)
	Agriculture, forestry, fishing, and hunting	Manufacturing	
<b>Iowa County</b>	<b>10.3</b>	<b>13.6</b>	<b>11.6</b>
Arena village	2.2	20.6	10.0
Arena town	8.1	16.9	12.7
Avoca village	4.1	35.4	10.7
Barneveld village	2.1	10.9	11.7
Blanchardville village (Iowa part)	2.7	15.1	23.3
Blanchardville village (Lafayette part)	2.9	16.0	9.6
Brigham town	17.3	10.3	10.9
Clyde town	16.0	5.9	11.8
Cobb village	4.5	11.4	18.8
Dodgeville city	2.2	13.1	10.1
Dodgeville town	12.1	10.8	11.9
Eden town	40.0	2.4	9.3
Highland village	1.4	13.4	16.5
Highland town	27.0	10.3	8.9
Hollandale village	5.2	17.2	5.2
Linden village	3.6	17.0	10.5
Linden town	23.5	11.6	9.1
Livingston village (pt)	25.0	8.3	0.0
Mifflin town	35.6	7.9	12.2
Mineral Point city	2.7	16.1	12.0
Mineral Point town	22.0	8.8	9.8
Montfort village (part)	8.3	19.4	33.3
Moscow town	20.1	9.4	11.8
Muscoda village (pt)	10.0	57.5	5.0
Pulaski town	23.4	22.5	7.7
Rewey village	6.3	18.1	15.7
Ridgeway village	3.1	17.8	9.9
Ridgeway town	19.3	12.1	11.8
Waldwick town	27.7	5.0	14.5
Wyoming town	8.7	14.9	20.0

Source: U.S. Census Bureau, Census 2000 Summary File 3. Prepared by the SWWRPC.

Table F.4 above is similar to Table F.3, except that it shows information for two industrial classifications and one class of worker classification, rather than occupation. ("Industry" relates to the kind of business conducted by a person's employing organization.) There are more persons employed in manufacturing and local, state and federal government than in agriculture countywide. Many of the government workers, of course, commute to state jobs in Dane County.

Manufacturing accounted for 13.6 percent of all resident's jobs in 2000, compared to 22.2 percent for Wisconsin and 14.1 percent for the United States. Agriculture and the related industries accounted for only 2.7 percent of jobs in Wisconsin and even less nationally at 1.5 percent of all jobs.

**Table F.5 – Labor Force Participation Rates By Age Group For Minor Civil Divisions**

	Arena village	Arena town	Avoca village	Barneveld village	Blanchard- ville vill.	Brigham town	Clyde town	Cobb village	Dodgeville city	Dodgeville town
<b>Total:</b>	<b>465</b>	<b>1,190</b>	<b>460</b>	<b>819</b>	<b>102</b>	<b>709</b>	<b>241</b>	<b>366</b>	<b>3,268</b>	<b>1,133</b>
<b>Male:</b>	<b>247</b>	<b>598</b>	<b>232</b>	<b>402</b>	<b>55</b>	<b>367</b>	<b>138</b>	<b>189</b>	<b>1,497</b>	<b>577</b>
16 to 24 years:	47	75	32	50	10	46	19	39	195	53
In labor force:	41	54	28	37	8	32	12	21	158	35
LF Participation	87.2%	72.0%	87.5%	74.0%	80.0%	69.6%	63.2%	53.8%	81.0%	66.0%
25 to 44 years:	115	238	86	220	19	156	41	64	641	195
In labor force:	108	221	79	191	19	151	39	61	580	186
LF Participation	93.9%	92.9%	91.9%	86.8%	100.0%	96.8%	95.1%	95.3%	90.5%	95.4%
45 to 61 years:	61	200	63	90	17	108	44	44	364	222
In labor force:	59	173	57	79	15	103	37	40	320	206
LF Participation	96.7%	86.5%	90.5%	87.8%	88.2%	95.4%	84.1%	90.9%	87.9%	92.8%
62 to 69 years:	5	45	21	18	5	21	18	10	99	32
In labor force:	0	29	4	4	2	15	12	3	59	16
LF Participation	0.0%	64.4%	19.0%	22.2%	40.0%	71.4%	66.7%	30.0%	59.6%	50.0%
70 years and over:	19	40	30	24	4	36	16	32	198	75
In labor force:	4	9	2	4	0	11	2	8	49	24
LF Participation	21.1%	22.5%	6.7%	16.7%	0.0%	30.6%	12.5%	25.0%	24.7%	32.0%
<b>Female:</b>	<b>218</b>	<b>592</b>	<b>228</b>	<b>417</b>	<b>47</b>	<b>342</b>	<b>103</b>	<b>177</b>	<b>1,771</b>	<b>556</b>
16 to 24 years:	33	77	23	53	4	39	11	16	228	75
In labor force:	31	47	16	38	4	29	9	16	197	50
LF Participation	93.9%	61.0%	69.6%	71.7%	100.0%	74.4%	81.8%	100.0%	86.4%	66.7%
25 to 44 years:	101	239	78	218	18	153	26	68	690	198
In labor force:	84	201	66	206	18	142	19	54	651	188
LF Participation	83.2%	84.1%	84.6%	94.5%	100.0%	92.8%	73.1%	79.4%	94.3%	94.9%
45 to 61 years:	47	177	64	83	15	85	36	42	363	171
In labor force:	37	141	39	68	8	62	34	42	342	137
LF Participation	78.7%	79.7%	60.9%	81.9%	53.3%	72.9%	94.4%	100.0%	94.2%	80.1%
62 to 69 years:	11	52	20	20	3	23	14	16	138	41
In labor force:	4	17	5	11	0	9	12	8	106	10
LF Participation	36.4%	32.7%	25.0%	55.0%	0.0%	39.1%	85.7%	50.0%	76.8%	24.4%
70 years and over:	26	47	43	43	7	42	16	35	352	71
In labor force:	2	11	0	4	2	5	0	0	65	14
LF Participation	7.7%	23.4%	0.0%	9.3%	28.6%	11.9%	0.0%	0.0%	18.5%	19.7%

Source: U.S. Census Bureau, Census 2000 Summary File 3. Prepared by the SWWRPC.

**TABLE F.5 (cont.) – Labor Force Participation Rates By Age Group For Minor Civil Divisions**

	Eden town	Highland village	Highland town	Hollandale village	Linden village	Linden town	Mifflin town	Mineral Point city
<b>Total:</b>	<b>271</b>	<b>672</b>	<b>616</b>	<b>212</b>	<b>415</b>	<b>664</b>	<b>430</b>	<b>2,027</b>
<b>Male:</b>	<b>153</b>	<b>314</b>	<b>313</b>	<b>103</b>	<b>200</b>	<b>350</b>	<b>226</b>	<b>947</b>
16 to 25 years:	26	53	45	14	42	44	36	127
In labor force:	17	44	20	12	28	35	25	102
LF Participation	65.4%	83.0%	44.4%	85.7%	66.7%	79.5%	69.4%	80.3%
25 to 44 years:	69	136	104	35	101	114	92	370
In labor force:	65	127	102	27	88	109	92	353
LF Participation	94.2%	93.4%	98.1%	77.1%	87.1%	95.6%	100.0%	95.4%
45 to 61 years:	37	58	103	23	36	106	66	246
In labor force:	35	47	97	17	31	94	61	221
LF Participation	94.6%	81.0%	94.2%	73.9%	86.1%	88.7%	92.4%	89.8%
62 to 69 years:	8	27	36	8	6	31	22	76
In labor force:	7	21	20	6	2	7	11	21
LF Participation	87.5%	77.8%	55.6%	75.0%	33.3%	22.6%	50.0%	27.6%
70 years and over:	13	40	25	23	15	55	10	128
In labor force:	6	11	9	0	6	21	3	27
LF Participation	46.2%	27.5%	36.0%	0.0%	40.0%	38.2%	30.0%	21.1%
<b>Female:</b>	<b>118</b>	<b>358</b>	<b>303</b>	<b>109</b>	<b>215</b>	<b>314</b>	<b>204</b>	<b>1080</b>
16 to 25 years:	8	59	39	10	36	24	19	122
In labor force:	8	47	23	5	25	10	15	100
LF Participation	100.0%	79.7%	59.0%	50.0%	69.4%	41.7%	78.9%	82.0%
25 to 44 years:	54	125	111	32	99	116	92	369
In labor force:	43	118	100	29	80	94	79	354
LF Participation	79.6%	94.4%	90.1%	90.6%	80.8%	81.0%	85.9%	95.9%
45 to 61 years:	35	75	91	23	35	82	69	255
In labor force:	29	63	76	23	29	64	63	212
LF Participation	82.9%	84.0%	83.5%	100.0%	82.9%	78.0%	91.3%	83.1%
62 to 69 years:	9	42	23	3	17	19	13	94
In labor force:	2	22	9	0	6	7	7	44
LF Participation	22.2%	52.4%	39.1%	0.0%	35.3%	36.8%	53.8%	46.8%
70 years and over:	12	57	39	41	28	73	11	240
In labor force:	0	8	0	0	2	2	0	42
LF Participation	0.0%	14.0%	0.0%	0.0%	7.1%	2.7%	0.0%	17.5%

Source: U.S. Census Bureau, Census 2000 Summary File 3. Prepared by the SSWRPC.

**TABLE F.5 (cont.) – Labor Force Participation Rates By Age Group For Minor Civil Divisions**

	Mineral Point town	Moscow town	Pulaski town	Rewey Village	Ridgeway Village	Ridgeway town	Waldwick town	Wyoming town
<b>Total:</b>	<b>666</b>	<b>432</b>	<b>293</b>	<b>204</b>	<b>532</b>	<b>443</b>	<b>409</b>	<b>257</b>
<b>Male:</b>	<b>363</b>	<b>227</b>	<b>151</b>	<b>89</b>	<b>274</b>	<b>221</b>	<b>200</b>	<b>136</b>
16 to 25 years:	75	19	35	15	51	19	34	10
In labor force:	46	5	24	7	42	8	24	7
LF Participation	61.3%	26.3%	68.6%	46.7%	82.4%	42.1%	70.6%	70.0%
25 to 44 years:	129	93	53	36	119	90	73	48
In labor force:	128	85	50	32	111	79	71	43
LF Participation	99.2%	91.4%	94.3%	88.9%	93.3%	87.8%	97.3%	89.6%
45 to 61 years:	108	90	49	19	64	76	51	60
In labor force:	104	89	43	19	53	71	47	53
LF Participation	96.3%	98.9%	87.8%	100.0%	82.8%	93.4%	92.2%	88.3%
62 to 69 years:	29	16	4	11	16	21	29	7
In labor force:	22	10	4	3	10	12	18	5
LF Participation	75.9%	62.5%	100.0%	27.3%	62.5%	57.1%	62.1%	71.4%
70 years and over:	22	9	10	8	24	15	13	11
In labor force:	6	3	4	0	9	2	3	7
LF Participation	27.3%	33.3%	40.0%	0.0%	37.5%	13.3%	23.1%	63.6%
<b>Female:</b>	<b>50</b>	<b>205</b>	<b>142</b>	<b>115</b>	<b>258</b>	<b>222</b>	<b>209</b>	<b>121</b>
16 to 25 years:	29	28	23	23	37	25	13	2
In labor force:	58.0%	20	12	17	29	15	11	0
LF Participation		71.4%	52.2%	73.9%	78.4%	60.0%	84.6%	0.0%
25 to 44 years:	127	93	60	38	124	96	75	57
In labor force:	82.7%	88	57	30	104	82	65	42
LF Participation		94.6%	95.0%	78.9%	83.9%	85.4%	86.7%	73.7%
45 to 61 years:	92	63	36	26	53	64	68	50
In labor force:	78.3%	51	34	16	43	60	66	44
LF Participation		81.0%	94.4%	61.5%	81.1%	93.8%	97.1%	88.0%
62 to 69 years:	24	12	6	16	20	14	22	4
In labor force:	41.7%	2	4	4	6	13	12	4
LF Participation		16.7%	66.7%	25.0%	30.0%	92.9%	54.5%	100.0%
70 years and over:	10	9	17	12	24	23	31	8
In labor force:	40.0%	2	0	0	4	0	0	0
LF Participation		22.2%	0.0%	0.0%	16.7%	0.0%	0.0%	0.0%

Source: U.S. Census Bureau, Census 2000 Summary File 3. Prepared by the SWWRPC.

Table F.6 shows the labor force participation rates for males and females by broad age group for the county, the state, and the nation. As can be seen from the age-specific labor force rates in Table F.2, the local participation rate in Iowa County is considerably higher than the state and nation as a whole for persons of normal working years age 16 to 64. This is true for both sexes, but is especially so for males. As noted in Table F.5, the percent of population that is of retirement age or above will influence rates for the older age group. A lower rate can be expected among women of retirement age than men because there is a higher population of women in these years. The percent of women in the labor force in Iowa County is approximately double for persons of retirement age, compared to the state and the nation. The participation rate for males is also higher than that of the state or nation by a considerable margin.

**Table F.6: Age-Specific Labor Force Participation Rates For Comparison**

Age specific Labor Force Participation Rate	Population 16-64 years			Population 65 years and over		
	Both Sexes	Male	Female	Both Sexes	Male	Female
Iowa County	86.0	87.8	84.1	25.5	31.7	20.7
State of Wisconsin	80.3	83.6	77.0	13.8	18.6	10.4
United States	73.6	79.1	68.3	13.3	18.4	9.7

**Table F.7: Work Status In 1999 By Weeks & Hours Usually Worked, By Sex**

Weeks usually worked	Both Sexes (13,941)		
	Hours per week usually worked		
	35+ hrs.	15-34 hrs.	1-14 hrs.
50-52 wks.	8,640	1,277	276
40-49 wks.	983	396	67
27-39 wks.	588	287	69
< 27 wks.	579	559	220

Weeks usually worked	Both Sexes (%)		
	Hours per week usually worked		
	35+ hrs.	15-34 hrs.	1-14 hrs.
50-52 wks.	62.0	9.2	2.0
40-49 wks.	7.1	2.8	0.5
27-39 wks.	4.2	2.1	0.5
< 27 wks.	4.2	4.0	1.6

Weeks usually worked	Males (7,244)		
	Hours per week usually worked		
	35+ hrs.	15-34 hrs.	1-14 hrs.
50-52 wks.	5,072	290	131
40-49 wks.	517	127	26
27-39 wks.	306	70	26
< 27 wks.	317	259	103

Weeks usually worked	Males (%)		
	Hours per week usually worked		
	35+ hrs.	15-34 hrs.	1-14 hrs.
50-52 wks.	70.0	4.0	1.8
40-49 wks.	7.1	1.8	0.4
27-39 wks.	4.2	1.0	0.4
< 27 wks.	4.4	3.6	1.4

Weeks usually worked	Females (6,697)		
	Hours per week usually worked		
	35+ hrs.	15-34 hrs.	1-14 hrs.
50-52 wks.	3,568	987	145
40-49 wks.	466	269	41
27-39 wks.	282	217	43
< 27 wks.	262	300	117

Weeks usually worked	Females (%)		
	Hours per week usually worked		
	35+ hrs.	15-34 hrs.	1-14 hrs.
50-52 wks.	53.3	14.7	2.2
40-49 wks.	7.0	4.0	0.6
27-39 wks.	4.2	3.2	0.6
< 27 wks.	3.9	4.5	1.7

Table F.7 shows the degree of full time work status and part time work status for Iowa County. Less than two thirds of all persons age 16 or more who worked in 1999 worked year round and full time (70 percent for males and 53 percent for females). This excludes persons who may normally work year-round, but did not work due to job changes or other reasons, but should be considered typical of any given time period. Persons who usually worked full time whenever they worked in 1999 represented a little over three quarters (77 percent) of the workers (86 percent for males and 68 percent of females).

**Table F.8 Employment Status For Iowa County, Wisconsin: 2000**

Geographic Area: Iowa County, Wisconsin			Wisconsin	
	Number	Percent	Number	Percent
<b>EMPLOYMENT STATUS</b>				
<b>Population 16 years and over</b>	<b>17,414</b>	<b>100.0</b>	<b>4,157,030</b>	<b>100.0</b>
In labor force	13,139	75.5	2,872,104	69.1
Civilian labor force	13,133	75.4	2,869,236	69.0
Employed	12,618	72.5	2,734,925	65.8
Unemployed	515	3.0	134,311	3.2
Percent of civilian labor force	3.9	(X)	4.7	(X)
Not in labor force	4,275	24.5	1,284,926	30.9
<b>Females 16 years and over</b>	<b>8,790</b>	<b>100.0</b>	<b>2,127,011</b>	<b>100.0</b>
In labor force	6,300	71.7	1,363,825	64.1
Civilian labor force	6,300	71.7	1,363,383	64.1
Employed	6,061	69.0	1,306,432	61.4
Unemployed	239	2.7	56,951	4.2
Percent of civilian labor force	3.8	(X)	2.7	(X)
Not in labor force	2,490	28.3	763,186	35.9
<b>Employed civilian population 16 years and over</b>	<b>12,618</b>	<b>100.0</b>	<b>2,734,925</b>	<b>100.0</b>
<b>OCCUPATION</b>				
Management, professional, and related occupations	3,898	30.9	857,205	31.3
Service occupations	1,611	12.8	383,619	14.0
Sales and office occupations	3,221	25.5	690,360	25.2
Farming, fishing, and forestry occupations	315	2.5	25,725	0.9
Construction, extraction, and maintenance occupations	1,378	10.9	237,086	8.7
Production, transportation, and material moving occupations	2,195	17.4	540,930	19.8
<b>INDUSTRY</b>				
Agriculture, forestry, fishing and hunting, and mining	1,314	10.4	75,418	2.8
Construction	1,163	9.2	161,625	5.9
Manufacturing	1,717	13.6	606,845	22.2
Wholesale trade	305	2.4	87,979	3.2
Retail trade	2,990	23.7	317,881	11.6
Transportation and warehousing, and utilities	414	3.3	123,657	4.5
Information	155	1.2	60,142	2.2
Finance, insurance, real estate, and rental and leasing	547	4.3	168,060	6.1
Professional, scientific, management, administrative, and waste management services	490	3.9	179,503	6.6
Educational, health and social services	2,140	17.0	548,111	20.0
Arts, entertainment, recreation, accommodation and food services	689	5.5	198,528	7.3
Other services (except public administration)	349	2.8	111,028	4.1
Public administration	345	2.7	96,148	3.5
<b>CLASS OF WORKER</b>				
Private wage and salary workers	9,446	74.9	2,217,490	81.1
Government workers	1,461	11.6	340,792	12.5
Self-employed workers in own not incorporated business	1,574	12.5	167,248	6.1
Unpaid family workers	137	1.1	9,395	0.3

Source: US Bureau of the Census, 2000 Census, DP-3 Profile of Economic Characteristics, prepared by SWWRPC.

**Table F.9 – Income Characteristics for Iowa County, Wisconsin: 2000**

Iowa County			Wisconsin	
INCOME IN 1999	Number	Percent	Number	Percent
<b>Households</b>	<b>8,777</b>	<b>100.0</b>	<b>2,086,304</b>	<b>100.0</b>
Less than \$10,000	611	7.0	148,964	7.1
\$10,000 to \$14,999	479	5.5	121,366	5.8
\$15,000 to \$24,999	1,147	13.1	264,897	12.7
\$25,000 to \$34,999	1,261	14.4	276,033	13.2
\$35,000 to \$49,999	1,654	18.8	377,749	18.1
\$50,000 to \$74,999	2,148	24.5	474,299	22.7
\$75,000 to \$99,999	882	10.0	226,374	10.9
\$100,000 to \$149,999	432	4.9	133,719	6.4
\$150,000 to \$199,999	75	0.9	30,598	1.5
\$200,000 or more	88	1.0	32,305	1.5
Median household income (dollars)	42,518	(X)	43,791	(X)
With earnings	7,494	85.4	1,706,803	81.8
Mean earnings (dollars)	47,936	(X)	53,084	(X)
With Social Security income	2,207	25.1	550,044	26.4
Mean Social Security income (dollars)	10,535	(X)	11,811	(X)
With Supplemental Security Income	283	3.2	71,359	3.4
Mean Supplemental Security Income (dollars)	5,714	(X)	6,330	(X)
With public assistance income	150	1.7	35,695	1.7
Mean public assistance income (dollars)	1,440	(X)	2,533	(X)
With retirement income	1,102	12.6	327,570	15.7
Mean retirement income (dollars)	20,238	(X)	15,759	(X)
<b>Families</b>	<b>6,239</b>	<b>100.0</b>	<b>1,395,037</b>	<b>100.0</b>
Less than \$10,000	198	3.2	49,392	3.5
\$10,000 to \$14,999	185	3.0	42,055	3.0
\$15,000 to \$24,999	609	9.8	127,576	9.1
\$25,000 to \$34,999	817	13.1	161,209	11.6
\$35,000 to \$49,999	1,313	21.0	260,429	18.7
\$50,000 to \$74,999	1,813	29.1	384,735	27.6
\$75,000 to \$99,999	801	12.8	196,614	14.1
\$100,000 to \$149,999	370	5.9	118,408	8.5
\$150,000 to \$199,999	71	1.1	27,061	1.9
\$200,000 or more	62	1.0	27,558	2.0
Median family income (dollars)	49,972	(X)	52,911	(X)
Per capita income (dollars)	19,497	(X)	21,271	(X)
<b>Median earnings (dollars):</b>				
Male full-time, year-round workers	31,234	(X)	37,062	(X)
Female full-time, year-round workers	23,762	(X)	25,865	(X)
<b>POVERTY STATUS IN 1999 (below poverty level)</b>				
<b>Families</b>	<b>311</b>	<b>(X)</b>	<b>78,188</b>	<b>(X)</b>
Percent below poverty level	(X)	5.0	(X)	5.6
<b>Individuals</b>	<b>1,640</b>	<b>(X)</b>	<b>451,538</b>	<b>(X)</b>
Percent below poverty level	(X)	7.3	(X)	8.7

Source: US Bureau of the Census, 2000 Census, DP-3 Profile of Economic Characteristics, prepared by SWWRPC.



**Table F.10 – Income and Poverty Characteristics for County Subdivisions: 1999**

	Median income in 1999 (dollars)		Per capita income in 1999 (dollars)	Median earnings in 1999 of full-time, year-round workers (dollars)		Income in 1999 below poverty level		
	House-holds	Families		Male	Female	Percent of population for whom poverty status is determined		Percent of families
						All ages	Age 65 years +	
Iowa County	42,518	49,972	19,497	31,234	23,762	7.3	12.6	5.0
Arena village	45,870	49,375	20,765	31,953	24,688	3.7	11.1	0.0
Arena town	51,042	54,844	20,060	35,341	26,691	6.7	6.6	4.8
Avoca village	28,625	31,786	16,758	25,795	21,750	17.3	14.6	12.2
Barneveld village	55,350	58,393	22,009	34,107	25,380	7.5	5.5	4.7
Blanchardville village (Iowa part)	37,250	41,875	19,009	35,714	23,750	8.8	0.0	6.5
Blanchardville vill. (Lafayette part)	42,750	52,237	17,933	31,645	26,394	9.9	9.3	6.7
Brigham town	57,500	65,208	23,469	35,104	27,143	5.5	13.3	4.8
Clyde town	50,625	57,969	27,920	37,188	27,917	6.0	6.0	2.4
Cobb village	34,531	40,278	18,815	32,143	21,838	4.2	7.9	2.2
Dodgeville city	41,615	50,755	20,962	32,738	24,047	5.3	16.0	2.7
Dodgeville town	49,327	58,203	22,521	34,474	26,591	4.9	6.8	3.1
Eden town	42,813	48,250	18,084	24,861	21,964	8.8	5.1	7.5
Highland village	37,228	44,875	16,176	30,250	22,000	7.2	13.2	4.8
Highland town	37,868	43,056	17,361	25,278	22,115	6.8	10.5	5.0
Hollandale village	35,938	50,139	21,141	34,167	23,036	3.5	5.8	2.9
Linden village	35,833	48,750	16,331	29,250	20,938	8.8	13.6	6.8
Linden town	36,726	40,139	15,446	26,111	22,237	13.3	11.3	12.3
Livingston village (part)	29,167	29,167	5,896	19,167	0	0.0	(X)	0.0
Mifflin town	42,083	46,250	15,129	23,409	21,806	11.5	9.8	5.1
Mineral Point city	43,182	52,137	21,097	31,750	23,396	4.9	15.6	3.8
Mineral Point town	42,171	47,500	17,337	29,545	23,906	8.5	16.7	9.2
Montfort village (part)	45,625	62,500	19,366	28,125	22,500	0.0	0.0	0.0
Moscow town	45,000	44,712	17,515	33,036	25,313	6.2	7.5	4.1
Muscoda village (part)	30,000	31,250	12,325	23,125	16,563	7.1	0.0	7.7
Pulaski town	43,036	46,250	15,561	26,250	21,923	9.2	30.3	8.5
Rewey village	24,643	28,333	12,298	25,714	23,333	10.6	16.7	5.9
Ridgeway village	41,548	50,795	17,887	32,250	22,308	10.8	14.5	3.6
Ridgeway town	50,938	54,500	18,419	35,455	27,344	11.2	19.2	8.4
Waldwick town	39,271	39,792	15,446	28,750	18,864	13.6	8.6	10.0
Wyoming town	48,438	56,607	23,253	33,393	40,673	9.7	20.8	6.9

Source: US Bureau of the Census, 2000 Census, DP-3 Profile of Economic Characteristics, prepared by SWWRPC.

**BEARFACTS 1991 – 2001****Iowa, Wisconsin (55049)**

Iowa is one of seventy-two counties in Wisconsin. It became part of the Madison, WI Metropolitan Statistical Area on June 6, 2003. Its 2001 population of 22,974-ranked 48th in the state.

**PER CAPITA PERSONAL INCOME**

In 2001 Iowa had a per capita personal income (PCPI) of \$24,601. **This PCPI ranked 35th in the state and was eighty-four percent of the state average**, \$29,196, and eighty-one percent of the national average, \$30,413. The 2001 PCPI reflected an increase of 5.8 percent from 2000. The 2000-2001 state change was 2.8 percent and the national change was 2.2 percent.

**In 1991 the PCPI of Iowa was \$14,631 and ranked 46th in the state.** The 1991-2001 average annual growth rate of PCPI was 5.3 percent. The average annual growth rate for the state and nation was 4.6 percent and 4.3 percent.

**TOTAL PERSONAL INCOME**

In 2001 Iowa had a total personal income (TPI) of \$565,187,000. This TPI ranked 45th in the state and accounted for 0.4 percent of the state total. In 1991 the TPI of Iowa was \$297,322,000 and ranked 48th in the state. The 2001 TPI reflected an increase of 6.6 percent from 2000. The 2000-2001 state change was 3.4 percent and the national change was 3.3 percent. The 1991-2001 average annual growth rate of TPI was 6.6 percent. The average annual growth rate for the state was 5.5 percent and for the nation was 5.5 percent.

**COMPONENTS OF TOTAL PERSONAL INCOME**

Total personal income includes net earnings by place of residence; dividends, interest, and rent; and transfer payments received by the residents of Iowa. In 2001 net earnings accounted for 67.5 percent of TPI (compared with 65.5 in 1991); dividends, interest, and rent were 20.0 percent (compared with 20.8 in 1991); and transfer payments were 12.5 percent (compared with 13.7 in 1991). From 2000 to 2001 net earnings increased 7.2 percent; dividends, interest, and rent increased 2.3 percent; and transfer payments increased 10.3 percent. From 1991 to 2001 net earnings increased on average 7.0 percent each year; dividends, interest, and rent increased on average 6.2 percent; and transfer payments increased on average 5.7 percent.

**EARNINGS BY PLACE OF WORK**

Earnings of persons employed in Iowa increased from \$361,074,000 in 2000 to \$391,792 in 2001, an increase of 8.5 percent. The 2000-2001 state change was 2.5 percent and the national change was 2.5 percent. The average annual growth rate from the 1991 estimate of \$184,214,000 to the 2001 estimate was 7.8 percent. The average annual growth rate for the state was 5.5 percent and for the nation was 5.6 percent.

*Note:* Income estimates are not adjusted for inflation.

SOURCE: U.S. Department of Commerce, Bureau of Economic Analysis.

**Table F.11 – Sex of Worker by Industry & Class for the Employed Civilian Population 16 Years & Over**

INDUSTRY	Both Sexes	Male:	Female:	Both Sexes	Male:	Female:
<b>Iowa County Totals</b>	<b>12,618</b>	<b>6,557</b>	<b>6,061</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
All industries except ag., forestry, fishing & hunting, and mining:	11,304	5,465	5,839	89.6%	83.3%	96.3%
Private for-profit wage and salary workers:	8,300	4,140	4,160	65.8%	63.1%	68.6%
Employee of private company	7,937	3,875	4,062	62.9%	59.1%	67.0%
Self-employed in own incorporated business	363	265	98	2.9%	4.0%	1.6%
Private not-for-profit wage and salary workers	721	209	512	5.7%	3.2%	8.4%
Local government workers	777	312	465	6.2%	4.8%	7.7%
State government workers	570	237	333	4.5%	3.6%	5.5%
Federal government workers	101	57	44	0.8%	0.9%	0.7%
Self-employed workers in own not incorporated business	780	484	296	6.2%	7.4%	4.9%
Unpaid family workers	55	26	29	0.4%	0.4%	0.5%
Agriculture, forestry, fishing and hunting, and mining:	1,314	1,092	222	10.4%	16.7%	3.7%
Agriculture, forestry, fishing and hunting:	1,299	1,077	222	10.3%	16.4%	3.7%
Private for-profit wage and salary workers:	408	331	77	3.2%	5.0%	1.3%
Employee of private company	291	237	54	2.3%	3.6%	0.9%
Self-employed in own incorporated business	117	94	23	0.9%	1.4%	0.4%
Private not-for-profit wage and salary workers	2	2	0	0.0%	0.0%	0.0%
Local government workers	0	0	0	0.0%	0.0%	0.0%
State government workers	7	7	0	0.1%	0.1%	0.0%
Federal government workers	6	4	2	0.0%	0.1%	0.0%
Self-employed workers in own not incorporated business	794	675	119	6.3%	10.3%	2.0%
Unpaid family workers	82	58	24	0.6%	0.9%	0.4%

**Table F.12 – Sex of Employed Civilian Population 16 Years & Over by Industry: 2000**

INDUSTRY	Both Sexes	Male:	Female:	Both Sexes	Male:	Female:
<b>Iowa County Totals:</b>	<b>12,618</b>	<b>6,557</b>	<b>6,061</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Agriculture, forestry, fishing and hunting, and mining:	1,314	1,092	222	10.4%	16.7%	3.7%
Agriculture, forestry, fishing and hunting	1,299	1,077	222	10.3%	16.4%	3.7%
Mining	15	15	0	0.1%	0.2%	0.0%
Construction	1,163	1,094	69	9.2%	16.7%	1.1%
Manufacturing	1,717	1,214	503	13.6%	18.5%	8.3%
Wholesale trade	305	226	79	2.4%	3.4%	1.3%
Retail trade	2,990	1,031	1,959	23.7%	15.7%	32.3%
Transportation and warehousing, and utilities:	414	347	67	3.3%	5.3%	1.1%
Transportation and warehousing	335	279	56	2.7%	4.3%	0.9%
Utilities	79	68	11	0.6%	1.0%	0.2%
Information	155	59	96	1.2%	0.9%	1.6%
Finance, insurance, real estate and rental and leasing:	547	208	339	4.3%	3.2%	5.6%
Finance and insurance	462	149	313	3.7%	2.3%	5.2%
Real estate and rental and leasing	85	59	26	0.7%	0.9%	0.4%
Professional, scientific, management, administrative, and waste management services:	490	241	249	3.9%	3.7%	4.1%
Professional, scientific, and technical services	319	151	168	2.5%	2.3%	2.8%
Management of companies and enterprises	3	0	3	0.0%	0.0%	0.0%
Administrative and support and waste management services	168	90	78	1.3%	1.4%	1.3%
Educational, health and social services:	2,140	436	1,704	17.0%	6.6%	28.1%
Educational services	949	321	628	7.5%	4.9%	10.4%
Health care and social assistance	1,191	115	1,076	9.4%	1.8%	17.8%
Arts, entertainment, recreation, accommodation and food services:	689	262	427	5.5%	4.0%	7.0%
Arts, entertainment, and recreation	96	53	43	0.8%	0.8%	0.7%
Accommodation and food services	593	209	384	4.7%	3.2%	6.3%
Other services (except public administration)	349	189	160	2.8%	2.9%	2.6%
Public administration	345	158	187	2.7%	2.4%	3.1%

Source: 2000 Census, prepared by SWWRPC

**Table F.13 – Iowa County Labor Force Projections**

	2000	Low Final 2010	High Final 2010	Low Final 2020	High Final 2020	Low Final 2030	High Final 2030	Low 30 yr. Change	High 30 yr. Change
<b>MALE</b>									
Total:	6,862	7,394	8,102	7,635	9,032	7,617	9,655	756	2,794
16 to 19 years	399	368	403	375	444	352	446	-47	48
20 to 24 years	471	503	551	439	520	444	563	-27	91
25 to 29 years	543	636	697	603	713	627	795	85	252
30 to 34 years	774	600	657	658	778	586	743	-188	-31
35 to 39 years	964	703	770	846	1,001	819	1,038	-145	74
40 to 44 years	937	847	928	674	798	755	957	-182	20
45 to 49 years	855	998	1,093	748	885	918	1,164	64	309
50 to 54 years	730	932	1,021	865	1,024	703	892	-27	162
55 to 59 years	448	783	858	939	1,111	718	911	271	463
60 to 64 years	291	545	597	715	846	678	859	386	568
65 to 69 years	184	198	217	356	421	436	552	252	368
70 to 74 years	130	126	138	242	286	323	410	193	280
75 and over	137	156	170	173	205	257	326	120	189
<b>FEMALE</b>									
Total:	6,317	6,744	7,389	7,004	8,250	7,059	8,948	743	2,632
16 to 19 years	428	414	454	414	454	397	503	-31	75
20 to 24 years	388	421	461	386	457	390	495	3	107
25 to 29 years	548	655	718	652	771	678	860	130	312
30 to 34 years	745	569	623	634	750	594	753	-151	8
35 to 39 years	928	704	772	865	1,023	878	1,113	-50	185
40 to 44 years	891	770	844	604	715	687	871	-203	-19
45 to 49 years	717	894	980	697	825	873	1,107	157	390
50 to 54 years	656	873	956	775	917	620	786	-36	130
55 to 59 years	404	678	742	868	1,027	691	876	287	472
60 to 64 years	248	402	441	549	650	498	631	250	383
65 to 69 years	192	204	223	351	416	459	582	268	391
70 to 74 years	83	71	78	118	139	164	208	81	125
75 and over	89	89	97	89	105	128	163	39	73
<b>Totals</b>	<b>13,178</b>	<b>14,138</b>	<b>15,491</b>	<b>14,639</b>	<b>17,282</b>	<b>14,677</b>	<b>18,604</b>	<b>1,498</b>	<b>5,426</b>

Table F.13, prepared by the SWWRPC, requires some explanation. Population projections by age prepared by the commission for the county were used to multiply labor force participation rates (2000 rates are assumed) by each age group to obtain the projected number of workers by age. The two columns on the right reflect the difference in the number of labor force participants between the year 2000 and the projected date, the year 2030. A negative number means that the particular age group will have fewer participants in it 30 years from now than it does today. Positive numbers indicate the age groups that are expected to grow in size. In this way, it can be seen that there will be many more workers in the 55 and over age range in 2030. There will also be more workers in the 20 to 29 age range at that time.

The tables below are intended to demonstrate that even over a relatively short period of time there are many things happening in a small rural county in terms of new business formation, expansions and contractions, and business closures. Most of these are hardly even noticed by the general public at large, and thus we sometimes tend to think that the economics of a community are static.

Table F.14 represents the number of establishments by employment size class by major industry group for the year 2001 and is self-explanatory.

**Table F.14 – Number of Establishments**

Industry Code	Code Description	Total Establishments.	Size Classification								
			'1-4'	'5-9'	'10-19'	'20-49'	'50-99'	'100-249'	'250-499'	'500-999'	1000 +'
	Total	629	374	111	80	45	11	6	1	0	1
11----	Forestry, fishing, hunting, and agriculture support	4	3	1	0	0	0	0	0	0	0
21----	Mining	3	1	0	2	0	0	0	0	0	0
22----	Utilities	1	0	0	0	0	1	0	0	0	0
23----	Construction	93	72	10	7	3	1	0	0	0	0
31----	Manufacturing	39	17	7	7	3	2	3	0	0	0
42----	Wholesale trade	34	17	7	4	5	0	1	0	0	0
44----	Retail trade	105	51	25	18	8	1	1	0	0	1
48----	Transportation & warehousing	29	13	9	5	2	0	0	0	0	0
51----	Information	8	2	2	4	0	0	0	0	0	0
52----	Finance & insurance	33	20	6	5	1	1	0	0	0	0
53----	Real estate & rental & leasing	17	16	0	0	1	0	0	0	0	0
54----	Professional, scientific & technical services	39	26	8	3	2	0	0	0	0	0
56----	Admin, support, waste mgt, remediation services	26	18	6	1	0	1	0	0	0	0
61----	Educational services	5	3	0	1	0	0	1	0	0	0
62----	Health care and social assistance	51	23	14	6	4	3	0	1	0	0
71----	Arts, entertainment & recreation	16	8	2	2	4	0	0	0	0	0
72----	Accommodation & food services	62	33	6	10	12	1	0	0	0	0
81----	Other services (except public administration)	59	46	8	5	0	0	0	0	0	0
99----	Unclassified establishments	5	5	0	0	0	0	0	0	0	0

Source: U.S. Census Bureau, County Business Patterns, 2001, prepared by the SWWRPC.

Table F.15 shows changes from 1998 to 2001. In that time span there were a total of 720 net new jobs created within the county and a net change of sixty-three new businesses, or an average of 240 jobs and more than twenty businesses per year. There were several industrial categories that experienced job losses, however, they were offset primarily by increases in retail trade (519). Losses occurred in seven of the major categories listed, and gains were found in eleven categories. On the positive side, manufacturing increased by 185, the second highest gain, followed by construction at sixty-seven, administrative support at sixty, and other services except public administration at forty-three. On the negative side, establishments in arts, entertainment and recreation lost a net seventy-four, while educational services lost forty-nine, followed by mining, and transportation and warehousing, each at thirty-four.

There were twenty-three net new establishments in the construction industry followed by administrative support services with ten. Wholesale trade lost three establishments employing fewer than twenty persons, and transportation and warehousing lost two establishments, at least one employing less than five, and possibly one employing 20-49.

**Table F.15 – Change in Total Employment and Number of Establishments by Employment-Size Classes, 1998 – 2001**

Industry	Industry Code Description	Employment Size Class							
		Net Jobs	Number of Establ.	1-4	5-9	10-19	20-49	50-99	100-249
-----	Total	720	63	51	4	9	(4)	1	2
11----	Forestry, fishing, hunting, and agriculture support	(7)	(1)	(2)	1				
21----	Mining	(34)	1	1		1	(1)		
22----	Utilities	(22)							
23----	Construction	67	23	19	3	1	(1)	1	
31----	Manufacturing	185	6	3		2	(1)	1	1
42----	Wholesale trade	30	(3)		(1)	(4)	2	(1)	1
44----	Retail trade	519		(3)	(1)	3	1		
48----	Transportation & warehousing	(34)	(2)	(2)	1	2	(3)		
51----	Information	2							
52----	Finance & insurance	4	5	6	(2)	1	(1)	1	
53----	Real estate & rental & leasing	25	6	7	(1)	(1)	1		
54----	Professional, scientific & technical services	26	4	4		(1)	1		
56----	Admin, support, waste mgt, remediation services	60	10	7	3	(1)		1	
61----	Educational services	(49)	1	1					
62----	Health care and social assistance	10		(1)	2	(1)	1	(1)	
71----	Arts, entertainment & recreation	(74)	4	4	1			(1)	
72----	Accommodation & food services	(27)	6	6	(2)	5	(3)		
81----	Other services (except public administration)	43	6	4		2			
99----	Unclassified establishments	(3)	(3)	(3)					

Source: U.S. Census Bureau, County Business Patterns, 1998 and 2001. Table prepared by SWWRPC.

Zip code county business patterns that provide specific information from year to year will yield an extremely detailed picture of the local economy. Table F.16 provides this information over a three-year period of time for cities and villages. Among the fastest growing areas being studied during the three years is the Village of Avoca, with more than a fifty percent increase in the number of establishments with employees, or a net gain of five. The Village of Blanchardville was second with a twenty-seven percent growth in the number of establishments from 1998 to 2001, or a total of ten employers. Hollandale was third in relative growth and had a twenty percent gain (three in number) in establishments with employees. In raw numbers of new businesses, Mineral Point led the way with a net gain of seventeen. This was in stark contrast to Dodgeville, which lost a net four employers, but gained 277 net new jobs, the highest job creation total of any area by far. The table also shows trends in payroll, and industrial categories. The three-year analysis provided here indicates that there were, on average, 65 to 70 "events" (a new firm, a lost firm, an expansion or a contraction (jumping size categories) each year within the county, Blanchardville not included! This indicates that something measurable by federal statistics happens to one out of every nine to ten firms each year

**Table F.16 – Change in the Number of Establishments, Payroll, and Employees by Zip Code: 1998 - 2001**

		Arena	Avoca	Barneveld	Blanchard ville	Cobb	Dodge- ville	Highland	Hollan- dale	Linden	Mineral Point	Rewey	Ridgeway
Change in	Number of establishments:	-2	5	-3	10	-6	-4	2	3	0	17	0	3
Change in	First quarter payroll in \$1000:	198	0	352	200	74	5,011	312	42	27	647	45	59
Change in	Number of employees:	10	-10	19	37	10	277	5	18	6	115	-14	11
Change in	Annual payroll in \$1000:	938	152	750	870	471	38,653	1,113	152	238	2,126	150	362
Pct. Change in	Number of establishments:	-7.1%	55.6%	-7.1%	27.0%	-27.3%	-1.9%	4.8%	20.0%	0.0%	14.8%	0.0%	17.6%
Pct. Change in	First quarter payroll in \$1000:	26.5%	0.0%	27.1%	39.2%	16.2%	13.4%	21.1%	23.3%	40.3%	11.0%	21.2%	24.8%
Pct. Change in	Number of employees:	6.8%	-43.5%	5.8%	30.1%	11.2%	4.2%	1.6%	34.6%	37.5%	10.0%	-23.7%	12.4%
Pct. Change in	Annual payroll in \$1000:	25.9%	98.1%	12.4%	39.0%	16.5%	25.0%	15.9%	17.7%	73.2%	7.9%	16.3%	33.8%
Industry Code	Industry Code Description	Change in the number of establishments											
-----	Total	-2	5	-3	10	-6	-4	2	3	0	17	0	3
11----	Forestry, fishing, hunting, and agriculture	1	0				0			-1			0
21----	Mining						0				0		
22----	Utilities										0		
23----	Construction	-2	2	2	2	0	2	3	1	0	3	1	2
31----	Manufacturing	-1		0	1		1	-3	0	0	2		1
42----	Wholesale trade	1		-1	2	-1	-4	0		1	1	0	0
44----	Retail trade	-1	2	-2	-2	-2	-4	-2	1	0	2	-1	1
48----	Transportation & warehousing	0		0	1	-2	0	-1	0		0		-2
51----	Information						0				0		
52----	Finance & insurance	0	1		0	-1	2	0	0		2	1	
53----	Real estate & rental & leasing			-1	-1		1		1			0	
54----	Professional, scientific & technical services	1	1	0	2	0	-3			1	2		1
56----	Admin, support, waste mgt, remediation services	-1	1	-1	-1		2	2			1		1
61----	Educational services		0				1				0		
62----	Health care and social assistance			1	1	0	-2	1	0		0		
71----	Arts, entertainment & recreation				1		3		1		2		
72----	Accommodation & food services	1	-2	0	3	0	-1	1	-1	0	4	-1	-1
81----	Other services (except public administration)	0	0	-1	2	0	-1	1	0	-1	0		1
99----	Unclassified establishments	-1			-1		-1				-2		-1

**Table F.17 – Change In The Number Of Establishments Of Non-employers: 1997-2000**

NAICS code	NONEMPLOYER STATISTICS, 1997 TO 2000	Net Change in the Number of establishments
<b>00</b>	<b>All non-employer sectors</b>	<b>204</b>
<b>11</b>	<b>Forestry, fishing &amp; hunting, and agricultural support services</b>	<b>8</b>
115	Support activities for agriculture and forestry	6
1152	Support activities for animal production	5
<b>23</b>	<b>Construction</b>	<b>57</b>
2332	Residential building construction	20
235	Special trade contractors	35
2352	Painting and wall covering contractors	6
2353	Electrical contractors	2
2354	Masonry, drywall, insulation, and tile contractors	1
2355	Carpentry and floor contractors	4
2359	Other special trade contractors	24
<b>31-33</b>	<b>Manufacturing</b>	<b>1</b>
<b>42</b>	<b>Wholesale trade</b>	<b>4</b>
421	Wholesale trade, durable goods	(1)
422	Wholesale trade, non-durable goods	5
<b>44-45</b>	<b>Retail trade</b>	<b>7</b>
441	Motor vehicle and parts dealers	4
445	Food and beverage stores	(1)
451	Sporting goods, hobby, book, and music stores	(14)
453	Miscellaneous store retailers	(5)
4533	Used merchandise stores	0
4539	Other miscellaneous store retailers	(2)
454	Non-store retailers	3
4543	Direct selling establishments	5
<b>48-49</b>	<b>Transportation and warehousing</b>	<b>15</b>
4841	General freight trucking	5
48411	General freight trucking, local	8
48412	General freight trucking, long-distance	(3)
<b>51</b>	<b>Information</b>	<b>0</b>
<b>52</b>	<b>Finance and insurance</b>	<b>15</b>
524	Insurance carriers and related activities	12
5242	Agencies, brokerages, and other insurance related activities	12
<b>53</b>	<b>Real estate and rental and leasing</b>	<b>37</b>
5311	Lessors of real estate	26
5313	Activities related to real estate	10
<b>54</b>	<b>Professional, scientific, and technical services</b>	<b>(6)</b>
5416	Management, scientific, and technical consulting services	(10)
5419	Other professional, scientific, and technical services	(14)
54199	All other professional, scientific, and technical services	(15)
<b>56</b>	<b>Administrative and support and waste management and remediation services</b>	<b>(2)</b>
5617	Services to buildings and dwellings	(12)
56172	Janitorial services	(10)
56173	Landscaping services	(4)
<b>61</b>	<b>Educational services</b>	<b>3</b>



**Table F.17 (cont.) – Change In The Number Of Establishments Of Non-employers: 1997-2000**

NAICS code	NON-EMPLOYER STATISTICS, 1997 TO 2000	Net Change in the Number of establishments
<b>62</b>	<b>Health care and social assistance</b>	<b>38</b>
621	Ambulatory health care services	9
6244	Child day care services	25
<b>71</b>	<b>Arts, entertainment, and recreation</b>	<b>22</b>
711	Performing arts, spectator sports, and related industries	21
713	Amusement, gambling, and recreation industries	1
<b>72</b>	<b>Accommodation and foodservices</b>	<b>1</b>
721	Accommodation	0
722	Foodservices and drinking places	1
<b>81</b>	<b>Other services (except public administration)</b>	<b>6</b>
811	Repair and maintenance	(9)
8111	Automotive repair and maintenance	(6)
81111	Automotive mechanical and electrical repair and maintenance	(5)
8113	Commercial & industrial machinery & equipment (exc. automotive & electronic) repair & maintenance	0
81149	Other personal and household goods repair and maintenance	0
8121	Personal care services	8
812112	Beauty shops	3
8129	Other personal services	(3)

U.S. Bureau of the Census, Non-employer Statistics, 1997 and 2000. Table prepared by the SWWRPC.

**Table F.18 – List Of Major Employers With 20+ Employees In Iowa County And Blanchardville**

Name	Type of Enterprise	Community	SIC	Employ.
Land's End Inc	Direct Merchant Retail	Dodgeville	5651	1000+
House on the Rock/The Springs	Eating and Drinking Place	Spring Green	5810	100-249
Dodgeville School District	Educational Services	Dodgeville	8211	100-249
Iowa-Grant School District	Educational Services	Livingston	8211	100-249
Mineral Point Unified Schools	Educational Services	Mineral Point	8211	100-249
House on the Rock	Entertainment	Spring Green	8412	100-249
Wal Mart	General Merchandise Store	Dodgeville	5311	100-249
City of Dodgeville	General purpose government	Dodgeville	9131	100-249
Fleetguard/Nelson Industries, Inc.	Manufacturer	Mineral Point	3599	100-249
Walnut Hollow	Manufacturer	Dodgeville	2499	100-249
Bloomfield Manor	Nursing Home	Dodgeville	8361	100-249
Dodgeville 66	Retail	Dodgeville	5541	100-249
Electri-tec Electrical Construction	Construction	Arena	1731	50-99
Morton Buildings	Construction	Dodgeville	1540	50-99
Pizza Hut	Eating and Drinking Place	Dodgeville	5810	50-99
Barneveld Public Schools	Educational Services	Barneveld	8211	50-99
Dodgeville Elementary School	Educational Services	Dodgeville	8211	50-99
Iowa Grant Elementary/Middle School	Educational Services	Livingston	8211	50-99
Iowa Grant High School	Educational Services	Livingston	8211	50-99
Mineral Point Elementary School	Educational Services	Mineral Point	8211	50-99
Iowa County	General purpose government	Dodgeville	9131	50-99
Iowa Co Highway Dept	Government Services	Dodgeville	1611	50-99
Monona Wire Corporation	Manufacturer	Livingston	3643	50-99
Memorial Hospital of Iowa County	Medical Care Facility	Dodgeville	8062	50-99
Mineral Point Care Center	Nursing Home	Mineral Point	8051	50-99

**Table F.18 (cont.) – List Of Major Employers With 20+ Employees In Iowa County And Blanchardville**

Name	Type of Enterprise	Community	SIC	Employ.
Dick's Supermarket	Retail	Dodgeville	5411	50-99
SW Wisconsin Community Action Program Inc	Social Service Agency	Dodgeville	8399	50-99
United Parcel Service	Transportation	Dodgeville	4513	50-99
Hartung Brothers	Agricultural	Arena	0115	20-49
Ahlgrimm Explosives Co	Construction	Mineral Point	1629	20-49
Burnham Lumber	Construction	Rewey	1542	20-49
G A Watson	Construction	Dodgeville	1422	20-49
McCon Building	Construction	Highland	1542	20-49
P A McGuire Construction	Construction	Highland	1711	20-49
Courthouse Inn & Courthouse Lounge	Eating and Drinking Place	Dodgeville	5810	20-49
Cousins	Eating and Drinking Place	Dodgeville	5810	20-49
Culver's	Eating and Drinking Place	Dodgeville	5810	20-49
Gordon's Cafe & Coffee	Eating and Drinking Place	Dodgeville	5810	20-49
Hardees	Eating and Drinking Place	Dodgeville	5810	20-49
Hi Point Steak House	Eating and Drinking Place	Ridgeway	5810	20-49
McDonalds	Eating and Drinking Place	Dodgeville	5810	20-49
Nadler's A & W Drive In	Eating and Drinking Place	Dodgeville	5810	20-49
Thym's Supper Club	Eating and Drinking Place	Dodgeville	5810	20-49
Dodgeville High School	Educational Services	Dodgeville	8211	20-49
Dodgeville Middle School	Educational Services	Dodgeville	8211	20-49
Highland High School	Educational Services	Highland	8211	20-49
Mineral Point High School	Educational Services	Mineral Point	8211	20-49
Pecatonica Area Elementary School	Educational Services	Hollandale	8211	20-49
Pecatonica Area High School	Educational Services	Blanchardville	8211	20-49
Ridgeway Schools	Educational Services	Ridgeway	8211	20-49
Dodge Theater	Entertainment	Dodgeville	7832	20-49
Pendarvis & First Capitol	Entertainment	Mineral Point	8412	20-49
Farmers Savings Bank	Financial Services	Mineral Point	6022	20-49
Norwest Bank Wisconsin	Financial Services	Dodgeville	6022	20-49
City of Mineral Point	General purpose government	Mineral Point	9131	20-49
Dept of Natural Resource	Government Services	Dodgeville	9512	20-49
Iowa Co Sheriffs Dept	Government Services	Dodgeville	9221	20-49
Don Q Inn	Lodging	Dodgeville	7011	20-49
New Concord Inn	Lodging	Dodgeville	7011	20-49
The House on the Rock Inn	Lodging	Spring Green	7011	20-49
Silicon Sensors	Manufacturer	Dodgeville	3674	20-49
Cornerstone Foundation	Nursing Home	Dodgeville	8361	20-49
Housing Facilities of Wisconsin	Nursing Home	Mineral Point	8361	20-49
Mineral Point Medical Center	Nursing Home	Mineral Point	8011	20-49
Dodgeville IGA	Retail	Dodgeville	5411	20-49
Farm & Fleet	Retail	Dodgeville	5251	20-49
Fillback Ford	Retail	Highland	5511	20-49
Hallada Motors	Retail	Dodgeville	5511	20-49
Iowa County Chrysler Sales	Retail	Barneveld	5511	20-49
Point IGA	Retail	Mineral Point	5411	20-49
Hodan Center	Sheltered Workshop	Mineral Point	8331	20-49
Iowa Co Social Services	Social Service Agency	Dodgeville	8322	20-49
SUN Program Office	Social Service Agency	Dodgeville	8322	20-49

**Table F.18 (cont.) – List Of Major Employers With 20+ Employees In Iowa County And Blanchardville**

Name	Type of Enterprise	Community	SIC	Employ.
SWCAP Housing Energy Program	Social Service Agency	Dodgeville	8399	20-49
Anderson Bus Lines	Transportation	Dodgeville	4151	20-49
Q L F Express	Transportation	Dodgeville	4213	20-49
US Postal Service	Transportation	Dodgeville	4311	20-49
Zimmerman Transfer	Transportation	Dodgeville	4212	20-49
Rural Route 1	Trelay Inc	Livingston	5191	20-49
Quality Liquid Feeds (QLF)	Wholesale	Dodgeville	5191	20-49
Quantum Devices	Wholesale	Barneveld	5065	20-49
Ritchie Motors Inc	Wholesale	Barneveld	5083	20-49
Ritchie Motors Inc	Wholesale	Cobb	5083	20-49

**CONCLUSION**

The existence of a proactive economic development effort can help to keep tabs of county trends and allow for friendly intervention with a business when it is appropriate to do so, perhaps reducing the number of businesses that go out of business, helping others to expand, and attracting new ones based on a targeted industry strategy. This effort requires full time staffing. Furthermore, it cannot be assumed that an existing organization within the county, the region, or the state has the resources to meet this need. This is very much a “grow-your-own” approach to economic development. Other organizations, including the University Cooperative Extension, the regional planning commission, chambers of commerce, educational institutions, and others, can play strong supporting rolls to help the local effort, but these organizations have missions all their own which do not encompass the responsibilities of a county or local economic development group. Ideally, a county group will work closely with local development corporations and committees, as well as with regional, state, and federal resources to achieve the county goals. This model is popular in Wisconsin and throughout the United States and has been an effective approach for local communities to work together.

Alternatively, the creation of a multi-county corporation (5-6 counties) with multiple staffing (at least three full time staff members) might serve the same purpose. A third alternative would be for county-based organizations to jointly “staff” a multi-county organization for the purposes of joint efforts (for example, joint marketing, trade shows, call trips, etc.) without removing any of the autonomy of the county organizations. This latter model could only work effectively if all counties within an area worked with each other, rather than just some of them. The purpose would be to achieve economies of scale by working together and enhancing the visibility of the area. Business prospects, other than those that are home-based, almost never look at an individual community first, nor do they usually look at particular counties for a new location. They almost always look at regions (multi-state or multi-county) for their initial screening. Communities working together, particularly small communities, is almost the only way of assembling the resources needed to compete with the small metropolitan areas of the Midwest (which are the real competition, not other communities within the county). Because labor-sheds are relatively large (30 or so miles in radius), new businesses in one community will provide considerable benefit to neighboring communities.

### **FINANCING OPPORTUNITIES FOR BUSINESSES, AND FOR ORGANIZATIONS THAT PROVIDE ASSISTANCE TO BUSINESS**

There is a wide range of potential sources of assistance in financing a business locating or expanding in Iowa County. Listed below are some key potential opportunities for increasing the capacity of public entities to more fully participate in business expansions, and to affect business location decisions through use of new loan and technical assistance programs.

**Local level:** The Iowa County Board of Supervisors offers a low interest revolving loan fund loan that can be accessed by contacting the Iowa County University of Wisconsin Extension office, Paul Ohlrogge, Community Development Resource Educator, at 608-935-0391. There is a loan portfolio of 13 loans at the end of 2003. The fund had total assets of about \$592,000. Monthly cash flow is approximately \$5,000 per month. At the local level, in addition to conventional sources through banks and credit unions, there are a number of community revolving loan funds that provide opportunity for direct participation in development projects, including start-ups that are evaluated as to economic soundness. These loan sources are capitalized through the Small Cities Community Development Block Grant (CDBG) program administered by the Wisconsin Department of Commerce. An initial project creating a significant number of good paying jobs in the manufacturing sector is typically required in order to obtain a commitment from the Wisconsin Department of Commerce to entertain a funding request by a local unit of government. Additional funds could potentially be requested for the right kind of project, when local funds are not adequate to meet the need.

**Regional level:** At the regional level, the Southwestern Wisconsin Regional Planning Commission operates the five-county Southwestern Wisconsin Business Development Fund, a regional revolving loan fund funded initially by the U.S. Department of Commerce, Economic Development Administration. Total capitalization of this fund is more than \$340,000 and there is monthly cash flow. The fund targets projects providing significant economic benefits to the area, or where there is a specific need identified in the community. Also targeted are start-up companies that have business plans and have, if needed, sought business support services through the Small Business Development Center, or the owners have taken part in an entrepreneurial training program, or the business has become a tenant of a small business incubator, such as the one at Platteville. The fund is prohibited from assisting in projects where there is access to conventional loans that have terms and conditions that allow the project to proceed. Contact Tom Jackson, economic development planner, Southwestern Wisconsin Regional Planning Commission, 608-342-1056.

The Platteville Business Incubator, Inc. that should be considered to be a regional facility, can provide direct assistance to tenants in the form of small loans for a variety of purposes, and can also provide technical assistance grants to procure needed services for the business in addition to below-market rate lease rates. The facility has \$75,000 available for these purposes. Currently, \$40,000 is available for loans and \$35,000 for T/A, but there is some flexibility. Contact Beth Bickel, executive director, Platteville Business Incubator, Inc., at 608-348-3050.

The Small Business Development Center (SBDC), through Ayla Annac, Small Business Counselor, can provide business counseling free of charge to prospective businesses. Office hours are held throughout the region on certain days. This assistance can be provided by contacting in Iowa County, Paul Ohlrogge, community resource development educator, at the Iowa County UW- Extension offices at 608-935-0391 or Ayla Annac, small business counselor at the SBDC offices at 608-342-1038. Tim Bay, area business education agent is available to provide technical assistance to certain types of businesses on a contractual basis. He can be contacted at 608-342-1090.

The Workforce Development Board of Southwest Wisconsin and Rock County can potentially assist with employment training through the Workforce Investment Act with on-the-job Training (OJT) which can pay for up to 50% of training costs for six to eight weeks. Alternatively, an Incumbent Worker Training Grant may be able to assist with the cost of upgrading employee skills. The eligibility criteria for these two programs differ. Many potential workers may be dislocated from recent lay-offs and special emphasis is placed on helping these individuals, as well as others who qualify. Contact the Job Center office at Dodgeville at 608-935-3116, or the Iowa County Job Center office at 608-935-3116.

Wisconsin's Technical College system is one of the best in the nation and available to assist with customized labor training needs. In southwest Wisconsin, the Southwest Wisconsin Technical College at Fennimore can help with training in a wide variety of disciplines upon request. Contact Lisa Whitish in Fennimore at 1-800-362-3322.

**State level:** At the state level, the Wisconsin Department of Commerce has a broad range of financial assistance programs to help businesses undertake economic development. It should be noted that due to a serious budget deficit, major changes can occur in the future with respect to the programs listed below. Commerce maintains a network of Area Development Managers (ADM) to offer customized services to each region of Wisconsin. Below are selected programs that may be applied to assisting incubator tenants and other businesses. Call Bill Winter at 608-647-4613 at his office in Richland Center.

- The Community-Based Economic Development (CBED) Program offers a variety of ways in which communities can undertake planning or provide assistance to businesses. Assistance can include planning funds to undertake an economic development strategy, plan for a business incubator, or provide partial funding to improve or construct an incubator facility.
- The Early Planning Grant (EPG) helps individual entrepreneurs and small businesses throughout Wisconsin obtain the professional services necessary to evaluate proposed start up or expansion feasibility.
- The Community Development Block Grant (CDBG)-Economic Development Program provides community grants for business start-up loans, retention, and expansion projects based on the number of jobs created or retained. Refer to programs listed above under "local level". This is a federal pass-through program.
- The Community Development Zone program provides job tax credits for creating new full time jobs for Wisconsin residents and environmental remediation credits for undertaking certain activities that benefit the environment.
- The Agricultural Development zone program provides tax benefits for persons within the agricultural and food processing cluster, which is broadly defined. Jobs credits, an investment credit for the purchase of depreciable, tangible, personal property such as building improvements and new machinery and equipment, as well as environmental remediation credits are possible.
- The Economic Impact Early Planning Grant (EI-EPG) Program offers matching grants that can cover up seventy-five percent of project costs--up to \$3,000--to help entrepreneurs and small businesses obtain professional services to develop a comprehensive business plan. A business plan is necessary to receive funding for the other gaming programs as well as to attract private financing. A Special Opportunity Grant provides up to \$15,000 for projects that will have a statewide impact.
- The Economic Diversification Loan (EDL) program provides low interest loans to existing businesses interested in establishing or expanding operations in Wisconsin. Applicants must provide a comprehensive business plan describing the proposed project. Applicant can receive up to seventy-five percent of eligible costs. The actual award is based upon the project's viability, number of jobs created or retained, and the extent to which the project will help diversify the local economy.
- The Rural Economic Development (RML) Micro-loan program provides working capital or fixed asset financing for businesses located in rural communities.
- The Technology Development Fund (TDF) program helps Wisconsin businesses research and develop technological innovations having potential to provide significant economic benefit to the state.
- The Technology Development Loan (TDL) program helps Wisconsin businesses develop technological innovations having the potential to provide significant economic benefit to the state. This program is designed to help businesses commercialize new technology.
- The Business Development Initiative (BDI) Micro Loan program is designed to provide financial assistance for the start-up or expansion of businesses involving persons with disabilities.
- The Business Employees' Skills Training (BEST) Program was established by the Wisconsin Legislature to help small businesses in industries facing severe labor shortages upgrade their workforce skills. Under the BEST program, Commerce can provide applicants with a tuition reimbursement grant to help cover a portion of the costs associated with training employees.

- Under the Entrepreneurial Training Grant (ETG) program, Commerce can provide applicants with a grant to help cover a portion of the cost of attending Small Business Development Center's (SBDC) new Entrepreneurial Training Course.
- The Customized Labor Training Fund provides training grants to businesses implementing new technology or production processes. The program can provide up to fifty percent of the cost of customized training.
- Industrial Revenue Bonds (IRB's) can to be issued in the name of the municipality for up to the full cost of a proposed project (\$10 million maximum). Bonds are not a general obligation of the jurisdiction. Interest earned is exempt from federal income tax. Recent issues carried variable interest rates of 1.3 to 1.4 percent, with an approximate 1.2 percent letter of credit fee. Fixed rates are estimated at 4.0 to 5.0 percent. Terms are negotiable and can be structured to meet the needs of the business. Requirements for rehabilitation (fifteen percent of acquisition costs financed with proceeds) apply if bond proceeds are used for acquisition of real estate. The process can take from two to six months, depending on the nature of project, ease of finding a purchaser of the bonds, etc.

The Wisconsin Housing and Economic Development Authority has programs that can assist in financing new and expanding businesses. Contact David Shepard at 608-241-0169 or 1-800-334-6873 ext.1728.

- The Linked Deposit Loan (LiDL) offers women and minority owned and operated businesses a two-year interest rate subsidy on the portion of a new bank loan of \$10,000 to \$99,000 that covers land, building, and equipment.
- The Small Business Guarantee can be used for expenses of land, buildings, equipment, and inventory associated with the expansion or acquisition of a small business (Fifty or less full-time employees). The guarantee is limited to eighty percent or \$200,000. This program can finance a mixed-use project if the business occupies at least half of the building. This program can also be used to start a day care business including cooperative ownership or nonprofit status.

**Federal level:** At the federal level, the U.S. Small Business Administration (SBA) provides loan guarantees that are used in conjunction with bank financing to improve loan terms. Contact your local banker for details, or access the SBA web site by doing a search.

- The SBA can provide information on authorized micro-lenders that make loans of \$25,000 or less, small business investment companies and certified development corporations that make fixed-rate, long-term loans for the acquisition of business assets.
- The SBA offers simplified application loan guarantee programs called SBA Low Doc and SBA Express to small businesses. Loans under these programs must be \$150,000 or less. Working through their local banks, borrowers also can obtain SBA guarantees on their larger loans. The maximum loan guarantee for one business or individual is \$750,000. Proceeds can be used to purchase machinery and equipment, real property, inventory, and to purchase an existing business.
- The Wisconsin Business Development Finance Corporation operates a SBA Certified Development Company 504 Loan Program. The SBA 504 Loan Program is a way to match long-term, fixed rate financing for long term assets. Through the 504 loan program they can help fund the purchase of land, buildings, machinery, equipment, building construction and all associated soft costs, i.e. interim interest during construction, attorney, accountant, architect, and appraisal fees, title insurance, etc. They can also help minimize the down payment, allowing you or your customer to conserve vital working capital to support future sales growth. For an existing business as little as 10% down may be sufficient. Equity in existing land and buildings may also be sufficient to qualify. Construction financing is provided through your bank, with the WBDFC providing long term financing beginning with the completion of the project for a pre-approved portion of the project up to \$1,000,000 or 40%.

Additional capital may be able to be accessed through programs of the U.S. Department of Agriculture, Rural Business-Cooperative Service, one of the agencies under "Rural Development", the administrative arm for various programs. Contact Jim Kirchoff, at 715-345-7615 at the Wisconsin Field office in Stevens Point. Again, a web browser search will provide you with links to these programs on the Internet. The programs include:

- The Business and Industry (B&I) Guaranteed Loan Program helps create jobs and stimulates rural economies by providing financial backing for rural businesses. This program provides guarantees up to 90 percent of a loan made by a commercial lender. Loan proceeds may be used for working capital, machinery and equipment, buildings and real estate, and certain types of debt refinancing. B&I loan guarantees can be extended to loans made by recognized commercial lenders or other authorized lenders in rural areas. Assistance under the B&I Guaranteed Loan Program is available to virtually any legally organized entity, including a cooperative, corporation, partnership, trust or other profit or nonprofit entity, Indian tribe or federally recognized tribal group, municipality, county, or other political subdivision of a State. The maximum aggregate B&I Guaranteed Loan(s) amount that can be offered to any one borrower under this program is \$25 million.
- Rural Economic Development Loans provides zero-interest loans to electric and telephone utilities financed by the Rural Utilities Service (RUS), an agency of the U.S. Department of Agriculture, to promote sustainable rural economic development and job creation projects. The RUS utility is required to re-lend, at zero-percent interest, the loan proceeds to an eligible "third-party recipient" for the purpose of financing job creation projects and sustainable economic development within rural areas. Priority is given to financing third-party recipient projects that are physically located in rural areas having a population of less than 2,500 people. The RUS utility receiving the zero-interest loan is responsible for repaying the loan to RUS in the event of delinquency or default by the third-party recipient. Third-party recipients may be private or public organizations having corporate and legal authority to incur debt.
- The Rural Business Enterprise Grants (RBEG) Program provides assistance to public bodies, private nonprofit corporations, and Federally-recognized Indian Tribal groups to finance and facilitate development of small and emerging private business enterprises located in areas outside the boundary of a city or unincorporated areas of 50,000 or more and its immediately adjacent urbanized or urbanizing area. The public bodies, private nonprofit corporations and federally recognized Indian tribes receive the grant to assist a business. Grant funds do not go directly to the business. Eligibility is limited to public bodies, private nonprofit corporations, and Federally-recognized Indian Tribal groups. Public bodies include incorporated cities and villages, towns, counties, States, authorities, districts, Indian Tribes on Federal and State reservations, and other Federally-recognized Indian Tribal groups in rural areas. Funds are used for the financing or development of small and emerging business. Eligible uses are: Technical Assistance (providing assistance for marketing studies, feasibility studies, business plans, training etc.) to small and emerging businesses; purchasing machinery and equipment to lease to a small and emerging business; creating a revolving loan fund (providing partial funding as a loan to a small and emerging business for the purchase of equipment, working capital, or real estate); or construct a building for a business incubator for small and emerging businesses.

# INTER- GOVERNMENTAL COOPERATION ELEMENT



**EXECUTIVE SUMMARY**

Many cities, townships, villages, and counties begin cooperative arrangements to lower costs and promote efficiency. Most arrangements involve only two governmental units, but there are also agreements among multiple units. Intergovernmental cooperation may range from formal joint power agreements to unwritten understandings. Two cities may have an unwritten agreement about sharing road repair equipment, or a cluster of cities and townships may have a written agreement concerning snow removal or economic development. The opportunities for intergovernmental cooperation are endless.

This section takes a closer look at intergovernmental cooperation including advantages and disadvantages. It examines what the Town of Mineral Point is doing today and what they may consider in the future. Intergovernmental cooperation is an effective way for local governments to respond to changing and diverse needs by working together with their neighbors, while maintaining their own identity. If an agreement can be reached among two or more units of government, services can often be provided with substantial cost savings. Cooperation can also eliminate unnecessary duplication of services or purchasing of equipment.



**Wisconsin State Statute 66.1001(2)(g)**

*(g) Intergovernmental cooperation element.*

A compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts and adjacent local governmental units, and to the region, the state and other governmental units. The element shall incorporate any plans or agreements to which the local governmental unit is a party under [s. 66.0301](#), [66.0307](#) or [66.0309](#). The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

**INTERGOVERNMENTAL COOPERATION POLICIES**

The following are the intergovernmental cooperation policies for the Town of Mineral Point.

➤ **Maintain established intergovernmental relationships.**

The Town of Mineral Point does share some services with other jurisdictions and this should be continued as long as they are beneficial.

➤ **Explore new opportunities to cooperate with other local units of government.**

As costs continue to rise for providing many facilities and services, the exploration of additional ways to cooperate may prove to be beneficial in order to contain costs.

➤ **Establish written intergovernmental cooperation agreements.**

Often time, intergovernmental cooperation agreements are established based on verbal agreements. Changes in leadership can cause problems with agreements if the specifics have not been identified in writing. It may prove to be beneficial to have all intergovernmental agreements in writing to avoid any disputes or misunderstandings.

**INTERGOVERNMENTAL RELATIONSHIPS**

A good working relationship between neighbors is important. Good intergovernmental communication and cooperation can benefit everyone. A good relationship with inter-jurisdictional county, regional, and state entities can provide economical, environmental, and political advantages for a jurisdiction. Best of all, a positive intergovernmental relationship fosters and supports a sense of community and good fellowship. Table G.1 shows Mineral Point's rating of its intergovernmental relationships with various governmental units.

**Table G.1: Town Of Mineral Point Intergovernmental Relationship Ratings**

	Excellent	Good	Fair	Poor	NA
<b>Adjacent jurisdictions (general)</b>					
<b>Adjacent jurisdictions (specific)</b>					
<b>Wisconsin DNR</b>					
<b>Wisconsin DOT</b>					
<b>Wisconsin DOC</b>					
<b>UW Extension</b>					
<b>Iowa County (general)</b>					
<b>Iowa County (specific)</b>					
<b>Local School District (general)</b>					
<b>Other</b>					

**EXISTING AREAS OF COOPERATION**

- **Fire Protection and Ambulance Services** – Joint fire and ambulance services are shared between the Town and City of Mineral Point.
- **Police Protection** – The Town of Mineral Point shares police services with Iowa County.
- **Road Maintenance and Equipment** – Mineral Point shares the cost of road maintenance supplies and equipment with Iowa County.
- **Planning and Zoning** – The Town of Mineral Point shares Planning and Zoning services with Iowa County by formal agreement. Cooperation with the City of Mineral Point with regard to ET Zone.
- **Animal Control Services** – The Town shares services with the Iowa County Humane Society.
- **Shared Revenue** – Mineral Point and the State of Wisconsin share revenue in order to operate the Town.
- **Formal Agreements** – Agreements for mutual fire and rescue aid, and ET Zoning exist between the Town and the City of Mineral Point.

**INTERGOVERNMENTAL CONFLICTS**

The Town of Mineral Point identifies a number of existing or potential conflicts with neighboring jurisdictions

- Potential annexation and commercial development issues with the City of Mineral Point
- Zoning issues with Iowa County
- Air and water quality issues between all units of government

**OTHER INTERGOVERNMENTAL CONCERNS**

No other concerns are identified.

**POSSIBLE FUTURE COOPERATION EFFORTS**

As the list above indicates, Mineral Point is already cooperating with other jurisdictions for services and facilities. The Town Planning Commission did not identify any possible future cooperation efforts it might pursue.

**COMMUNICATION WITH NEIGHBORS**

The Town of Mineral Point communicates with its neighboring jurisdictions on a regular basis by telephone and the newspapers.

**FORMAL AGREEMENTS WITH NEIGHBORING JURISDICTIONS**

The Town of Mineral Point has formal agreements with

- City of Mineral Point – Fire and Rescue services agreement
- Iowa County – Zoning agreements
- City of Mineral Point – ET Zone agreement

**ADVANTAGES OF LOCAL INTERGOVERNMENTAL COOPERATION**

Intergovernmental cooperation has many advantages associated with it including the following:

**Efficiency and reduction of costs:** Cooperating on the provision of services can potentially mean lower costs per unit or person. Although these are by no means the only reasons, efficiency and reduced costs are the most common reasons governments seek to cooperate.

**Limited government restructuring:** Cooperating with neighboring governments often avoids the time-consuming, costly, and politically sensitive issues of government restructuring. For example, if a city and township can cooperate, the township may avoid annexation of its land and the city may avoid incorporation efforts on the part of the township, which may hinder the city's development.



Cooperation also helps avoid the creation of special districts that take power and resources away from existing governments.

**Coordination and planning:** Through cooperation, governments can develop policies for the area and work on common problems. Such coordination helps communities minimize conflicts when levels of services and enforcement are different among neighboring communities. For example, shared water, sewage, and waste management policies can help avoid the situation in which one area's environment is contaminated by a neighboring jurisdiction with lax standards or limited services. Cooperation can also lead to joint planning for future services and the resources needed to provide them.

**Expanded services:** Cooperation may provide a local unit of government with services it would otherwise be without. Cooperation can make those services financially and logistically possible.

### **DISADVANTAGES OF LOCAL INTERGOVERNMENTAL COOPERATION**

Intergovernmental cooperation also has drawbacks, which may include the following:

**Reaching and maintaining an agreement:** In general, reaching a consensus in cases in which politics and community sentiments differ can be difficult. For example, all parties may agree that police protection is necessary. However, they may disagree widely on how much protection is needed. An agreement may fall apart if one jurisdiction wants infrequent patrolling and the other wants an active and visible police force.

**Unequal partners:** If one party to an agreement is more powerful, it may influence the agreement's conditions. With service agreements, the more powerful party, or the party providing the service, may have little to lose if the agreement breaks down, it may already service itself at a reasonable rate. The weaker participants may not have other options and are open to possible exploitation.



**Local self-preservation and control:** Some jurisdictions may feel their identity and independence will be threatened by intergovernmental cooperation. The pride of residents and officials may be bruised if, after decades of providing their own police or fire protection, they must contract with a neighboring jurisdiction (and possible old rival) for the service. In addition, and possibly more importantly, a jurisdiction may lose some control over what takes place within their boundaries. And although government officials may lose control, they are still held responsible for the delivery of services to their electorates.

### **STEPS TO BEGINNING SUCCESSFUL INTERGOVERNMENTAL COOPERATION EFFORTS**

As expressed earlier in this section, intergovernmental cooperation should be thoroughly reviewed. Below are some ideas and concerns that should be considered.

- Identify other local governments that may share a common problem or may stand to benefit from cooperation.
- Identify whether the county is cooperating with other jurisdictions on a similar service. What type of arrangement do they have? Are the participating jurisdictions satisfied with the quality and quantity of the service?
- Although cooperation on several services may be desired, analyze each one separately. Initially, it may seem logical to lump services. However, it is best to first understand from a cost and non-cost perspective what cooperation in each service area entails.
- Look at the potential cost savings of each option. This should be done on a per resident or per unit-of-service-provided basis. For example, will the cost of fire protection per person decrease if the jurisdictions cooperate? Or, can the jurisdiction lower per resident costs of providing snow removal if it plows other jurisdictions' streets?
- Consider the costs associated with each form of cooperation. What type of administrative or insurance costs might be necessary with each option?

- How would residents respond to the change in the level of services they receive? And how would taxpayers respond to additional government expenses? Would they reject it?
- Are the residents willing to give up some control over a particular service? This may take considerable polling to determine and will likely vary depending on the type of service in question. For example, it may be all right to share snow removal and street repair equipment, but residents might not be willing to give up their own police department and the security they feel it provides.
- Keep the public and local officials informed throughout the entire process. Present the options and invite public comment. If residents and officials feel they have played a role in the effort, or at least been given the opportunity to provide their input, they will be more likely to support the initiative. Plus, some creative ideas may be generated.
- Patience is important. The more governments involved in the negotiations, the longer it will take to develop an agreement and reach a consensus. In addition, negotiators may have to go back to their city councils, town, or county boards several times for directions or approval.

### ADDITIONAL INTERGOVERNMENTAL COOPERATION IDEAS

The Intergovernmental Cooperation Element Guide published by the Wisconsin Department of Administration provides several ideas for cooperation including the following listed below. These are only ideas to consider. *(Note: the following ideas were taken directly from the Intergovernmental Cooperation Guide.)*

**Voluntary Assistance:** Your community, or another, could voluntarily agree to provide a service to your neighbors because doing so makes economic sense and improves service levels.

**Trading Services:** Your community and another could agree to exchange services. You could exchange the use of different pieces of equipment, equipment for labor, or labor for labor.

**Renting Equipment:** Your community could rent equipment to, or from, neighboring communities and other governmental units. Renting equipment can make sense for both communities – the community renting gets the use of equipment without having to buy it, and the community renting out the equipment earns income from the equipment rather than having it sit idle.

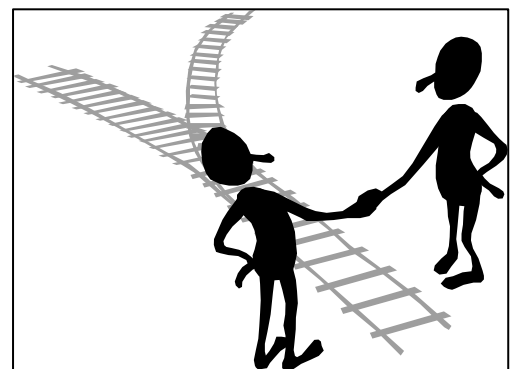
**Contracting:** Your community could contract with another community or jurisdiction to provide a service. For example, you could contract with an adjacent town or village to provide police and fire protection, or you could contract with the county for a service in addition to that already routinely provided by the county sheriff's department.

**Routine County Services:** Some services are already paid for through taxes and fees. Examples are police protection services from the county sheriff's department, county zoning, county public health services, and county parks. Your Intergovernmental Cooperation Element could identify areas where improvements are needed and could recommend ways to cooperatively address them.

**Sharing Municipal Staff:** Your community could share staff with neighboring communities and other jurisdictions – both municipal employees and independently contracted professionals. You could share a building inspector, assessor, planner, engineer, zoning administrator, clerk, etc.

**Consolidating Services:** Your community could agree with one or more other communities or governmental units to provide a service together.

**Joint Use of a Facility:** Your community could use a public facility along with other jurisdictions. The facility could be jointly owned or one jurisdiction could rent space from another.



**Special Purpose Districts:** Special purpose districts are created to provide a particular service, unlike municipalities that provide many different types of services. Like municipalities, special purpose districts are separate and legally independent entities.

**Joint Purchase and Ownership of Equipment:** Your community could agree with other jurisdictions to jointly purchase and own equipment such as pothole patching machines, mowers, rollers, snowplows, street sweepers, etc.

**Cooperative Purchasing:** Cooperative purchasing, or procurement, is where jurisdictions purchase supplies and equipment together to gain more favorable prices.

#### **TECHNIQUES AND PROGRAMS FOR MUNICIPAL BOUNDARY COOPERATION**

As the Town of Mineral Point continues to grow, it may be necessary to consider some type of boundary agreements. Municipal boundaries can be altered in a number of ways including the following:

- **Annexation**

Annexation is the process of transferring parcels of land from unincorporated areas to adjacent cities or villages. More detailed information on annexation can be obtained from Wisconsin State Statute Sections 66.0217-66.0223.

- **Detachment**

Detachment is the process by which territory is detached from one jurisdiction and transferred to another. Essentially detachment is the opposite of annexation. More detailed information on detachment can be obtained from Wisconsin State Statute Sections 66.0227 and 62.075.

- **Incorporation**

Incorporation is the process of creating a new village or city from unincorporated territory. More detailed information on incorporation can be obtained from Wisconsin State Statute Sections 66.0201-66.0215.

- **Consolidation**

Consolidation is the process by which a town, village, or city joins together with another town, village, or city to form one jurisdiction. More detailed information on incorporation can be obtained from Wisconsin State Statute Section 66.0229.

- **Intergovernmental Agreements**

Intergovernmental Agreements provide communities with a different type of approach because it is proactive rather than reactive. There are two types of intergovernmental agreements that can be formed including cooperative boundary agreements and stipulations and orders. More detailed information on intergovernmental agreements can be obtained from Wisconsin State Statute 66.0307 (Cooperative Boundary Agreements) and 66.0225 (Stipulations and Orders).

#### **WISCONSIN DEPARTMENT OF HOUSING AND INTERGOVERNMENTAL RELATIONS–MUNICIPAL BOUNDARY REVIEW (DHIR-MBR)**

Municipal Boundary Review regulates the transition of unincorporated areas to city or village status through municipal annexation, incorporation, consolidation, or by joint city-village-town activities involving cooperative boundary plans and agreements. Such agreements may change territorial boundaries and may provide for the sharing of municipal services. Staff members are available upon request to meet with local officials and citizens to discuss annexation, incorporation, consolidation and cooperative boundary plans.

##### **MUNICIPAL BOUNDARY REVIEW**

**Office of Land Information Services  
Municipal Boundary Review  
17 S Fairchild, 7<sup>th</sup> Floor  
Madison, WI 53702**

**Phone: 608-266-0683**

**<http://www.doa.state.wi.us/dhir>**

# LAND USE ELEMENT



**EXECUTIVE SUMMARY**

The purpose of this section is to review and analyze land use in the Town of Mineral Point. The land use element is the compilation of all other elements of this plan. Designating land uses and standards for development requires the Town to be able to adequately provide utilities, maintain roads, and support other services. Therefore, the policies and programs of the land use element must be supported by all other elements of the plan. This section will consider both current and future land use in the Town of Mineral Point. At the present time, the dominant developed land use in the Town is agricultural.

**Wisconsin State Statute 66.1001(2)(h)****(h) *Land-use element.***

A compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of the amount, type, intensity and net density of existing uses of land in the local governmental unit, such as agricultural, residential, commercial, industrial and other public and private uses. The element shall analyze trends in the supply, demand and price of land, opportunities for redevelopment and existing and potential land-use conflicts. The element shall contain projections, based on the background information specified in par. (a), for 20 years, in 5-year increments, of future residential, agricultural, commercial and industrial land uses including the assumptions of net densities or other spatial assumptions upon which the projections are based. The element shall also include a series of maps that shows current land uses and future land uses that indicate productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries of areas to which services of public utilities and community facilities, as those terms are used in par. (d), will be provided in the future, consistent with the timetable described in par. (d), and the general location of future land uses by net density or other classifications.



## **TOWN OF MINERAL POINT STATEMENT REGARDING LAND USE**

### **General information about residential siting in the Town of Mineral Point**

It is important to meet with the Town Planning Commission before you incur development costs to determine whether your project is compatible with the Town plan. In general, the Town plan seeks to:

- 1) Preserve agricultural opportunities – the Township discourages residential development of productive agricultural land and the fractionalization (breaking up) of large tracts of productive farmland.
- 2) Retain rural character – residential development should be situated to minimize its visual effect on the landscape, especially as viewed from public roadways.

New residences should not be built on productive agricultural lands and should not be highly visible from public roadways.

Cluster housing (up to four residences per driveway) is allowed in the Township.

Subdivisions are not permitted in the A-1 Agricultural District.

Residential development is encouraged in the Mineral Point Territorial Zone (near the city of Mineral Point) but not in the outlying areas.

### **LAND USE POLICIES**

The following are the land use policies for the Town of Mineral Point.

- **Maintain a current, long-range development plan, which will serve as a guide for future land-use and zoning decisions.**
- **Protect active agricultural lands from encroachment by incompatible uses.**

Agricultural, especially family farms and “added value” farm enterprises (i.e. farmer’s market-type operations where produce is sold directly from the grower to the consumer), is integral to Mineral Point achieving its vision.

See Section E, Agricultural, Natural, and Cultural Resources Element, Section A, Issues and Opportunities Element, and the Town of Mineral Point’s Comprehensive Plan Introduction for more information.

- **Maintain the small-town character of the jurisdiction by avoiding developments that would alter its character.**

Scattered development can hurt the economic vitality of farming by driving land prices up and fragmenting productive farmland. Mineral Point’s sense of community and farming heritage is compromised when farming gives way to land uses other than traditional agriculture.

For more information, see the Town of Mineral Point’s Comprehensive Plan Introduction, Section A, Issues and Opportunities Element for the Town of Mineral Point’s Vision Statement, Section I, Implementation Element for the Town’s rural residential siting criteria, and the Future Land Use map (Map H-1).

- **Restrict location of new development from areas shown to be unsafe or unsuitable for development due to natural hazards, contamination, access, or incompatibility problems.**

Residential development needs to be positioned so that houses do not obstruct views. Some building requirements might include building below the ridgeline, placing the residence farther off roads, or building unobtrusively near or within wooded areas. Such easements and restrictions on development will help the Town protect its magnificent views. Buffering development through the use of vegetation) can also maintain the viewscape while still allowing development.

Lots sizes must be 1 to 2 acres for cluster housing, with enough room designated for a septic system that includes a second location in case the original fails. See the Town's rural residential siting criteria in Section I, Implementation Element for more information.

- **Encourage commercial and industrial/manufacturing activities to develop in existing commercial, industrial, and manufacturing locations where public roads/facilities and services have capacity to accommodate high volumes of traffic, parking, and other public needs.**

Commercial development must not obstruct views. Careful placement is vital, particularly along the State Highway 151 corridor. See the Town's commercial siting criteria in Section I, Implementation Element for more information.

- **Encourage development in areas where adequate utilities and community services exist or can be provided in a cost efficient manner.**
- **Assure to the greatest extent possible that all proposals for future development or redevelopment enhance the overall quality of life.**

Protect historic sites both by encouraging the basic protection of historic sites as well as siting any development near historic sites as sympathetically as possible.

Developing a Town park should be pursued, as it will enhance residents' quality of life. See Section A, Issues and Opportunities Element for the Town of Mineral Point's Vision Statement, and the Town of Mineral Point's Comprehensive Plan Introduction for more information.

### **LAND USE POLICIES - For Rural Residential Siting Criteria**

**1. Meet with Mineral Point Township Planning Commission** to determine project compatibility with goals of the Township. (May include various on-site visits.)

The first step in any development project is to pick up a "development packet" from the county zoning administrator or Town clerk. This packet will include key points from the Town comprehensive plan and the necessary steps to follow. After reviewing the packet, the individual must meet with the Planning Commission. The Commission will help determine whether the proposed project is compatible with the Town comprehensive plan. This would include a review of the Town land use map, Town ordinances and compliance with the density standard. The meeting would also lay-out the steps required to comply with the other siting criteria including:

- minimum lot size, driveway standards, determination of crop or agricultural use history, compatibility with surrounding land uses and a visual impact determination.
- items that must be handled at the county level including well, septic, floodplain, wetland and zoning issues.

An on-site visit may be scheduled at this time with members of the Commission.

### **2. Density Standard (1 development right per 40 acres)**

Residential development is not encouraged in the agricultural areas of the Township. However, a residence may be allowed if the 40 acre density standard is met. Existing residences count against the density standard. There are two ways to meet the density standard:

- 1) The individual owns 40 or more acres and changes the zoning of at least 40 acres to A-1C (Exclusive Agricultural Conservancy Overlay District).
- 2) The individual purchases at least 1 acre from a landowner who either:
  - a. changes the zoning of the balance of the attached 40 acre parcel, or
  - b. changes the zoning of a separate 40 acre parcel to the A-1C (Exclusive Agricultural Conservancy Overlay District). The 40 acre parcel must be owned by the seller and can be either adjoining or non-adjoining to the proposed residence. (The description of the A-1C Exclusive Agricultural Conservancy Overlay District is included in the Iowa County Zoning Ordinance.)

The Township of Mineral Point will not approve an application for removal of lands from the A-1C Exclusive Agricultural Conservancy Overlay District unless future Township-wide reviews of the comprehensive plan (via Class One Notice Public Hearings and/or referendum) indicate residents no longer favor having agriculture as the defining feature of the Township.

“Development rights” are determined by adding up all of the Township acreage owned by an individual landowner and dividing by 40 acres. The resulting **whole** number is the number of “development rights” available to that landowner. If the **remainder** number is 30 acres or greater, an additional “development right” is available.

Number of Acres Owned	# of Development Rights
0-40.0	1
40.1-69.99	1
70.00 – 109.99	2
110.00 – 149.99	3
150.00 – 189.99	4
190.00 – 229.99	5
230.00 – 269.99	6
270.00 – 309.99	7
310.00 – 349.99	8

*For Acres Larger than provided in the chart – see Town Clerk.*

Substandard vacant lots of between 2 acres and 40 acres are eligible for a “development right.”

### 2.1. Substandard Parcels

Parcels of land that are less than 40 acres but more than 2 acres may qualify for a single development right. These parcels must not have a residence on them as of January 1, 2004 and must have been recorded at the Register of Deeds Office at the Iowa County Courthouse as of January 1, 2004. The proposed development must meet all of the other criteria in Table A and Table B in Section I, Implementation Element.

### 3. Compliance with Land Use Map

The Township land use map will be consulted to determine compatibility and whether the project is in the Township or in the Mineral Point Extra Territorial Zone.

### 4. Compliance with Town Ordinances

Applicable Township ordinances will be reviewed to determine compliance.

### 5. Minimum lot size (1 acre)

The minimum lot size for new residential construction is one acre.

### 6. Compatibility with Surrounding Land Uses

The Township Planning Commission and Town Board hold the right to inform and consult with neighbors and any others who may be affected by the proposed project to determine compatibility with surrounding land uses. *It is the responsibility of the applicant to send a letter (via registered mail) describing the project to all adjoining landowners. Applicant must provide proof to the planning commission (in the form of postal receipts) that letters were delivered.*

### 7. Agricultural Impact Determination

A determination will be made as to the *present and future* impact the proposed development will have on Township agriculture. The Township discourages any development that fractionalizes large tracts of farmland. Destruction of farmland must be kept to a minimum.

Crop history and past agricultural use may be determined by county aerial photos (1968, 1976, 1995, 2005) and/or by documents from the Iowa County Land Conservation Department.

### 8. Visual Impact determination

A site visit by Planning Commission members and photographs of the site will help determine the visual impact of the proposed project. The Commission and the Town Board hold the right to suggest locations that will help minimize the visual impact of the project. It is expected that the Township and the individual will work together to site the project in such a way as to minimize visual impact.

### 9. Compliance with Township Driveway Ordinance

The Township enforces a driveway ordinance. Issues include access to public roadways and construction requirements including driveway base, slope and width.

### 10. Site Map

The individual is expected to provide a site map showing existing site features including structures, driveways, field roads, fields, slopes, etc.

### 11. Good Neighbor Policy

The Town of Mineral Point has adopted a good neighbor policy which is included as Appendix H-1. This policy should be reviewed by all potential land owners.

### EXISTING LAND USE

The Town of Mineral Point is classified as a predominantly agricultural community. See Maps E.2 and E.8 in Section E, Agricultural, Natural, and Cultural Resource Element, for Mineral Point land use maps.

Table H.1 is a breakdown by percentage for land uses in Mineral Point. As indicated, the Iowa County Tax Assessors Office defines the Town as 87.6 percent agricultural land.

**Table H.1: Town Of Mineral Point Land Use**

Classification	Town of Mineral Point Percent of Land Area
Agricultural	87.6%
Residential (Single- and Multi-Family)	1.2%
Commercial	0.6%
Manufacturing	0.2%
Production Forest	3.0%
DNR-MFL Forest	1.3%
Undeveloped (formerly Swamp/Waste)	3.4%
Other (Federal, State, County, School, Cemetery)	2.6%

(Source: 2003 Iowa County Tax Assessor Department, SWWRPC)

### **Agricultural**

Agriculture is the dominant developed land use in Mineral Point, with 87.6 percent occupying the Town's land area. Agricultural land includes land that produces a crop (including Christmas trees or ginseng), agricultural forest (forested lands contiguous with agricultural land), supports livestock, or is eligible for enrollment in specific federal agricultural programs.

### **Residential**

As indicated by Table H.1, residential land use accounts for 1.2 percent of the land area within the Town.

### **Commercial**

Commercial refers to any parcel that has a business on it, but does not include industrial properties. This may be a convenience store, car wash, bank, grocery store, tavern, etc., referring to any type of retail or business establishment. The existing land use map does not differentiate between highway businesses, home occupations, or general businesses, but classifies all of the above as commercial. In the Town of Mineral Point, commercial development occupies approximately 0.6 percent of the total land area.

### **Manufacturing**

Manufacturing refers to business and industry that is engaged in processing, manufacturing, packaging, treatment, or fabrication of materials and products. As indicated by Table H.1, manufacturing land uses occupy 0.2 percent of Mineral Point's land area.

### Forested

This classification is Production Forests and DNR-MFL Forests acreages combined. Table H.1 shows approximately 4.3 percent of the land area in Mineral Point is forest under these classifications.

### Undeveloped

This classification refers to areas that were formerly classified as swamp/waste. It is open land includes bogs marshes, lowlands brush land, and uncultivated land zoned as shoreland and shown to be wetland. Approximately 3.4 percent of the total land in the Town of Mineral Point is classified as undeveloped land.

### Other

Remaining land types that do not fall into the above categories, including federal, state, and county lands, school property, and cemeteries are classified as "other". Approximately 2.6 percent of land in the Town of Mineral Point is listed under this classification. Refer to Maps E.2 and E.8, Section E, Agricultural, Natural, and Cultural Resource Element, and Table H.1 for more information.

## LAND USE TRENDS

**Table H.2: Town of Mineral Point Land Use Assessment Statistics Iowa County – 1994**

Real Estate Class	# of Parcels	Land Value
Residential	166	\$857,950
Commercial	35	\$445,350
Manufacturing	2	\$142,000
Agricultural	1,182	\$15,875,700
Swamp & Waste	--	--
Forest	87	\$289,800

(Source: Wisconsin Department of Revenue-1994)

**Table H.3: Town of Mineral Point Land Use Assessment Statistics Iowa County – 2004**

Real Estate Class	# of Parcels	Land Value
Residential	244	\$4,974,900
Commercial	44	\$887,900
Manufacturing	3	\$183,000
Agricultural	1,260	\$4,293,600
Swamp & Waste	--	--
Forest	102	\$2,940,100

(Source: Wisconsin Department of Revenue-2004)

## LAND USE TRENDS - RESIDENTIAL

Residential land use occupies 1.2 percent of the Town of Mineral Point. The following table indicates changes in single-family residential units between 1990 and 2000 for the Town of Mineral Point compared to Iowa County.

**Table H.4: Town Of Mineral Point Single Family Housing Unit Change**

	1-Unit (1990)	1-Unit (2000)	% Change
<b>Town of Mineral Point</b>	246	276	12.2%
<b>Iowa County</b>	6,632	7,796	17.6%

(Source: 1990 & 2000 US Census)

According to the 1990 and 2000 US Census, Table H.4 indicates that the single housing units in Mineral Point increased 12.2 percent between 1990 and 2000, while single housing units in Iowa County increased 17.6 percent.

## IDENTIFICATION OF SMART GROWTH AREAS

The Town of Mineral Point Comprehensive Plan identifies smart growth areas in Section H of the plan, areas defined by this process as places that make sense for future development. Map H.1 indicates the smart growth areas for future residential development in the Town.

**Table H.5: Land Use Projections 2000 - 2030**

<b>PROJECTED RESIDENTIAL LAND USE</b>	<b>2000</b>	<b>2010</b>	<b>2020</b>	<b>2030</b>
<b>Low Projection</b>	303	310	318	326
Change in Number of Households	--	7	8	8
1 Acre Minimum Lot Size	--	7	8	8
Density of 1 Unit Per 40 Acres	--	280	320	320
<b>High Projection</b>	303	314	326	341
Change in Number of Households	--	11	12	15
1 Acre Minimum Lot Size	--	11	12	15
Density of 1 Unit Per 40 Acres	--	440	480	600

**REDEVELOPMENT OPPORTUNITIES**

No redevelopment opportunities were identified by the Plan Commission at this time.

**EXISTENCE OF BROWNFIELDS OR PROPERTIES SUITABLE FOR REDEVELOPMENT**

The Wisconsin Department of Natural Resources maintains a database referred to as BRRTS (Bureau for Remediation and Redevelopment Tracking System). The database lists contaminated lands and sites and includes the following: spills, leaks, Superfund sites, and other contaminated sites that have been reported to us or otherwise discovered. The database currently contains thirty-five records for Mineral Point (these are not necessarily sites in the Town: the list does not distinguish between types of jurisdiction with the same name) and includes the following four categories:

**LUST:** A Leaking Underground Storage Tank that has contaminated soil and/or groundwater with petroleum. Some LUST cleanups are reviewed by DNR and some are reviewed by the Dept. of Commerce.

**ERP:** Environmental Repair Program sites are sites other than LUSTs that have contaminated soil and/or groundwater. Often, these are old historic releases to the environment.

**SPILLS:** A discharge of a hazardous substance that may adversely impact, or threaten to adversely impact public health, welfare or the environment. Spills are usually cleaned up quickly.

**No Action Required:** There was or may have been a discharge to the environment and, based on the known information, DNR has determined that the responsible party does not need to undertake an investigation or cleanup in response to that discharge. Reports of UST closures with no action required are filed in state archives.

The complete database is available from the Department of Natural Resources Website.

[www.dnr.state.wi.us](http://www.dnr.state.wi.us) Activities on these sites including remediation is available for review on the website or by contacting the Wisconsin Department of Natural Resources. The following listings contain the DNR Activity Number, Activity Type, Activity Name, Municipality, County, and a Priority Level. As stated above, additional information is available from the Wisconsin Department of Natural Resources.

**IOWA COUNTY LIST OF CONTAMINATED SPILLS AND SITES**

DNR Act. Number	Activity Type	Activity Name	Municipality	County	Priority
04-25-050149	Spills	CTH H AT USH 14	ARENA	Iowa	
04-25-043953	Spills	HARTUNG BROS AIRSTRIP	ARENA	Iowa	
02-25-001321	ERP	HARTUNG BROS INC	ARENA	Iowa	High
02-25-001576	ERP	HARTUNG BROS INC	ARENA	Iowa	Low
04-25-050751	Spills	HARTUNG BROS INC	ARENA	Iowa	
04-25-188685	Spills	HARTUNG BROS INC	ARENA	Iowa	
04-25-048157	Spills	HARTUNG BROS INC	ARENA	Iowa	
03-25-220745	LUST	HARTUNG BROS INC	ARENA	Iowa	Low
04-25-194315	Spills	HARTUNG BROS INC	ARENA	Iowa	
04-25-266748	Spills	HARTUNG BROS INC	ARENA	Iowa	
04-25-047820	Spills	HIGH ST & WILLOW ST	ARENA	Iowa	

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## Land Use Element

DNR Act. Number	Activity Type	Activity Name	Municipality	County	Priority
04-25-050778	Spills	HWY 14 2 M W OF ARENA	ARENA	Iowa	
03-25-264307	LUST	MUSCARELLO, PATRICIA	ARENA	Iowa	Unknown
03-25-000771	LUST	PEOPLES BANK OF MAZOMANIE	ARENA	Iowa	Low
09-25-294815	No Action Required	PEOPLES BANK OF MAZOMANIE PROPERTY	ARENA	Iowa	
04-25-049331	Spills	PINE RD .5 MI S OF HELENA RD	ARENA	Iowa	
03-25-002838	LUST	ROSIES SERVICE	ARENA	Iowa	Unknown
09-25-297724	No Action Required	ARENA VIL & TN	ARENA TN	Iowa	
04-25-045074	Spills	1/3 MI E OF CNTY LINE S OF HWY 133	AVOCA	Iowa	
04-25-037287	Spills	CTH I & CTH PD	AVOCA	Iowa	
04-25-046411	Spills	MORREY CREEK - 100 YDS S OF D ST BR	AVOCA	Iowa	
03-25-001615	LUST	PENN HOLLOW CHEESE FACTORY	AVOCA	Iowa	High
04-25-432897	Spills	STH 133 DOT PROPERTY	AVOCA	Iowa	
04-25-046430	Spills	W SIDE OF STH 80 - .4 MI N OF AIDE	AVOCA	Iowa	
04-25-037929	Spills	.2 MI E OF CTH T & HWY 18	BARNEVELD	Iowa	
09-25-293029	No Action Required	BARNEVELD FIRE DEPT STATION	BARNEVELD	Iowa	
03-25-001989	LUST	BARNEVELD HIGH SCHOOL	BARNEVELD	Iowa	Low
09-25-295884	No Action Required	BARNEVELD MUNICIPAL GARAGE	BARNEVELD	Iowa	
04-25-049178	Spills	CTH K 1.75 MI N OF CTH H	BARNEVELD	Iowa	
04-25-043047	Spills	CTH K AT W BR BLUE MOUNDS CREEK	BARNEVELD	Iowa	
04-25-236550	Spills	EAGLE MART	BARNEVELD	Iowa	
04-25-038005	Spills	IHM RD 1 MI W OF 18	BARNEVELD	Iowa	
04-25-273119	Spills	MALY TRUCKING	BARNEVELD	Iowa	
02-25-000935	ERP	QUAD COUNTY COOP	BARNEVELD	Iowa	High
04-25-414564	Spills	RITCHIE IMPLEMENT	BARNEVELD	Iowa	
03-25-408065	LUST	STOP N GO	BARNEVELD	Iowa	
04-25-050086	Spills	W OF HWY K ON HWY 18/151 S SIDE	BARNEVELD	Iowa	
04-25-243762	Spills	HORSESHOE BEND RD	BLANCHARD	Iowa	
04-25-244732	Spills	5381 HWY K	BLUE MOUNDS	Iowa	
03-25-001236	LUST	WI DNR BLUE MOUND STATE PARK	BLUE MOUNDS	Iowa	Low
09-25-293817	No Action Required	GRISWOLD, GLENN	BOSCOBEL	Iowa	
09-25-293102	No Action Required	BLUE MOUND STATE PARK POOL	BRIGHAM	Iowa	
04-25-205380	Spills	E SIDE OF LEE DR .5 MI S OF LONGBERRY RD	BRIGHAM	Iowa	
04-25-171906	Spills	HWY 151 WB .1 MI W OF CTH ID	BRIGHAM	Iowa	
04-25-168690	Spills	WB HWY 151 .5 MI E OF CTH T	BRIGHAM	Iowa	
04-25-209061	Spills	HWY 130 .4 MI S OF HIMMEX HILL RD	CLYDE	Iowa	
04-25-235701	Spills	HWY 130 .5 MI S OF LIMMEX RD	CLYDE	Iowa	
03-25-001529	LUST	COBB ELEMENTARY SCHOOL	COBB	Iowa	Low
09-25-294492	No Action Required	FRITCH, MERLIN	COBB	Iowa	
04-25-052567	Spills	HWY 18 ~ 2 MI W OF COBB	COBB	Iowa	
03-25-002630	LUST	IOWA LAFAYETTE FS	COBB	Iowa	High
09-25-294423	No Action Required	MARK MOTORS	COBB	Iowa	
09-25-295008	No Action Required	RITCHIE MOTORS INC	COBB	Iowa	
09-25-295334	No Action Required	STOKELY USA - COBB	COBB	Iowa	
04-25-049934	Spills	W SPRING & TOWN CT	DARLINGTON	Iowa	
04-25-037937	Spills	.25 MI W OF EVANS QUARRY RD & HWY 1	DODGEVILLE	Iowa	
04-25-042300	Spills	1 MI FROM DODGEVILLE AT BRAY FARM	DODGEVILLE	Iowa	
04-25-251502	Spills	151 EXPRESS GAS STATION	DODGEVILLE	Iowa	
04-25-203532	Spills	3627 EVANS RD	DODGEVILLE	Iowa	
04-25-265475	Spills	409 E SPRING ST @ POLE 6-4-4-39	DODGEVILLE	Iowa	

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DNR Act. Number	Activity Type	Activity Name	Municipality	County	Priority
04-25-049317	Spills	50 YDS E OF INTER KING/LANSEND LN	DODGEVILLE	Iowa	
04-25-052530	Spills	854 S MAIN ST	DODGEVILLE	Iowa	
09-25-306100	No Action Required	A&W RESTAURANT	DODGEVILLE	Iowa	
02-25-001456	ERP	ADVANCED PHOTONIX INC	DODGEVILLE	Iowa	High
03-25-001126	LUST	ANCHOR BANK	DODGEVILLE	Iowa	High
02-25-000937	ERP	BLANCHARDVILLE COOP OIL	DODGEVILLE	Iowa	High
03-25-001884	LUST	BLOOMFIELD MANOR	DODGEVILLE	Iowa	High
03-25-000139	LUST	BRAATEN OIL/FOOD SHOP	DODGEVILLE	Iowa	High
03-25-002656	LUST	COLLINS & HYING INC	DODGEVILLE	Iowa	Low
04-25-045724	Spills	CTH F 1 MI S OF HWY 39	DODGEVILLE	Iowa	
03-25-000326	LUST	DODGELAND HARVESTORE/WALNUT HOLLOW	DODGEVILLE	Iowa	Low
09-25-001460	No Action Required	DODGEVILLE	DODGEVILLE	Iowa	Unknown
02-25-001475	ERP	DODGEVILLE AGRI-SERVICE	DODGEVILLE	Iowa	Low
09-25-293972	No Action Required	DODGEVILLE CTY GARAGE	DODGEVILLE	Iowa	
04-25-043066	Spills	DODGEVILLE MUNICIPAL AIRPORT	DODGEVILLE	Iowa	
04-25-204092	Spills	DODGEVILLE TRUCK STOP	DODGEVILLE	Iowa	
02-25-000939	ERP	DODGEVILLE WATERWORKS	DODGEVILLE	Iowa	High
03-25-001107	LUST	FOUNTAIN STREET GARAGE	DODGEVILLE	Iowa	High
03-25-223070	LUST	FOUNTAIN STREET GARAGE	DODGEVILLE	Iowa	Unknown
03-25-002379	LUST	HICKS ESTATE PROPERTY	DODGEVILLE	Iowa	Low
04-25-050022	Spills	HWY 18/151 AT CTH Z W/ TO JOSEPH ST	DODGEVILLE	Iowa	
04-25-044247	Spills	HWY 23 - 10 MI N OF HOUSE ON THE RO	DODGEVILLE	Iowa	
04-25-246315	Spills	HWY 23 FROM HWY YZ N TO MILITARY RIDGE RD	DODGEVILLE	Iowa	
04-25-041187	Spills	IOWA CNTY COOP WAREHOUSE	DODGEVILLE	Iowa	
09-25-296448	No Action Required	IOWA CNTY HWY DEPT	DODGEVILLE	Iowa	
03-25-119806	LUST	IOWA CNTY HWY GARAGE	DODGEVILLE	Iowa	Low
04-25-043923	Spills	JACKS SERVICE CENTER	DODGEVILLE	Iowa	
03-25-002586	LUST	JACKS SERVICE CENTER	DODGEVILLE	Iowa	Low
09-25-294219	No Action Required	KOWALSKI-KIELER INC	DODGEVILLE	Iowa	
03-25-184263	LUST	KWIK TRIP INC	DODGEVILLE	Iowa	Unknown
09-25-296600	No Action Required	LANDS END	DODGEVILLE	Iowa	
09-25-296081	No Action Required	LOEFELHOLZ, PAULA	DODGEVILLE	Iowa	
04-25-264038	Spills	LOWER WYOMING VALLEY RD-SUB STATION	DODGEVILLE	Iowa	
03-25-000143	LUST	MCDONALDS RESTAURANT	DODGEVILLE	Iowa	High
09-25-291877	No Action Required	MEDICAL CARE FACILITY	DODGEVILLE	Iowa	
02-25-337873	ERP	MOBIL OIL BULK PLT - FORMER	DODGEVILLE	Iowa	
09-25-294592	No Action Required	MORTON BLDGS	DODGEVILLE	Iowa	
07-25-426805	General Property	MR TS EASY STOP	DODGEVILLE	Iowa	
09-25-295924	No Action Required	MR TS EASY STOP	DODGEVILLE	Iowa	
03-25-001085	LUST	RANDYS MARATHON SERV STA	DODGEVILLE	Iowa	High
03-25-001841	LUST	SEAY MACK PROPERTY	DODGEVILLE	Iowa	Unknown
04-25-050141	Spills	SECTION LINE RD	DODGEVILLE	Iowa	
04-25-042688	Spills	SPREAD .5 MI ON HWY 130 S OF FLOYD	DODGEVILLE	Iowa	
04-25-051594	Spills	SPRING & UNION	DODGEVILLE	Iowa	
04-25-047460	Spills	SPRING VALLEY CREEK	DODGEVILLE	Iowa	
03-25-195795	LUST	ST JOSEPH PARISH SCHOOL	DODGEVILLE	Iowa	Low
04-25-391028	Spills	STH 151 & CTH D	DODGEVILLE	Iowa	
03-25-001108	LUST	TERRYS KERR MCGEE	DODGEVILLE	Iowa	High
02-25-001539	ERP	THOMAS OIL CO	DODGEVILLE	Iowa	High



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DNR Act. Number	Activity Type	Activity Name	Municipality	County	Priority
04-25-052683	Spills	UNION & SPRING ST - IN STREAM	DODGEVILLE	Iowa	
04-25-050929	Spills	UNION/FOUNTAIN ST, SW CNR	DODGEVILLE	Iowa	
09-25-295575	No Action Required	UNITED METHODIST CHURCH	DODGEVILLE	Iowa	
03-25-001027	LUST	UNITED PARCEL SERVICE	DODGEVILLE	Iowa	High
04-25-191720	Spills	US ARMY RESERVE	DODGEVILLE	Iowa	
02-25-001698	ERP	WAGNER PROPERTY	DODGEVILLE	Iowa	High
04-25-043813	Spills	WDMP RADIO STATION FRONT YARD & HWY	DODGEVILLE	Iowa	
03-25-001241	LUST	WI DNR GOVERNOR DODGE ST PARK	DODGEVILLE	Iowa	Medium
03-25-002089	LUST	WI DNR GOVERNOR DODGE ST PARK	DODGEVILLE	Iowa	Low
04-25-037361	Spills	WI DNR GOVERNOR DODGE ST PARK	DODGEVILLE	Iowa	
09-25-293844	No Action Required	WI DNR GOVERNOR DODGE STATE PARK	DODGEVILLE	Iowa	
03-25-001680	LUST	WI DOT PROPERTY SITE #1	DODGEVILLE	Iowa	Low
03-25-001681	LUST	WI DOT PROPERTY SITE #2	DODGEVILLE	Iowa	Low
09-25-296175	No Action Required	ZIMMERMAN TRANSFER INC	DODGEVILLE	Iowa	
09-25-293092	No Action Required	BLACKHAWK BAIT SHOP	EDEN	Iowa	
04-25-179679	Spills	HWY 18 .2 MI W OF BLUE RIVER RD	EDEN	Iowa	
04-25-526131	Spills	TOWER RD	EDEN TN	Iowa	
04-25-042227	Spills	BAKER RD - N CITY LIMITS ST	EDMUND	Iowa	
04-25-049399	Spills	BAKERS ST	EDMUND	Iowa	
02-25-000934	ERP	INTERNATIONAL MINERALS & CHEMICAL CORP	EDMUND	Iowa	High
04-25-216128	Spills	W DITCH OF STH 39 S OF STH 18	EDMUND	Iowa	
04-25-232654	Spills	4837 TOWER RD POLE # 7127010	HIGHLAND	Iowa	
04-25-043294	Spills	CTH I - 1 MI S OF HIGHLAND	HIGHLAND	Iowa	
04-25-172034	Spills	CTH I 200' N OF FIRE LANE 500	HIGHLAND	Iowa	
03-25-002510	LUST	DONS TIRE SERVICE	HIGHLAND	Iowa	Medium
04-25-528389	Spills	DRAVES, MICHAEL PROPERTY	HIGHLAND	Iowa	
04-25-039739	Spills	DRY DOG RD	HIGHLAND	Iowa	
03-25-002297	LUST	HIGHLAND HIGH SCHOOL	HIGHLAND	Iowa	Low
09-25-296451	No Action Required	HIGHLAND SCHOOL	HIGHLAND	Iowa	
04-25-049964	Spills	HIGHLAND TN	HIGHLAND	Iowa	
02-25-211160	ERP	HIGHLAND TN GARAGE	HIGHLAND	Iowa	Low
03-25-002544	LUST	HIGHLAND TN GARAGE	HIGHLAND	Iowa	Medium
04-25-179901	Spills	HWY 80 & CTH Q	HIGHLAND	Iowa	
04-25-278894	Spills	HWY 80 & CTH Q	HIGHLAND	Iowa	
02-25-116703	ERP	J & S LIQUID FERTILIZER	HIGHLAND	Iowa	Unknown
03-25-002200	LUST	MICHEK OIL CO BULK PLT	HIGHLAND	Iowa	Medium
03-25-002773	LUST	RICHGELS TRUCKING	HIGHLAND	Iowa	Low
03-25-248359	LUST	RICHGELS TRUCKING	HIGHLAND	Iowa	Low
02-25-000936	ERP	SCALES SALVAGE YARD	HIGHLAND	Iowa	Low
09-25-295512	No Action Required	TRAUSCH DISTRIBUTING CO	HIGHLAND	Iowa	
04-25-037197	Spills	HWY 39 .5 MI N OF CTH K	HOLLANDALE	Iowa	
04-25-528371	Spills	2336 S CLAY HILL	HOLLANDALE	Iowa	
04-25-051441	Spills	307 COMMERCE ST	HOLLANDALE	Iowa	
03-25-241299	LUST	BLANCHARDVILLE COOP OIL	HOLLANDALE	Iowa	Unknown
04-25-047071	Spills	COMMERCE ST & MOSCOW ST	HOLLANDALE	Iowa	
03-25-002604	LUST	CORNER FEED & SUPPLY	HOLLANDALE	Iowa	High
03-25-257187	LUST	HOLLANDALE VIL	HOLLANDALE	Iowa	Unknown
09-25-297222	No Action Required	PECATONICA ELEMENTARY SCHOOL	HOLLANDALE	Iowa	
09-25-295634	No Action Required	VINCE WEIER PUMP SERVICE	HOLLANDALE	Iowa	

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DNR Act. Number	Activity Type	Activity Name	Municipality	County	Priority
04-25-408386	Spills	MOORS SALVAGE & RECOVERY INC	KIELER	Iowa	
09-25-293552	No Action Required	EDMUND AG CENTER	LINDEN	Iowa	
03-25-000141	LUST	LARRYS SERVICE STATION	LINDEN	Iowa	Low
03-25-218049	LUST	LARRYS SERVICE STATION	LINDEN	Iowa	Low
03-25-178538	LUST	LINDEN CHEESE CO	LINDEN	Iowa	High
09-25-294024	No Action Required	IOWA GRANT HIGH SCHOOL	LIVINGSTON	Iowa	
03-25-151947	LUST	THE FRIENDLY PLACE	LIVINGSTON	Iowa	Unknown
04-25-049372	Spills	.1 MI W OF CNTY D ON HWY 39 W	MINERAL POINT	Iowa	
04-25-039355	Spills	114 SHAKERAG ST	MINERAL POINT	Iowa	
04-25-483979	Spills	66 LEE RD	MINERAL POINT	Iowa	
04-25-271205	Spills	743 USH 151	MINERAL POINT	Iowa	
04-25-052450	Spills	8118 MCKENNA RD	MINERAL POINT	Iowa	
03-25-152901	LUST	AMOCO QUIK STOP	MINERAL POINT	Iowa	Low
04-25-206408	Spills	BURR OAK RD & 3045 DRIVEWAY	MINERAL POINT	Iowa	
03-25-152147	LUST	CITGO	MINERAL POINT	Iowa	Low
04-25-233138	Spills	COMMERCE ST & OLD ARLINGTON RD (.1 M S)	MINERAL POINT	Iowa	
02-25-001660	ERP	DODGE POINT COUNTRY CLUB	MINERAL POINT	Iowa	Low
09-25-293476	No Action Required	DODGE POINT COUNTRY CLUB	MINERAL POINT	Iowa	
03-25-001422	LUST	FARMERS IMPLEMENT PROPERTY	MINERAL POINT	Iowa	Low
03-25-001066	LUST	FLEETGUARD INC NELSON DIV	MINERAL POINT	Iowa	Medium
04-25-391445	Spills	HWY 151 & COMMERCE ST	MINERAL POINT	Iowa	
04-25-045492	Spills	HWY 151 & DODGE ST	MINERAL POINT	Iowa	
04-25-171919	Spills	HWY 151 .2 MI S OF OAK PARK RD	MINERAL POINT	Iowa	
04-25-402178	Spills	HWY 18/151 OFF RAMP FOR HWY 23	MINERAL POINT	Iowa	
04-25-414573	Spills	INTERSECTION OF HWY 23 & 39	MINERAL POINT	Iowa	
03-25-193941	LUST	IOWA OIL CO - MINERAL PT SPEEDE SHOPPE	MINERAL POINT	Iowa	High
09-25-294035	No Action Required	J & D ANTIQUES	MINERAL POINT	Iowa	
04-25-047427	Spills	JORGENSON, KEVIN PROPERTY	MINERAL POINT	Iowa	
03-25-113363	LUST	KWIK TRIP #768	MINERAL POINT	Iowa	High
03-25-000142	LUST	MARRS SHELL	MINERAL POINT	Iowa	Low
03-25-193953	LUST	MARRS SHELL	MINERAL POINT	Iowa	Low
04-25-039403	Spills	MEXEBURG CHEESE FACTORY	MINERAL POINT	Iowa	
03-25-000247	LUST	MINERAL POINT ELEMENTARY SCHOOL	MINERAL POINT	Iowa	Medium
02-25-001305	ERP	MINERAL POINT ROASTER PILES	MINERAL POINT	Iowa	High
09-25-294558	No Action Required	MINERAL POINT STREET DEPT	MINERAL POINT	Iowa	
02-25-223076	ERP	POAD OIL	MINERAL POINT	Iowa	Unknown
09-25-296025	No Action Required	RAY'S GENERAL REPAIR	MINERAL POINT	Iowa	
03-25-272518	LUST	RIDGE ST	MINERAL POINT	Iowa	Low
07-25-363752	General Property	RIDGE ST	MINERAL POINT	Iowa	
02-25-170991	ERP	ROSS SOIL SERVICE	MINERAL POINT	Iowa	Unknown
03-25-001168	LUST	WAYNES AMOCO	MINERAL POINT	Iowa	Low
04-25-049809	Spills	WP&L SUBSTATION NEAR HWY 23	MINERAL POINT	Iowa	
04-25-174419	Spills	ASAP REPAIR SHOP	MONTFORT	Iowa	
04-25-206254	Spills	N SIDE OF STH 78 100' W OF MOSCOW RD	MOSCOW	Iowa	
04-25-170504	Spills	AZIM RD 50 YSD N OF HWY 133	MUSCODA	Iowa	
04-25-046922	Spills	GOODWEILER LAKE - LOWER WISCONSIN	MUSCODA	Iowa	
04-25-443750	Spills	STH 151	N/A	Iowa	
04-25-047308	Spills	HWY 133 & 80	PULASKI	Iowa	
04-25-049965	Spills	1000 LOWER MIFFLIN RD	REWEY	Iowa	

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DNR Act. Number	Activity Type	Activity Name	Municipality	County	Priority
04-25-052319	Spills	316 MAIN ST	REWEY	Iowa	
09-25-296841	No Action Required	BURNHAM LUMBER	REWEY	Iowa	
09-25-294190	No Action Required	KERR-MCGEE	REWEY	Iowa	
09-25-294964	No Action Required	REWEY ELEMENTARY SCHOOL	REWEY	Iowa	
04-25-438181	Spills	NEW CALIFORNIA RD	REWEY TN	Iowa	
03-25-187997	LUST	BADGER MART	RIDGEWAY	Iowa	High
04-25-038582	Spills	CTH T & PIKES PEAK RD	RIDGEWAY	Iowa	
09-25-294999	No Action Required	RIDGELAND FARM	RIDGEWAY	Iowa	
02-25-242037	ERP	RIDGEWAY VIL	RIDGEWAY	Iowa	Low
03-25-207263	LUST	TALLMAN SERVICE CENTER	RIDGEWAY	Iowa	Low
04-25-045413	Spills	HWY 151 .25 MI S OF CTH Y	SPRING GREEN	Iowa	
09-25-295408	No Action Required	SPRING GREEN RESTAURANT	SPRING GREEN	Iowa	
04-25-038814	Spills	SPRING GREEN TRUCK STOP	SPRING GREEN	Iowa	
03-25-217959	LUST	STAPLETON PROPERTY	SPRING GREEN	Iowa	Unknown
04-25-038304	Spills	STH 23	SPRING GREEN	Iowa	
04-25-044192	Spills	STH 23 W DITCH .2 MI S OF CTH C W	SPRING GREEN	Iowa	
03-25-002165	LUST	TALIESEN COMPLEX	SPRING GREEN	Iowa	Low
03-25-002166	LUST	TALIESEN COMPLEX	SPRING GREEN	Iowa	Low
03-25-002167	LUST	TALIESEN COMPLEX	SPRING GREEN	Iowa	Low
03-25-000325	LUST	WI DNR TOWER HILL STATE PARK	SPRING GREEN	Iowa	Low
04-25-039752	Spills	WPL SUB STATION	SPRING GREEN	Iowa	
03-25-000144	LUST	WYOMING VALLEY SCHOOL	SPRING GREEN	Iowa	Low
04-25-042190	Spills	WYOMING VALLEY SCHOOL	SPRING GREEN	Iowa	
04-25-045782	Spills	HAYWARD CROSSING & HELENA RD	SPRING GREEN/ARENA	Iowa	
04-25-526975	Spills	HAYWARD CROSSING & HELENA RD	SPRING GREEN/ARENA	Iowa	
04-25-529054	Spills	CTH E, CTH G & LINDELL RD	UNKNOWN	Iowa	
04-25-038743	Spills	HWY 18	UNKNOWN	Iowa	
04-25-038857	Spills	OCONOMOWOC CANNING	UNKNOWN	Iowa	
04-25-042667	Spills	WISCONSIN CHEESEMAN INC	UNKNOWN	Iowa	
04-25-044732	Spills	HWY 195' W OF PRAIRIE RD	WALDWICK	Iowa	
04-25-118512	Spills	SCHLIMGEN TRANSFER	WALDWICK	Iowa	
02-25-000938	ERP	KLEMM TANK LINES	WYOMING	Iowa	Low
04-25-530905	Spills	SNEAD CREEK RD	WYOMING TN	Iowa	
04-25-051978	Spills	.1 MI N OF CTH A & HWY 151		Iowa	
04-25-050795	Spills	1.5 MI N OF HWY 18 ON HWY 23		Iowa	
04-25-039984	Spills	3 MI S OF MINERAL POINT - HWY 23		Iowa	
04-25-039799	Spills	300 YDS NE OF H WARDELL HOME		Iowa	
04-25-038576	Spills	BLUFF RIVER		Iowa	
04-25-037692	Spills	CTH Z & HWY 18/151		Iowa	
04-25-049813	Spills	FIELD #5		Iowa	
04-25-039740	Spills	HWY 151 - S OF MINERAL POINT		Iowa	
04-25-041693	Spills	HWY 23 AT DODGE ST		Iowa	
04-25-052054	Spills	MINERAL POINT HIGH SCHOOL		Iowa	
04-25-266933	Spills	NEXT TO OAK PARK WAYSIDE		Iowa	
04-25-043879	Spills	OLD HWY 18-151 W OF STOP LIGHT		Iowa	
04-25-042421	Spills	RED ROOSTER RESTAURANT		Iowa	
04-25-039182	Spills	RT 3 SPRINGGREEN		Iowa	
04-25-038536	Spills	STH 133 1.5 MI E OF CTH G		Iowa	
04-25-051786	Spills	WILLOW SPRINGS RD		Iowa	

### **EXISTING AND POTENTIAL LAND USE CONFLICTS**

There are a variety of land uses that can potentially cause land use conflicts. There are two common acronyms used to describe land use conflicts – NIMBY's (Not In My Back Yard) and LULU's (Locally Unwanted Land Uses). One of the most common occurrences, especially in a rural setting, is the presence of agricultural operations near non-farm populations.

Agriculture can affect adjoining small rural lots, which are used essentially for residential purposes. Similarly, the presence of small rural lots creates an adverse influence on the continued operation of agriculture enterprise. The issue of rural-urban conflict can arise when there is no separation between incompatible uses. Land use conflicts may arise in such situations through noise, odor, farm chemicals, light, visual amenity, dogs, stock damage and weed infestation, lack of understanding, and lack of communication to name a few. However, as the box on the right suggests, conflicts can arise from more than agriculture/residential situations.

#### **Potential Land Use Conflicts**

- Landfills or Waste Facilities
- Jails or Prisons
- Halfway Houses or Group Homes
- Airports, Highways, Rail Lines
- Low Income Housing
- Strip Malls and Shopping Centers
- "Cell" Towers, Electrical Transmission Lines
- Large Livestock Operations
- Industrial or Manufacturing Operations

Scattered, random residential and commercial development has become a land use conflict within the Town. The "40 Acre Minimum" rule is creating problems, as non-farming landowners create a situation of having a house on "40 acres of weeds". This type of development scatters houses across the landscape (rural sprawl), while at the same time carving up agricultural land into smaller and smaller non-contiguous pieces.

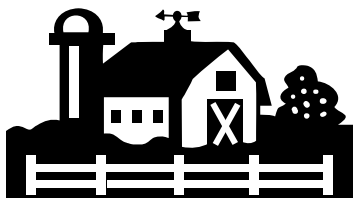
Restrictions on building location are also at issue in Mineral Point. Building on prime soils is restricted, which creates problems for land parcels that are nothing but prime soils – there is no place to build. Another conflict arises from an imbalance between the numbers of animal units allowed on a particular size of parcel. Permitted animal units must be tied to minimum acreage requirements. In other words, 50 cows cannot be on 10 acres.

### **INTEGRATED LAND USE**

Certainly education and communication at all levels is fundamental to land use conflict resolution. Finding a way to separate incompatible land uses while recognizing the benefits that can be achieved through land use integration is key. Integration may be achieved through physical separation or a simple vegetative buffer designed to screen one land use from another. Such practical strategies require landowners with potentially conflicting land uses to acknowledge their impacts and then design their operations or development to account for this impact. A community approach utilizing physical solutions, planning strategies, and a long-term vision for the land will enable multiple and differing land uses to exist.

### **FUTURE LAND USE**

Small town atmosphere, being near family and friends, and natural beauty were the top reasons why people choose to live in the Town of Mineral Point. It stands to reason that people in Mineral Point want to keep and improve their farms, maintain their homes and property, protect their investments, and improve their standard of living. However, agriculture promises to continue to change the future of farming; existing homes and



buildings will need remodeling, repairs, or improvements; new buildings and homes will be constructed. In order to achieve its vision, Mineral Point needs to continue to protect its agricultural base, while at the same time allow for limited residential development, including cluster development, while protecting the natural beauty of the Town that attracts people to it in the first place.

# IMPLEMENTATION ELEMENT

**EXECUTIVE SUMMARY**

The purpose of this section is to explain how the comprehensive plan will be utilized to guide future growth and development in Mineral Point and is intended to serve as the blueprint for the future. As change is inevitable, the plan may need to be amended to appropriately reflect major changes. Section I will review how each section of the comprehensive plan elements interrelate and how the plan will be monitored and evaluated. The final part of this Section is a discussion on how the plan will be updated at a minimum of once every ten years.

**Wisconsin State Statute 66.1001(2)(i)*****(i) Implementation.***

A compilation of programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, sign regulations, erosion and storm water control ordinances, historic preservation ordinances, site plan regulations, design review ordinances, building codes, mechanical codes, housing codes, sanitary codes or subdivision ordinances, to implement the objectives, policies, plans and programs contained in pars. (a) to (h). The element shall describe how each of the elements of the comprehensive plan will be integrated and made consistent with the other elements of the comprehensive plan, and shall include a mechanism to measure the local governmental unit's progress toward achieving all aspects of the comprehensive plan. The element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.

## **IMPLEMENTATION POLICIES**

- **Enforce local ordinances to maintain the character of existing and future land uses within the Town of Mineral Point.**

Local ordinances must be enforced consistently to maintain the character of the Town. Again the keyword is enforcement.

- **Update the Town of Mineral Point comprehensive plan at a minimum of every ten years as required by Wisconsin State Statute 66.1001.**

This plan needs to be updated at least once every ten years. Depending on development or other changes, the plan may need to be updated on a more frequent basis.

- **Amend the local comprehensive plan and ordinances only after careful evaluation of existing conditions and potential impacts.**

Depending on what takes place in Mineral Point in the next twenty years, this comprehensive plan and enforcement ordinance may need to be amended. This should be done with extreme caution. Amendments should not be made simply to avoid local planning pressure.

- **Review proposals that are not covered in the Town of Mineral Point Comprehensive Plan on an individual basis.**

The Town of Mineral Point has the right to review all new proposals for consistency with the Plan.

## **CONSISTENCY AMONG PLAN ELEMENTS**

As required by Wisconsin State Statute 66.1001 all elements included in this plan are consistent with one another and no known conflicts exist. All nine elements included in this plan work to achieve the desired future for the Town of Mineral Point.

## **PLAN ADOPTION**

The first official action required to implement the Town of Mineral Point comprehensive plan is official adoption of the plan by the local Plan Commission. Once the local Plan Commission adopts the plan by resolution, the Town Board must adopt the comprehensive plan by ordinance as required by State Statute 66.1001. After the plan is adopted by ordinance, it then becomes the official tool for future development in the next 20 years. The plan will guide development in a consistent manner.

## **LOCAL ORDINANCES AND REGULATIONS**

The intent of the local ordinances and regulations is to control development of land within the Town. By carefully applying these local ordinances and regulations the Town of Mineral Point will be accomplishing policies of the comprehensive plan. Enforcement of such ordinances and regulations serve an important function by ensuring orderly growth and development. The Town of Mineral Point will continue to use the Iowa County Zoning Ordinance as the primary tool of enforcement.

## **PLAN AMENDMENTS**

The Town Board can amend the Town of Mineral Point Comprehensive Plan at any time. Amendments would be any changes to plan maps or text. Amendments may be necessary due to changes in Town policies, programs, or services, as well as changes in state or federal laws. An amendment may also be needed due to unique proposals presented to the Town. Proposed amendments should be channeled through the local planning commission and then final action should occur at the Town Board.

## **PLAN UPDATES**

As required by Wisconsin State Statute the comprehensive plan needs to be updated at least once every ten years. An update is different than an amendment, as an update is a major revision of multiple plan sections including maps. The plan was originally written based on variables that are ever changing and future direction might be inaccurately predicted. A plan update should include public involvement, as well as an official public hearing.

**RURAL RESIDENTIAL SITING CRITERIA**

The criteria below must be met in order to comply with the Town of Mineral Point and Iowa County's comprehensive plans. Items listed in Column A are standard across the county. Items in Column B are specific to the Town of Mineral Point. Detailed explanations are included in Section H, Land Use, for each of the items listed in Column B.

**Table I.1 Town of Mineral Point Rural Residential Siting Criteria**

Complies	Does Not Comply	Column A Iowa County Criteria	Complies	Does Not Comply	Column B Town of Mineral Point Criteria (See Section H for a detailed description of each criteria.)
<input type="checkbox"/>	<input type="checkbox"/>	<b>1. Septic System Requirement</b> Required space to accommodate a septic system and back up system – unless connected to a municipal system.	<input type="checkbox"/>	<input type="checkbox"/>	<b>1. Meet with the Town of Mineral Point Plan Commission to Review Request</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>2. Private Well</b> Required space to accommodate a well – unless connected to a municipal system; adequate sizing (requiring evidence of a DNR well permit); type of water conservation techniques will be used in business.	<input type="checkbox"/>	<input type="checkbox"/>	<b>2. Comply with the Density Standard of 1 Home per 40 Acres</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>3. Access / Driveway Approval</b> Written approval from the respective town stating a driveway access would be permitted to this site.	<input type="checkbox"/>	<input type="checkbox"/>	<b>3. Compliance with Town Land Use Map, Map H.1</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>4. Floodplain</b> Rezone must conform to any state and federal floodplain standards.	<input type="checkbox"/>	<input type="checkbox"/>	<b>4. Compliance with Town Ordinances</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>5. Shoreland &amp; Wetland</b> Rezone must conform to any state or local shoreland and wetland standards.	<input type="checkbox"/>	<input type="checkbox"/>	<b>5. Minimum Lot Size 1 Acre</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>6. Use Must Comply With District</b> The proposed uses comply with uses in requested or existing zoning district; lot configuration, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<b>6. Compatibility with Surrounding Land Uses</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>7. Compliance Town Criteria</b> The rezone must comply with the minimum number of town standards required in Column B.	<input type="checkbox"/>	<input type="checkbox"/>	<b>7. Agricultural Impact Determination</b>
			<input type="checkbox"/>	<input type="checkbox"/>	<b>8. Visual Impact Determination</b>
			<input type="checkbox"/>	<input type="checkbox"/>	<b>9. Compliance with the Town of Mineral Point Driveway Ordinance</b>
			<input type="checkbox"/>	<input type="checkbox"/>	<b>10. Provide a Detailed Site Map</b>



**COMMERCIAL SITING CRITERIA**

Because commercial development can vary significantly from retail sales to heavy industrial, the criteria below are more general in nature. Individual towns may want to consider having more specific requirements for particular types of business. The concept here is similar to the process for rural residential siting criteria. Items listed in Column A are standard across Iowa County; items in Column B are specific to the Town of Mineral Point.

**Table I.2 – Town of Mineral Point Commercial Siting Criteria**

Complies	Does Not Comply	Column A Iowa County Criteria	Complies	Does Not Comply	Column B Town of Eden Criteria
<input type="checkbox"/>	<input type="checkbox"/>	<b>1. Septic System Requirement</b> Required space to accommodate a septic system and back up system – unless connected to a municipal system.	<input type="checkbox"/>	<input type="checkbox"/>	<b>1. Meet with the Town of Mineral Point Planning Commission to review request</b> The applicant's business plan will be reviewed to help in determining the business' feasibility, anticipated growth and compatibility of business with Township planning goals.
<input type="checkbox"/>	<input type="checkbox"/>	<b>2. Private Well</b> Required space to accommodate a well – unless connected to a municipal system; adequate sizing (requiring evidence of a DNR well permit); type of water conservation techniques will be used in business.	<input type="checkbox"/>	<input type="checkbox"/>	<b>2. Compliance with Town Land Use Map, Map H.1</b> Small, home-based businesses that expand beyond their residential confines must be rezoned (at the county level) to a business designation. Rezoning also may be required if traffic and parking concerns at the business location are determined by the commission and the Town board to warrant rezoning.
<input type="checkbox"/>	<input type="checkbox"/>	<b>3. Access / Driveway Approval</b> Written approval from the respective town stating a driveway access would be permitted to this site.	<input type="checkbox"/>	<input type="checkbox"/>	<b>3. Compatibility with Surrounding Land Uses</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>4. Floodplain</b> Rezone must conform to any state and federal floodplain standards.	<input type="checkbox"/>	<input type="checkbox"/>	<b>4. Visual Impact Determination</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>5. Shoreland &amp; Wetland</b> Rezone must conform to any state or local shoreland and wetland standards.	<input type="checkbox"/>	<input type="checkbox"/>	<b>5. Compliance with the Town Driveway Ordinance</b> County and/or state approvals may also be needed
<input type="checkbox"/>	<input type="checkbox"/>	<b>6. Use Must Comply With District</b> The proposed uses comply with uses in requested or existing zoning district; lot configuration, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<b>6. Compliance with Town Ordinances</b> Development must comply with Town ordinances, including siting criteria.
<input type="checkbox"/>	<input type="checkbox"/>	<b>7. Social impacts</b> Traffic patterns; compatibility with neighboring land use; ancillary development potential.	<input type="checkbox"/>	<input type="checkbox"/>	<b>7. Restrictions on outdoor advertising</b> New billboard signs, larger than 4 square feet, are not permitted outside the ET Zone.
<input type="checkbox"/>	<input type="checkbox"/>	<b>8. Impact on natural resources</b> Erosion control plan; air quality; water quality; chemical infiltration of soils; erosion potential; noises; odors.	<input type="checkbox"/>	<input type="checkbox"/>	<b>8. Natural Resource Impacts</b> Impacts such as air quality, water quality, erosion, noise and odors will be evaluated by the Township, County and State. Businesses requiring extensive water and sewage systems (as determined by Plan Commission, Town board, county and state officials) are not encouraged in the agricultural areas of the Township. These types of businesses should be connected to the City of Mineral Point water and sewer system.

**Table I.2 (cont.) – Town of Mineral Point Commercial Siting Criteria**

<b>Complies</b>	<b>Does Not Comply</b>	<b>Column A Iowa County Criteria</b>	<b>Complies</b>	<b>Does Not Comply</b>	<b>Column B Town of Eden Criteria</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>9. Business Plan</b> Growth potential, market, financing, phased developments, etc.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<b>10. Compliance Town Criteria</b> The rezone must comply with the minimum number of town standards required in Column B.	<input type="checkbox"/>	<input type="checkbox"/>	

**IMPLEMENTATION MEASURES**

Tables I.3 through I.11 list the Town's policies that are incorporated into the comprehensive plan. This is intended as a quick summary only. For details refer to the particular section.

**Table I.3 - Issues And Opportunities**

<b>GOAL: ESTABLISH COMMUNITY STRENGTHS, WEAKNESSES, ISSUES, AND OPPORTUNITIES</b>
Protect and improve the health, safety, and welfare of residents in the Town of Mineral Point.
Preserve and enhance the quality of life for the residents of the Town of Mineral Point.
Protect and preserve the small community character of the Town of Mineral Point.

**Table I.4 - Housing**

<b>GOAL: ADEQUATE RANGE OF HOUSING OPPORTUNITIES TO MEET THE VARIED NEEDS OF EXISTING AND FUTURE RESIDENTS</b>
Encourage the provision of an adequate supply of single-family homes and the provision of an adequate supply of condominiums, townhouses, apartments, and duplexes in designated areas near city services. Manufactured (mobile) homes would be allowed in the following areas:
<ul style="list-style-type: none"> <li>- At the existing two sites through expansion and</li> <li>- Next to existing farm buildings for the purpose of housing farm employees on-site; homes must conform to insulation and weather safety issues.</li> </ul>
Promote the preservation and rehabilitation of the existing housing stock in the Town of Mineral Point.
Preserve and expand the supply of affordable rental and ownership housing for low and moderate-income individuals.
Enforce the Iowa County Zoning Ordinance to maintain the character of existing and future residential neighborhoods.
Discourage residential development from areas where soils, slope, or other topographical limitations prove to be unsuitable.
Coordinate planning activities with Iowa County and surrounding jurisdictions to effectively plan for residential growth.
Continue to identify areas and designate land for future housing developments.
Review new housing proposals and support those proposals and programs that meet the Town's housing needs and are consistent with the policies outlined in the comprehensive plan.

**Table I.5 - Transportation**

<b>GOAL: SAFE AND EFFICIENT TRANSPORTATION SYSTEMS, WHICH ACCOMMODATE THE MOVEMENT OF PEOPLE AND GOODS</b>
Transit - As a part of the Intergovernmental Cooperation Element, work with City of Mineral Point and WisDOT to explore the value of developing a Park-and-Ride lot.
Land Use - Coordination with WisDOT on planning for development.

**Table I.6 - UTILITIES And Community Facilities****GOAL: MAINTAIN AND ENHANCE FACILITIES AND SERVICES, WHICH CONTRIBUTE TO THE OVERALL WELL-BEING OF THE COMMUNITY**

- Encourage well testing as a means of protecting drinking water supplies for private, individual well users.
- Educate landowners on the management and maintenance of private septic systems.
- Develop a stormwater management strategy to protect ground and drinking water supplies.
- Develop a strategy for siting telecommunication ("cell") towers.
- Ensure that new development bears a fair share of capital improvement costs necessitated by the development.
- Guide new growth to areas that are most efficiently served with utilities.

**Table I.7 - Agricultural, Natural, And Cultural Resources****GOAL: PROTECT, CONSERVE, AND MAINTAIN A HIGH LEVEL OF ENVIRONMENTAL QUALITY THROUGHOUT THE COMMUNITY**

- Routinely remind residents of the importance of their agricultural, natural, and cultural resources and the need for continued protection of local open spaces to provide recreational opportunities.
- Build partnerships with local clubs and organizations in order to protect important natural areas.
- Enforce noxious weed control ordinances.
- Maintain proper separation distances between urban and rural land uses to avoid conflicts.
- Identify recharge areas for local wells and inventory potential contaminant sources.
- Restrict development from major drainage areas in order to aid in stormwater runoff and prevent flooding.
- Establish standards to decrease and prevent light pollution.
- Promote tourism opportunities and continue to pursue efforts to capitalize on local resources in conjunction with programs like walking tours, the Wisconsin Historical Markers Program, distributing ATV or bike trail maps, maintaining trails, and preserving the natural beauty of the area.
- Utilize County, State, and Federal programs to conserve, maintain, and protect agricultural, natural, and cultural resources.

**Table I.8 - Economic Development****GOAL: PROMOTE ECONOMIC DEVELOPMENT THAT PROVIDES FOR A HEALTHY, DIVERSIFIED, AND GROWING ECONOMY**

- The various interested communities, county representatives, and other parties including businesses and business organizations, should meet to discuss the creation of a countywide economic development corporation.
- All incorporated jurisdictions, as well as the county, should provide for annual funding of economic development needs, including, but not limited to membership dues in organizations that promote economic development beneficial to the county.
- Each community should create a community fund through the Community Foundation of Southern Wisconsin, especially if there is not an alternative vehicle for encouraging local charitable contributions that go toward overall community betterment.
- Utilize the availability of training programs to enhance local capacity building for purposes of community and economic development.
- Develop necessary information to market the community and the available business sites and available buildings within the community on the Internet.
- Work on tourism potential as tourism is one of the fundamental assets of Iowa County.
- Make historic preservation and tourism a fundamental economic development strategy of community and county efforts.
- Conduct a housing needs assessment in all areas interested in housing development, and make housing development a fundamental economic development strategy in areas where this is desired, but evaluate proposals by doing a feasibility analysis.
- Become familiar with new Tax Increment Financing (TIF) and the Tourism, Agriculture, Forestry (TAF) laws. This is pertinent for any jurisdiction, even towns, as there may be considerable opportunities for economic development.

**Table I.9 - Intergovernmental Cooperation**

<b>GOAL: PROMOTE COOPERATIVE RELATIONSHIPS WITH ADJACENT AND OVERLAPPING JURISDICTIONS</b>
Maintain established intergovernmental relationships.
Explore new opportunities to cooperate with other local units of government.
Establish written intergovernmental cooperation agreements.

**Table I.10 - Land Use**

GOAL: IMPLEMENT THE POLICIES OF THIS COMPREHENSIVE PLAN	
Preserve agricultural opportunities – the Township discourages residential development of productive agricultural land and the fractionalization (breaking up) of large tracts of productive farmland.	
Retain rural character – residential development should be situated to minimize its visual effect on the landscape, especially as viewed from public roadways.	
New residences should not be built on productive agricultural lands and should not be highly visible from public roadways.	
Cluster housing (up to four residences per driveway) is allowed in the Township.	
Subdivisions are not permitted in the A-1 Agricultural District.	
Residential development is encouraged in the Mineral Point Territorial Zone (near the city of Mineral Point) but not in the outlying areas.	
Maintain a current, long-range development plan, which will serve as a guide for future land-use and zoning decisions.	
Protect active agricultural lands from encroachment by incompatible uses.	
Maintain the small-town character of the jurisdiction by avoiding developments that would alter its character.	
Restrict location of new development from areas shown to be unsafe or unsuitable for development due to natural hazards, contamination, access, or incompatibility problems.	
Encourage commercial and industrial/manufacturing activities to develop in existing commercial, industrial, and manufacturing locations where public roads/facilities and services have capacity to accommodate high volumes of traffic, parking, and other public needs.	
Encourage development in areas where adequate utilities and community services exist or can be provided in a cost efficient manner.	
Assure to the greatest extent possible that all proposals for future development or redevelopment enhance the overall quality of life.	
LAND USE POLICIES - FOR RURAL RESIDENTIAL SITING CRITERIA	
1. Meet with Mineral Point Township Planning Commission	7. Agricultural Impact Determination
2. Density Standard (1 development right per 40 acres)	8. Visual Impact determination
3. Compliance with Land Use Map	9. Compliance with Township Driveway Ordinance
4. Compliance with Town Ordinances	10. Site Map
5. Minimum lot size (1 acre)	11. Good Neighbor Policy
6. Compatibility with Surrounding Land Uses	

**Table I.11 - IMPLEMENTATION**

<b>GOAL: IMPLEMENT THE POLICIES OF THIS COMPREHENSIVE PLAN</b>
Enforce local ordinances to maintain the character of existing and future land uses within the Town of Mineral Point.
Update the Town of Mineral Point comprehensive plan at a minimum of every ten years as required by Wisconsin State Statute 66.1001.
Amend the local comprehensive plan and ordinances only after careful evaluation of existing conditions and potential impacts.
Review proposals that are not covered in the Town of Mineral Point Comprehensive Plan on an individual basis.

# ISSUES AND OPPORTUNITIES ELEMENT

Appendix  
A-1

**Appendix A-1****QUALITY OF LIFE**

1. What are the three most important reasons for you and your family to live in Iowa County? (Because of three selections per person the totals will be greater than 100%.)

a. Agriculture	27%
b. Appearance of homes	4%
c. Community services	1%
d. Cost of home	10%
e. Historical significance	7%
f. Low crime rate	32%
g. Natural beauty	44%
h. Near family and friends	46%
i. Near job or employment opportunities	25%
j. Property taxes	4%
k. Quality neighborhoods	8%
l. Quality schools	10%
m. Recreational opportunities	10%
n. Small town atmosphere	51%

**COMMUNITY FACILITIES AND SERVICES**

3. Please rate each of the following services excellent (E), good (G), fair (F), or poor (P). Choose "not applicable" (NA) if the item does not pertain to you or you are not sure about an item. "NR" means No Response

	<b>E</b>	<b>G</b>	<b>F</b>	<b>P</b>	<b>NA</b>	<b>NR</b>
a. Ambulance service	64%	29%	3%	0%	4%	1%
b. Fire protection	65%	28%	1%	1%	4%	1%
c. Garbage collection	36%	44%	10%	2%	5%	2%
d. Municipal water supply	14%	28%	7%	1%	41%	8%
e. Park and recreation facilities	34%	48%	7%	2%	7%	1%
f. Police protection	25%	56%	12%	4%	1%	2%
g. Public library	36%	42%	13%	4%	3%	2%
h. Public schools system	24%	50%	15%	1%	7%	1%
i. Recycling program	10%	61%	16%	4%	7%	4%
j. Sanitary sewer service	8%	30%	7%	1%	46%	7%
k. Snow removal	19%	53%	16%	4%	7%	1%
l. Storm water management	7%	29%	16%	4%	36%	8%
m. Street and road maintenance	10%	48%	29%	10%	4%	0%

**Appendix A-1****NATURAL AND CULTURAL RESOURCES**

4. The following questions ask your opinion about the importance of natural and cultural resources in your community. How important is it to protect the following?

(Your responses are Essential (E), Very Important (VI), Important (I), Not Important (NI), Not Applicable (NA) and No Response (NR).)

	<b>E</b>	<b>VI</b>	<b>I</b>	<b>NI</b>	<b>NA</b>	<b>NR</b>
a. Air quality	51%	29%	12%	1%	1%	5%
b. Farmland	43%	30%	19%	4%	0%	4%
c. Forested lands	38%	33%	20%	3%	1%	5%
d. Groundwater	59%	27%	10%	1%	0%	4%
e. Historic and cultural sites	18%	25%	41%	7%	3%	5%
f. Open space	27%	26%	33%	5%	1%	7%
g. Rivers and streams	47%	33%	13%	2%	0%	4%
h. Rural character	30%	28%	30%	4%	1%	7%
i. Scenic views and undeveloped hills/bluffs	33%	25%	27%	9%	1%	5%
j. Wetlands	32%	19%	31%	10%	2%	6%
k. Wildlife habitat	34%	24%	29%	7%	1%	4%

**HOUSING**

Housing is an important part of how a community grows. We would like your opinion about the development of housing in your community.

Your choices are: Strongly Agree (SA), Agree (A), Disagree (D), Strongly Disagree (SD), No Opinion (NO), and No Response (NR).

5. Your local jurisdiction should focus on improving existing housing quality.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
13%	36%	19%	5%	13%	13%

6. The following types of housing are needed:

a. Single family housing

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
15%	30%	17%	6%	24%	9%

b. Duplexes (2 units)

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
4%	29%	21%	7%	27%	13%

c. Apartments (3 or more)

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
2%	25%	23%	10%	27%	12%

7. Affordable housing is needed in your local jurisdiction.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
17%	39%	16%	6%	16%	7%

**Appendix A-1**

8. Elderly housing is needed in your local jurisdiction.

SA	A	D	SD	NO	NR
11%	44%	13%	5%	21%	5%

9. Starter (first time buyer) homes are needed in your local jurisdiction.

SA	A	D	SD	NO	NR
15%	36%	19%	7%	19%	6%

10. Would you prefer housing built in a traditional design (option A) or a cluster design (option B)?

Option A (traditional design)	21%
Option B (cluster design)	59%
No response	20%

**AGRICULTURE AND LAND USE**

The following questions are asking for your opinion about agriculture and land use in Iowa County.

Your choices are: Strongly Agree (SA), Agree (A), Disagree (D), Strongly Disagree (SD), No Opinion (NO), and No Response (NR).

11. Productive agricultural land should be allowed to be used for:

a. Agricultural use

SA	A	D	SD	NO	NR
67%	24%	1%	0%	2%	6%

b. Residential use

SA	A	D	SD	NO	NR
7%	36%	21%	19%	4%	12%

c. Commercial use

SA	A	D	SD	NO	NR
2%	21%	33%	24%	5%	13%

d. Any use

SA	A	D	SD	NO	NR
6%	5%	23%	41%	10%	15%



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**Appendix A-1**


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12. Large scale farms (500 or more animal units) should be allowed to expand:

a. Anywhere in Iowa County

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
7%	17%	25%	33%	3%	14%

b. Nowhere in Iowa County

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
21%	10%	31%	13%	7%	19%

c. Outside a 2 mile radius of incorporated areas

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
16%	30%	11%	18%	6%	19%

13. Landowners should be allowed to develop land any way they want.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
14%	20%	36%	22%	3%	4%

14. The visual impacts (view of the landscape) of development are an important consideration when evaluating proposed development.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
30%	47%	7%	4%	4%	8%

15. It is important to require driveways that will meet standards for providing emergency services.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
29%	48%	10%	4%	4%	5%

16. There should be a minimum lot size on residential development in rural areas.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
28%	36%	13%	12%	5%	5%

17. In your opinion what should be the minimum lot size for rural residential development?

Less than 1 acre	12%
One to 5 acres	45%
5 to 10 acres	10%
11 to 40 acres	7%
40 or more acres	13%
No limitation	4%
No response	8%

**Appendix A-1****TRANSPORTATION**

Your choices are: Strongly Agree (SA), Agree (A), Disagree (D), Strongly Disagree (SD), No Opinion (NO), and No Response (NR).

18. The overall road network (roads, streets, and highways) in Iowa County meets the needs of its citizens.

SA	A	D	SD	NO	NR
17%	72%	4%	2%	0%	5%

19. The condition of local roads and streets in your community is adequate for intended uses.

SA	A	D	SD	NO	NR
15%	58%	16%	4%	1%	7%

20. Biking and walking are important modes of transportation in your community.

SA	A	D	SD	NO	NR
7%	30%	35%	12%	9%	7%

21. There should be more biking and walking lanes along public roadways.

SA	A	D	SD	NO	NR
10%	20%	34%	21%	9%	6%

22. Rate the following in your local jurisdiction.

Your choices are Excellent (E), Good (G), Fair (F), Poor (P), Not Applicable (NA), and No Response (NR).

	E	G	F	P	NA	NR
a. Roads	13%	64%	13%	5%	0%	5%
b. Sidewalks	3%	32%	20%	4%	33%	7%
c. Bike trails	8%	29%	16%	5%	30%	13%
d. Airports	12%	41%	13%	4%	24%	7%
e. Bus service	1%	2%	7%	17%	61%	13%
f. Shared ride van services	0%	7%	14%	14%	54%	11%
g. Railroads	1%	1%	3%	12%	73%	10%

**COMMUNICATION**

23. Check the two most effective ways your local jurisdiction could provide smart growth information to its landowners and residents. (Because more than one response was asked for the totals will be more than 100%.)

a. Direct mailings	64%
b. Newspaper articles	42%
c. Radio	15%
d. Newsletters	33%
e. Public meetings	30%
f. Internet	30%

**Appendix A-1****ECONOMIC DEVELOPMENT**

The following questions are asking about how you view economic development in your local community.

(Your choices are: Strongly Agree (SA), Agree (A), Disagree (D), Strongly Disagree (SD), No Opinion (NO), and No Response (NR).)

24. Commercial or industrial buildings and activities involving truck traffic and manufacturing should be located:

a. In an existing city or village

SA	A	D	SD	NO	NR
23%	34%	15%	4%	2%	21%

b. Near a city or village

SA	A	D	SD	NO	NR
17%	49%	8%	4%	2%	20%

c. Anywhere in Iowa County

SA	A	D	SD	NO	NR
10%	10%	27%	34%	1%	17%

25. Iowa County should work to coordinate efforts to actively recruit new businesses and industry.

SA	A	D	SD	NO	NR
47%	33%	7%	1%	1%	10%

26. All Iowa County communities should provide at least some land with infrastructure (water, sewer, access, etc.) for industrial and commercial uses either owned publicly or privately.

SA	A	D	SD	NO	NR
24%	39%	13%	11%	6%	8%

27. Development at the edge of cities and villages should be required to have municipal water and sewer services.

SA	A	D	SD	NO	NR
23%	39%	18%	3%	7%	10%

28. Iowa County jurisdictions should pursue the following energy alternatives as a form of economic development.

	SA	A	D	SD	NO	NR
a. Ethanol plants	19%	22%	18%	9%	19%	13%
b. Solar energy	27%	38%	10%	2%	11%	13%
c. Wind energy	39%	41%	4%	2%	6%	9%

**Appendix A-1**

29. Rate the importance of the following.

Your choices are Essential (E), Very Important (VI), Important (I), Not Important (NI), No Opinion (NO), and No Response (NR).

	<b>E</b>	<b>VI</b>	<b>I</b>	<b>NI</b>	<b>NO</b>	<b>NR</b>
a. Agricultural related businesses	48%	25%	17%	4%	0%	6%
b. Commercial and retail development	21%	37%	33%	4%	0%	5%
c. Downtown development – main street	25%	30%	35%	3%	1%	7%
d. Home based businesses	7%	24%	36%	19%	4%	10%
e. Industrial and manufacturing development	22%	26%	39%	7%	1%	6%
f. Tourism and recreation	25%	27%	35%	5%	1%	6%

**DEMOGRAPHICS**

Please tell us some things about you:

1. Gender	
Male	52%
Female	36%
No response	12%
2. Age	
18 to 24	1%
25 to 34	5%
35 to 44	21%
45 to 54	27%
55 to 64	23%
65 and older	22%
No response	1%

3. Employment status	
a. Employed full time	41%
b. Employed part time	10%
c. Unemployed	0%
d. Self-employed	24%
e. Retired	18%
f. Other	6%
g. No response	1%

4. Place of residence	
a. Own	93%
b. Rent	1%
c. Other	0%
d. No response	6%

**Appendix A-1**

5. Number of adults (over 18) in household	
a. None	7%
b. One	13%
c. Two	73%
d. Three	6%
e. Four	0%
f. Five or more	0%
g. No response	1%

6. Number of children (under 18) in household	
a. None	54%
b. One	16%
c. Two	11%
d. Three	7%
e. Four	1%
f. Five or more	0%
g. No response	10%

7. Income range	
a. Less than \$15,000	5%
b. \$15,000 to \$24,999	12%
c. \$25,000 to \$49,999	29%
d. \$50,000 to \$74,999	21%
e. \$75,000 to \$99,999	10%
f. \$100,000 or more	14%
g. No response	9%

8. How long have you lived in Iowa County?	
a. Less than 1 year	1%
b. 1 to 4 years	4%
c. 5 to 9 years	7%
d. 10 to 24 years	21%
e. 25 years or more	64%
f. No response	3%

9. How many acres of land do you own in Iowa County?	
a. Less than 1 acre	21%
b. 1 to 10 acres	33%
c. 11 to 100 acres	21%
d. 100 acres or more	22%
e. No response	4%

**END OF SUMMARY**

# ISSUES AND OPPORTUNITIES ELEMENT

Appendix  
A-2

**City of Mineral Point  
Town of Mineral Point  
Town of Waldwick**  
*Community Vision Plan*  
  
*Iowa County*

**A Summary of Public Input  
December 2002**

★ ★ ★ ★ ★ ★ ★ ★ ★

On Tuesday December 3 the City of Mineral Point, Town of Mineral Point and the Town of Waldwick participated in a community-visioning program called: “***Community Vision: Looking to the Future.***” This visioning exercise took place at the Alliant Building in Mineral Point. Paul Ohlrogge of the UW-Extension Office, Amy Knox of Regional Planning and Mary Jenkins of Regional Planning facilitated this program.

Community’s today face any number of pressing concerns, including requests for rezoning, demands for affordable housing or the loss of a major employer. Unfortunately, decisions about these issues are frequently made in the absence of a real vision of how the residents want their communities to look in the future.

Planning for a community’s future can be a difficult, time consuming and costly job. Residents are often more concerned about daily tasks rather than think about a vision. Residents want good schools, decent jobs, safe and clean environments and safe neighborhoods in which to live. Without a vision, however, communities limit their ability to make decisions about these issues – somewhat like driving across the country without a roadmap.

Who should determine a community’s future, other than its residents? Should it be a consultant hired to develop a plan, a state or federal agency making decisions on highways or wetlands preservation, or a private developer constructing a shopping mall or a residential subdivision? All these could have a large impact on a community without input from a broad range of residents. Residents need to participate in and actively envision the future of their communities – or other groups and individuals will determine it for them.

The community-visioning program lasted approximately three hours with good healthy discussions on what folks of these three municipalities envisioned their future to be. The program was broken down into three sections. The first section concentrating on: “Our Current Condition”. The second portion focused on: “Challenges and Opportunities.” The third portion focused on: “The Future.”

What follows is a summary of information gathered during the visioning session on a series of questions posed to the group of citizens in attendance. This information, along with other information gathered from a recent written countywide survey, will be used to assist the Regional Planning Commission in drafting a comprehensive plan for the participating jurisdictions. This visioning session will help guide the future of the participating towns and villages Plan Commissions in their efforts to work towards comprehensive planning.



## **Section 1: Our Current Condition**

The following four questions were asked to the group regarding our current condition:

1. What do you like about living in this area of Iowa County?
2. What are some of the community values?
3. What is unique about your community that is not found anywhere else?

### **What do you like about living in this area of Iowa County?**

- The diversity
- Natural open spaces
- Rural character
- Rolling hills
- Scenic views
- The nice pastures
- Interesting architecture
- Ease of transportation
- No crime
- Sincere people
- Good people
- Good education and health care
- Good parks
- Friendly people
- Good snow removal in the winter
- Family owned dairy farms
- Owner operated businesses
- Quiet
- Like to watch the crops grow
- Outdoor recreation
- Low light pollution
- Prairie and savannah, driftless area
- Mix of people
- Springs and streams
- A lot of wild animals
- Artist community
- Libraries are valued
- Taxes could be worse
- Good roads
- Close to populated areas
- Good parks and recreation

**What are some of the community values?**

- ◆ Watching out for each other
- ◆ Education
- ◆ Hardworking
- ◆ Honesty
- ◆ Trust
- ◆ Freedom
- ◆ Being able to make own decisions
- ◆ Local history
- ◆ Affordable home ownership
- ◆ Open spaces
- ◆ Volunteerism
- ◆ Family farms and agriculture in general
- ◆ Family farm business
- ◆ Clean air and clean water
- ◆ Churches
- ◆ Good neighbors
- ◆ Young people

**What is unique about your community that is not found anywhere else?**

- Native American history
- Highway 39 to Hollandale – beautiful curves
- Orchard Lawn and the Old Opera House
- Hilly Fairgrounds
- Cornish Festival
- Geology of the area
- Lands End
- More five-point intersections than anywhere else
- Cold-water trout streams
- Twinned (Mineral Point) with another city (Redruth in Cornwall)
- More Pasties to eat than anywhere
- New road around Mineral Point
- Historic Buildings and Architecture
- Diverse art community
- Oak savannas exist here
- Not a lot of national chains (Walmarts, K-Marts etc)
- Residential downtown
- Shake Rag – Pendarvis
- Mineral Point was a key settlement in the state of Wisconsin history
- Lead mining history
- Authentic history – no need to create a theme

## **Section 2. Challenges and Opportunities:**

The second portion of the Visioning Program focused on the Challenges and Opportunities facing the Towns of Mineral Point and Waldwick as well as the City of Mineral Point. The following questions were used to facilitate discussion on the upcoming challenges:

1. What are some of the challenges and concerns facing your community?
2. What type of development or redevelopment should occur in this area?
3. What type of development should not occur?

### **What are some of the challenges or concerns facing your community?**

- Keeping it the way it is
- Groundwater quality
- Threat of a mega chain store to move in
- With big chain store we would lose local dollars moving through the community
- Loss of identity
- Budget cuts in local governments
- Property taxes
- Losing industry
- Infrastructure deterioration
- Attract new tax base into the community
- Affordable housing
- Affordable health care and Education
- More and better paying jobs
- Growth down the 151 corridor (no plan for it)
- Lack of vision by the elected officials
- Losing farms and farmers
- Protecting the open spaces
- Fearful of large factory farms
- Fearful of factors that we have no control over i.e. milk prices, tax assessment
- Community schools in the future
- Find tools so farmers can have an out when retiring
- How to cross the barrier as agricultural land lost and population increases
- Water pressure for firefighters in the city
- Infrastructure keeps pace with the growing population
- Growth of the internet shopping
- Providing opportunities for young people
- Land use
- Keep all the churches operating
- Planned housing
- CWD, West Nile, Lymes Disease
- Development that does not cost more than the community can support
- Green space and protected areas
- Park facilities
- Absentee landowners
- Lack of high speed internet access
- Lack of cellular coverage
- Absentee landowners

<p><b><u>What type of development or redevelopment should occur in this area?</u></b></p>	<p><b><u>What type of development should not occur?</u></b></p>
<ul style="list-style-type: none"> <li>• Mixed use in downtown Mineral Point</li> <li>• Business incubator should be explored</li> <li>• Cluster type rural housing</li> <li>• Conservation sub-divisions</li> <li>• Historic district enlarged</li> <li>• Agriculture and small ag operations</li> <li>• Local farmers markets</li> <li>• Commercial development that puts relief on property tax payers and will bring in better paying jobs</li> <li>• Development at increasing tourism</li> <li>• Recreation – hunting, fishing and hiking (keep this preserved, enhanced and accessible without trouble of trespassing)</li> <li>• Build where you want</li> <li>• Explore what other types of development exists if family farms are not economically feasible</li> </ul>	<ul style="list-style-type: none"> <li>• 40 acre rule for building a house</li> <li>• Houses should be on large parcels over 40 acres</li> <li>• Commercial business that costs their communities in terms of infrastructure dollars</li> <li>• Factory farms</li> <li>• Factories in general</li> <li>• Large chain stores</li> <li>• Absentee owners of chain restaurants</li> <li>• Small lot subdivisions in rural areas</li> <li>• Development that threatens water quality</li> <li>• Commercial use of our natural resources (no Perrier)</li> <li>• City of Mineral Point should not lose its uniqueness</li> <li>• Number of access points</li> </ul>

### Section 3. The Future

The final segment of the visioning process was to look ahead at a preferred vision of the future. Visioning is *a process* by which a community envisions the future it wants, and plans how to achieve it. Through public involvement, communities identify their purpose, core values and vision of the future. The following questions were asked to encourage discussion on the community's vision for the future.

1. What words do you want your grandchildren to use to describe your community?
2. What do you want to preserve?
3. What do you want your community to look like in 2022?

#### **What words do you want your grandchildren to use to describe your community?**

- ◆ Clean
- ◆ Safe
- ◆ Gorgeous
- ◆ Quiet
- ◆ Friendly
- ◆ Neighborly
- ◆ Welcoming
- ◆ Abundance of food
- ◆ Farms and farm land
- ◆ Livestock here
- ◆ Timberland
- ◆ Opportunities
- ◆ Optimistic about this place

**What do you want to preserve?**

- Preserve the view-scape of highway 151 – (the first impression)
- Mineral Points uniqueness
- Preserve the hills and valleys of Waldwick
- Preserve habitat for ground nesting birds
- Pastures
- Savanna's
- Safe environment
- Cultural amenities
- Preserve farms (somehow preserve the farms)
- Small businesses
- Timber and forested lands
- Preserve the hills
- Preserve historic outhouses (seriously)
- Preserve the Mineral Point swimming pool on the hill
- Look at our first list why we like it here

**What do you want your community to look like in 2022?**

- Unchanged and how it is now
- Good mix of green space and development
- People will have an understanding of the past
- Mechanisms in place for folks to work out differences
- Clean air and water
- Unified downtown streetscape plan
- Healthy mature trees in Mineral Point
- Iveys Pharmacy still here and in business
- Lands End still here
- Every building in the downtown area has a viable business in it
- Efficient public transportation

# ISSUES AND OPPORTUNITIES ELEMENT

Appendix  
A-3

## **BACKGROUND**

In November of 2001, the Southwestern Wisconsin Regional Planning Commission (SWWRPC) prepared and submitted a Comprehensive Planning Grant Application on behalf of Iowa County and 22 local jurisdictions. In April of 2002, the Comprehensive Planning Grant from the Office of Land Information Services (OLIS) was awarded. The following jurisdictions were included in the grant application:

TOWNS	VILLAGES	CITIES	COUNTY
Arena	Arena	Dodgeville	Iowa
Clyde	Avoca	Mineral Point	
Dodgeville	Blanchardville		
Eden	Highland		
Highland	Hollandale		
Linden	Linden		
Mifflin	Ridgeway		
Mineral Point			
Moscow			
Pulaski			
Ridgeway			
Waldwick			
Wyoming			

As part of the comprehensive planning program, each jurisdiction is required to formally adopt a public participation plan. Each jurisdiction identified above as well as the County, will be adopting their own public participation plan. The public participation plans will share commonalities, but allows each jurisdiction to utilize specific public participation tools that may be best for their particular jurisdiction.

## **INTENT/PURPOSE**

Pursuant to Sec. 66.1001(4)(a), Wisconsin Statutes

*"The governing body of local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every state of the preparation of a comprehensive plan. The written procedures shall be provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments."*

## **ROLES & RESPONSIBILITIES**

Public participation efforts will be a combined effort between the local jurisdictions, SWWRPC, and UW-Extension. SWWRPC will be focusing on public participation efforts that serve the entire county as well as the cluster groups that have been established as part of the Iowa County Comprehensive Planning Process. For example, SWWRPC will be coordinating and distributing the county-wide survey, press releases and meeting notices for the cluster groups, holding county wide open houses, cluster group visioning sessions, etc. Local jurisdictions will be responsible for coordinating specific efforts on their individual local level. For example, each local jurisdiction is responsible for generating and posting local plan commission notices, posting cluster meeting notices, posting and conducting of at least one public hearing, etc.



**OPPORTUNITIES FOR INVOLVEMENT**

The table below outlines a number of ways the public can be involved in the Town of Mineral Point's comprehensive planning process\*.

	<b>PUBLIC AWARENESS</b>	<b>PUBLIC EDUCATION (Increasing Level of Involvement)</b>	<b>PUBLIC INPUT Level of Involvement)</b>	<b>PUBLIC INTERACTION</b>	<b>PUBLIC PARTNERSHIP</b>
<b>PURPOSE</b>	To increase the overall awareness of the comprehensive planning process.	To provide the public with information to assist in understanding the problems, alternatives, and solutions.	To obtain feedback on issues, alternatives, and/or decisions.	To work directly with the public to ensure that concerns are consistently understood and considered.	To place decision making in the hands of the public.
<b>METHODS OF INVOLVEMENT</b>	<ol style="list-style-type: none"> <li><b>1. News Releases</b></li> <li><b>2. Direct Mailings</b> Announcement and update letters included with township bills.</li> <li><b>3. Newspaper Articles</b></li> <li><b>4. Meeting Notices</b> Posting of meeting notices.</li> </ol>	<ol style="list-style-type: none"> <li><b>1. Displays / Exhibits</b> As appropriate</li> <li><b>2. Public Education &amp; Information Meetings</b> Meetings open to the public to improve communication and the overall understanding of the issue.</li> </ol>	<ol style="list-style-type: none"> <li><b>1. Opinion Surveys</b> To gather data.</li> <li><b>2. Public Hearing</b> Provide opportunity for citizens to speak and react to a proposal in a public setting before elected officials.  (Note: A public hearing is the minimal requirement for public participation under the Wisconsin "Smart Growth" Law.)</li> <li><b>3. Visioning</b> Visioning sessions by which citizens can develop a shared image of what they want the township to become.</li> </ol>	<ol style="list-style-type: none"> <li><b>1. Open House</b> Allow citizens to interact with planners and elected officials to obtain feedback.</li> <li><b>2. Focus Groups</b> Focus groups as appropriate to gather information regarding diversified interests as they relate to a particular subject.</li> </ol>	<ol style="list-style-type: none"> <li><b>1. Plan Commission</b> The local plan commission is the official planning body established under State statute and is responsible for comprehensive planning activities as well as advising the Council or Board on land development issues including zoning, subdivision approvals and various tax and business improvement districts.</li> </ol>

\*Note: The Town of Mineral Point reserves the right to modify the steps above and to utilize additional steps, means, and/or methods in order to gain additional public participation or understanding throughout the comprehensive planning process.

# TRANSPORTATION ELEMENT

Appendix  
C-1

## TRANSPORTATION AND THE ENVIRONMENT

### Resource Summary

### June 2004

#### **Archeological Work**

See Smart Growth Cultural Resource Planning Handbook. For copy go to <http://www.wisconsinhistory.org/histbuild/smartgrowth/smart%5Fmanual.html>

#### **De-icing Procedures and Salt Reduction**

See Smart Growth Transportation Planning Handbook. For copy go to <http://www.dot.wisconsin.gov/localgov/docs/planningguide.pdf>

#### **Erosion Control**

See Smart Growth Cultural Resource Planning Handbook. For copy go to <http://www.wisconsinhistory.org/histbuild/smartgrowth/smart%5Fmanual.html>

#### **Noise Monitoring**

##### What Can Be Done to Reduce Highway Noise?

Highway noise is being attacked with a three-part strategy: motor vehicle control, land use control, and highway planning and design. The responsibilities for implementing these strategies must be shared by all levels of government: Federal, State, and local. Often, local officials can most effectively solve specific noise problems in their areas, as demonstrated in the U.S. Environmental Protection Agency's (EPA) Quiet Community and Each Community Helps Others (ECHO) programs. The following two sections briefly describe how traffic noise impacts can be reduced or prevented through efforts to obtain quieter vehicles and efforts to control future development near highways. The remainder of this pamphlet focuses mainly on noise abatement in the Federal-aid highway program.

##### Noise Reduction on Existing Roads

Some noise reduction measures that are possible on existing roads or on roads that are being rebuilt include creating buffer zones, constructing barriers, planting vegetation, installing noise insulation in buildings, and managing traffic. Buffer zones are undeveloped open spaces that border a highway. Buffer zones are created when a highway agency purchases land, or development rights, in addition to the normal right of way, so that future dwellings cannot be constructed close to the highway. This precludes the possibility of constructing dwellings that would otherwise experience an excessive noise level from nearby highway traffic. An additional benefit of buffer zones is that they often improve the roadside appearance. However, because of the tremendous amount of land that must be purchased and because in many cases dwellings already border existing roads, creating buffer zones is often not possible.

(Source: <http://www.fhwa.dot.gov/environment/htnoise.htm>)

**Noise Wall:** It is a specially designed structure built to reduce noise levels created by nearby highway traffic. It is built only after noise impact studies are conducted and certain conditions are met.

(Source: <http://www.virginiadot.org/infoservice/faq-noise-walls.asp>)

**Prairie Restoration** - Prairie restoration is the process of recreating a prairie where one once existed but now is gone. If we take the word *restore* literally, we would try to completely rebuild the prairie plant and animal community with all the species that a particular site used to have. This definition of prairie restoration can include planting a new prairie where the former prairie had been broken and farmed, or it can include improving a degraded prairie, that is, one that was never plowed but lost many plant species due to prior land management practices.

(Source: <http://www.prairieplains.org/prairierestoration2.html>)

#### **Stormwater Management**

See Section E, Agricultural, Natural, and Cultural Resource Element of this plan for information on your jurisdiction's stormwater management strategies.

**Wetland Creation** – designing and building a wetland.

**Wetland Mitigation** – the creation or enhancement of a wetland in exchange for the loss of another wetland due to development.

**Wetland Enhancement** – Most wetland enhancement work includes small structures built to add water or regulate water levels in an existing wetland. Subsurface and surface drains and tiles are plugged. Concrete and earthen structures—usually dikes or embankments—are built to trap water. These practices maintain a predetermined water level in an existing wetland. Adjustable outlets allow the landowner to fluctuate the water level during different seasons. Enhancement also includes planting native wetland vegetation if plant populations need to be supplemented.

(Source: <http://www.ctic.purdue.edu/Core4/Core4Main.html>)

### **Wetland Mitigation and Transportation**

Wetland mitigation is the replacement of wetland functions through the creation or restoration of wetlands. Mitigation is required as a condition of many permits issued under state law (Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended) and federal law (Part 404 of the Clean Water Act). The goal of wetland mitigation is to replace wetland functions that provide public benefits, such as flood storage, water quality protection, fish and wildlife habitat, and groundwater recharge.

(Source: [http://www.michigan.gov/deq/0,1607,7-135-3313\\_3687-10426--00.html](http://www.michigan.gov/deq/0,1607,7-135-3313_3687-10426--00.html))

See also (<http://www.dnr.state.wi.us/org/water/fhp/wetlands/mitigation/index.shtml>) for more information.

Wetland mitigation banking programs implemented by State transportation agencies offer unique opportunities to consolidate, manage, and protect wetlands resources more effectively while maintaining more workable alternatives for transportation and development. Onsite mitigation remains the first and preferable alternative where feasible. However, by moving the location of mitigation away from transportation projects and development centers, mitigation often can be better integrated with supporting ecosystems, more effectively managed, provide more services to society, and allow for better planning of business, commercial, and residential development.

(Source: <http://www.fhwa.dot.gov/environment/wetmtdoe.htm>)

**Wetland Restoration** – putting a degraded wetland back to its original function, water regime, size, biotic diversity, etc. Wetland restoration projects are designed to put the "wet" back into drained wetlands. Once the water has been restored, wetland vegetation can reestablish. Wildlife of all types will then utilize the restored habitat.

Wetland restoration projects are not designed to create deepwater ponds or alter existing natural wetlands.

(Source: <http://www.michigan.gov/deq>)

Other sources:

<http://www.dnr.state.wi.us/org/water/fhp/wetlands/documents/handbook.pdf>

**Wetland Preservation** – protecting current wetlands from development, degradation, pollution, etc.

Sources of information:

<http://northamerican.fws.gov/NAWCA/grants.htm>

<http://www.fsa.usda.gov/pas/publications/facts/html/crepwi01.htm>

<http://wetlands.fws.gov/>

<http://www.wisducks.org/WWA%20Web/>

# TRANSPORTATION ELEMENT

Appendix  
C-2



## Wisconsin Department of Transportation

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**Rustic Roads Board**  
4802 Sheboygan Avenue  
PO Box 7913  
Madison, WI 53707-7913

Telephone: 608/266-0649  
FAX: 608/267-0294  
E-Mail: [jane.carrola@dot.state.wi.us](mailto:jane.carrola@dot.state.wi.us)

Dear Prospective Applicant :

Thank you for your interest in the Wisconsin Rustic Roads program.

The system was created in 1973 by the State Legislature to preserve what remains of Wisconsin's scenic, lightly traveled back roads for the enjoyment of motorists, hikers and bicyclists. Wisconsin is unique in its efforts to preserve these low volume, low function rural roads and since the designation of the first Rustic Road in 1975, the statewide system has grown to include 95 roads in 52 counties totaling over 510 miles.

The Rustic Roads program relies on the initiative of local residents and government to identify candidates for Rustic Road status and to petition to have the routes designated as Rustic Roads by the 10 member Rustic Roads Board. To qualify, the road should be a low volume local access road and should have some outstanding natural or historical features within it. It should have a length of at least two miles and should not be scheduled nor anticipated for major improvements which would alter the road's unique characteristics. Hiking and biking trails may also adjoin Rustic Roads. The program does not encompass the design or redesign of new and existing roads to meet Rustic Road standards.

Local authorities are encouraged to preserve the natural, scenic and historical characteristics along Rustic Roads. Local zoning powers, building setback regulations, access control, sign control and other powers may be used to protect and preserve the character of the Rustic Road (Trans-RR 1.15, Wis. Administrative Code). Once designated, Rustic Roads remain under local jurisdiction and continue to be eligible for state aids.

Each Rustic Road is marked with a unique brown and yellow Rustic Road sign and the speed is limited to 45 MPH or lower. The surface may be dirt, gravel or paved and roadside vegetation can be cut or mowed selectively. No special funding is available for Rustic Roads, however the Department does pay the cost of initial and replacement signing for each designated rustic road.

I have enclosed the following items which will provide you with further back-ground on Wisconsin's Rustic Roads System:

1. Wisconsin Administrative Code, Rules of Transportation Rustic Roads Board;
2. The Wisconsin's Rustic Roads Brochure; and
3. Application materials for Rustic Road designation.

If you should have any further questions about Wisconsin's Rustic Roads program, please do not hesitate to contact me at (608) 266-0649.

Sincerely,

Jane V. Carrola  
Rustic Roads Coordinator

Enclosures



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## Chapter Trans-RR 1

### RUSTIC ROADS

Trans-RR 1.01 Definitions.  
 Trans-RR 1.02 Membership of the board.  
 Trans-RR 1.03 Purpose of the board.  
 Trans-RR 1.04 Qualifications for rustic road designation.  
 Trans-RR 1.05 Application procedures.  
 Trans-RR 1.06 Numbering of rustic roads.  
 Trans-RR 1.07 Jurisdiction and authority.  
 Trans-RR 1.08 General maintenance.  
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Trans-RR 1.12 Sign maintenance.  
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 Trans-RR 1.17 Advertising sign control.  
 Trans-RR 1.18 Development of county rustic roads plans.  
 Trans-RR 1.19 Withdrawal of rustic roads designation.  
 Trans-RR 1.20 Identification of complementary rustic features.  
 Trans-RR 1.21 State aids.

Note: The Rustic Roads Code, chapters RR 1 to 11 were repealed and a new code, chapter Trans-RR 1 was created effective June 1, 1981.

#### Trans-RR 1.01 Definitions. As used in this chapter:

- (1) "Board" means the rustic roads board of the Wisconsin department of transportation.
- (2) "Department" means the Wisconsin department of transportation.
- (3) "Maintaining authority" means the county or municipality which has jurisdiction over a road.
- (4) "Municipality" means town, city or village.
- (5) "Rustic roads marking signs" means the brown, white and yellow standard statewide rustic road sign approved by the rustic roads board and designed by the department of transportation, the standard brown and yellow placard denoting the numerical identification of the rustic road within the statewide system, the standard brown and yellow placard denoting the length in miles of the rustic road, and all necessary auxiliary signs.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81.

#### Trans-RR 1.02 Membership of the board. [s. 15.465 (2), Stats.] The board of the department is composed of the following members:

- (1) Chairpersons of the senate and assembly standing committees having jurisdiction over transportation matters as determined by the speaker of the assembly and the president of the senate, and
- (2) Eight members appointed by the secretary of transportation for staggered 4-year terms of whom at least 4 members shall be selected from a list of nominees submitted by the Wisconsin county boards association.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81.

#### Trans-RR 1.03 Purpose of the board. [s. 83.42 (1), Stats.] The purpose of the board is to govern the creation and preservation of a system of rustic roads for vehicular, bicycle and pedestrian travel in unhurried, quiet and leisurely enjoyment.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81.

#### Trans-RR 1.04 Qualifications for rustic road designation. (1) A rustic road has outstanding natural features along its borders such as rugged natural terrain, native wildlife and native vegetation, or includes open areas with rustic or agricultural vistas which, singly or in combination, set this road apart from other roads as being something unique and distinct.

(2) A rustic road is a low-volume local use public road which is usable year-round.

(3) A rustic road functions as a local access road, i.e., one which serves the adjacent property owners and those wishing to travel by auto, bicycle or hiking, for purposes of enjoying its rustic features. This would generally preclude designating as a rustic

road any road serving as a collector or arterial as defined in ch. Trans 76.

(4) A rustic road is one not scheduled or anticipated for major improvement which would change its rustic characteristics.

(5) A rustic road preferably has no high density development along it, but the development as exists at the time the road is designated shall be compatible with the surroundings and shall not detract from the rustic, natural, unspoiled character and visual impact of the road area.

(6) A rustic road preferably has a minimum length of 2 miles and, where feasible, provides a completed closure or loop or connects to major highways at both ends of the route.

(7) The land adjacent to the rustic road preferably is zoned compatible with the maintenance or preservation of its rustic character and low density development.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1995, No. 475.

#### Trans-RR 1.05 Application procedures. [ss. 80.39, 83.025 (1), 83.42 (3), Stats.] (1) For a road to be designated a rustic road, a petition from 6 or more resident freeholders of the municipality in which the road is located, or a petition from a majority of the resident freeholders along the road, shall be presented to the governing body of the municipality in which the road is located. The process may also be initiated without petitions by a resolution of the governing body of the municipality in which the road is located. Upon such a petition or resolution, the governing body of the municipality may hold a public hearing on the proposed rustic road designation. If such a hearing is held, it shall be held in accordance with ss. 19.83 and 19.84, Stats., and any applicable local ordinances.

(2) Upon its final approval, the governing body of the municipality shall determine whether a jurisdictional change is desired. If so, the governing body of the municipality shall petition the county highway committee for approval of the rustic road designation and approval of the transfer of jurisdiction of the road to the county. If the county highway committee approves the jurisdictional transfer and the rustic road designation, the county highway committee shall petition the board for its approval. If no transfer of jurisdiction is desired, the governing body of the municipality shall petition directly to the board for its approval of the rustic road designation.

(3) (a) Rustic road designation of a road under county jurisdiction shall follow a procedure similar to the above, whereby initiation of the rustic road designation process shall be by county highway committee resolution, or by a petition from 6 or more resident freeholders of the county, or by a petition from a majority of the resident freeholders along the subject road. The county highway committee may hold a public hearing on the proposed rustic road designation. If such a hearing is held, it shall be held in accordance with ss. 19.83 and 19.84, Stats., and any applicable local ordinances.



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dance with ss. 19.83 and 19.84, Stats., and any applicable local ordinances.

(b) If a transfer of jurisdiction is desired, the governing body of the municipality assuming jurisdiction, as well as the county highway committee, shall approve the transfer and the rustic road designation.

(c) Any change in the designation of a county trunk highway, whether it be transferred to a municipality or changed to an "other road under county jurisdiction," requires the approval of the department. Upon departmental approval, the governing body of the municipality assuming the jurisdiction of the rustic road shall petition the board for approval of the rustic road designation.

(d) If no transfer of jurisdiction is desired, the county highway committee shall petition the board for approval of the rustic road designation.

(4) Before its approval, the board shall provide final review as to the subject road's qualifications for designation. In its review, the board may require photos or slides describing the rustic qualities of the road or a personal inspection by one or more members of the board.

(5) Additionally, before its approval for designation is granted, the board, in accordance with s. 83.42 (5), Stats., shall ensure that a road under joint jurisdiction of 2 or more municipalities, or a municipality and a county, or 2 or more counties, has had the approval of the governing bodies of all affected governmental units having jurisdiction over the subject road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.06 Numbering of rustic roads.** Upon approval by the board of a rustic road designation, the board shall assign a numerical identification to the rustic road that is preceded by the prefix "R." The rustic roads shall be numbered sequentially beginning with R1.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.07 Jurisdiction and authority.** [s. 83.42 (7), Stats.] Upon approval of the board of rustic road designation and except as otherwise provided in these administrative rules, the county highway committee, the municipalities and counties shall have the same authority over rustic roads as they possess over other highways under their jurisdiction—including responsibility for maintenance.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.08 General maintenance.** A rustic road shall receive the level of maintenance necessary for public travel by auto, bicycle or hiking for recreational enjoyment, while still preserving the rustic qualities of the route.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.09 Road bed maintenance.** (1) Rustic roads may be dirt, gravel or hard surface. Necessary improvements may be made in surface to improve safety or drainage or to reduce maintenance problems, but shall not disturb the rustic characteristics for which the road was designated. Drainage and road improvements shall be kept as narrow as possible to retain the rustic charm of the road as well as keeping the driver's speed lower. The improvements shall be kept to a minimum to avoid disturbance of vegetation or unusual scientific or cultural sites which have been designated.

(2) Where it becomes a necessity, dust treatment may be used.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.10 Cross drainage maintenance.** (1) Cross drainage shall be maintained where necessary to prevent damage to the road, possible washouts and other problems which may be detrimental to proper safety.

(2) When bridge replacement is necessary, it is preferable that it be of a design and construction with a rustic appearance such as timber or stone structure.

(3) Repairs to an existing bridge of rustic character shall be made with an effort to preserve the rustic qualities of the structure.

(4) When deemed advisable, the maintaining authority may impose weight limitations on structures on a rustic road in lieu of structure replacement or repair.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.11 Vegetation maintenance.** (1) Where necessary for safety or protection of the traveling public, tree branches and shrubs may be trimmed or whole trees removed. This shall be done with proper tools so as not to leave unsightly scars. Land and forest management may be practiced.

(2) Control of undesirable vegetation shall be accomplished by mowing or selective cutting. However, when herbicides are necessary, they shall be used judiciously and in a prudent manner to avoid unnecessary browning of roadside vegetation.

(3) Mowing shall be performed only as necessary for health, safety and ecological reasons with the aim of encouraging, where appropriate, the growth of prairie flora adjacent to the road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.12 Sign maintenance.** (1) The standard statewide rustic road sign and the numerical identification placard shall be erected at all important public entrance points to a rustic road sign as mutually agreed upon by the maintaining authority and the department. Beneath the standard statewide rustic road sign, affixed to the same sign post, shall be the standard placard denoting the numerical identification of the rustic road within the statewide system of rustic roads.

(2) At each terminus of the rustic road an additional standardized placard denoting the length, in miles, of the rustic road shall be affixed to the post supporting the rustic road sign and placed below both the rustic road sign and the placard denoting the numerical identification of the individual rustic road.

(3) The rustic road marking signs may be placed on existing information or highway identification sign posts but shall not be placed on any regulatory or warning sign posts.

(4) (a) The department, at its own expense, shall furnish and install the initial rustic roads marking signs needed on all officially designated rustic roads.

(b) Each year, at the department's request, the maintaining authority for a rustic road shall inventory all the rustic roads marking signs on its rustic road. The inventory shall be sent to the department and shall state the number of missing or damaged rustic roads marking signs on its rustic road and shall identify the location of those missing or damaged signs that should be replaced. After receiving this inventory, the department, at its own expense, shall furnish and install the needed replacement rustic roads marking signs.

(c) The maintaining authority for a rustic road shall furnish, install and maintain all other guide or warning signs, signals, markings or devices on its rustic road at its own expense.

(5) All informational, regulatory, warning and identification signs shall be erected and maintained as necessary, in accordance with chs. 86 and 349, Stats., and ch. Trans 200.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81; am. (3), r. and recr. (4), Register, February, 1988, No. 386, eff. 3-1-88.

**Trans-RR 1.13 Winter maintenance.** Normal winter maintenance practices shall be continued on any official designated rustic road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.14 Speed limits.** [ss. 346.57 and 349.11, Stats.] (1) The speed limit on all officially designated rustic roads is 45 miles per hour but may be changed by the maintaining au-



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thority. Any increase in the speed limit above 45 miles per hour requires the approval of the department.

(2) Pursuant to s. 346.57 (6), Stats., official signs giving notice of the speed limit shall be posted by the maintaining authority for the speed limit to be in effect.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.15 Land use protection.** (1) Local authorities are encouraged to preserve the natural and scenic characteristics of land along rustic roads. Local zoning powers, building setback regulations, access control, sign control and other powers may be used to protect and preserve the rustic character of the road by discouraging industrial, high density residential and most commercial development and encouraging the development or the continued existence of commercial establishments compatible with a rustic road, such as antique shops, craft shops, rock shops and produce markets.

(2) Upon petition for a zoning change to the county or municipality having authority over zoning, the board shall be notified in order to appear and present testimony at the zoning hearing, if the board deems it necessary.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.16 Utility installation.** (1) All utility companies shall be encouraged to bury electric power and communication lines on private easements where possible. Where it is not possible additional lines may be placed on existing poles or towers, or buried. Any utility installation shall attempt to preserve or restore the rustic quality of the route.

(2) Restoration of the rustic quality shall be required for all utility installation within the right-of-way of a rustic road.

(3) Upon approving a rustic road application, the board shall notify all utility companies providing service in the area of the rustic road as to the official rustic road designation.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.17 Advertising sign control.** Municipalities shall be encouraged to adopt local zoning ordinances restricting off-premise advertising signs and which address the control

of existing signs and the erection of additional signs once a road has been designated a rustic road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.18 Development of county rustic roads plans.** Each county shall be encouraged to inventory its roads for potential candidates for inclusion in the rustic roads system and using this inventory, along with previous inventories of scenic roads, develop a countywide plan of rustic and scenic roads which is compatible with the functional classification plan in the county.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.19 Withdrawal of rustic roads designation.** [s. 83.42 (4), Stats.] (1) A road may be withdrawn from the rustic roads system with approval of the board after petition of the board by the maintaining authority and upon the holding of a public hearing by the maintaining authority for such a removal. The public hearing shall be held in accordance with ss. 19.83 and 19.84, Stats., and all applicable local ordinances.

(2) The board may wish to withdraw rustic road designation for a particular road if the road no longer possesses the rustic character originally qualifying it for designation due to over-development. The board shall have the authority to remove the designation following a public hearing on the removal. The public hearing shall be held in accordance with ss. 19.83 and 19.84, Stats.

(3) The removal of rustic road designation shall cause the jurisdiction of the road to revert to the status held before original designation by the board.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.20 Identification of complementary rustic features.** The maintaining authority is encouraged to identify with roadside markers any historical names, structures, places and events which complement and enhance the rustic character of the road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.21 State aids.** [s. 83.42 (8), Stats.] State aids for each rustic road shall be determined in accordance with the local transportation aids provisions of s. 86.30, Stats.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

# RUSTIC ROAD RESOLUTION

PETITION FROM: (Town Board/County Highway Committee Name)

PETITION DATE

Road Name

ROAD LEGAL DESCRIPTION

**In an effort to preserve Wisconsin's lightly traveled scenic and historic back roads, the Wisconsin Legislature in Section 83.42, Wisconsin Statutes, created a statewide system of Rustic Roads.**

The town board/county highway commission identified above, having jurisdiction over the road described, has resolved that the subject road be designated a Rustic Road.

In accordance with chapter 80, Wisconsin Statutes, a public hearing has been offered or held, regarding the designation of the subject roadway as a Rustic Road.

The subject road meets the guidelines for Rustic Roads established by the Rustic Roads Board.

The subject road is compatible with any adopted plan for potential Rustic and Scenic Roads.

Therefore, be it resolved, that the subject road having met all of the requirements for designating a Rustic Road, we the undersigned, members of the identified town board/county highway committee do hereby request approval of the Rustic Roads Board for designation of the subject road as a Rustic Road.

Respectfully Submitted,

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

# RUSTIC ROAD DESCRIPTION

ROAD LEGAL DESCRIPTION

Road Length (Miles)

Average Daily Traffic (ADT)

Pavement Type

Roadway Functional Classification

Outstanding Historical, Natural or Rustic Features Along Roadway

Roadside Development Potential

Zoning Restrictions In Effect

# RUSTIC ROAD DESIGNATION PETITION

PETITION TO: (Town Board/County Highway Committee Name)

Road Name

ROAD DESCRIPTION

We the undersigned, petition the above identified town board/county highway committee to take the necessary action in having the above identified road designated a Rustic Road by the Wisconsin Department of Transportation Rustic Roads Board.

PETITIONERS' SIGNATURES

ADDRESS

DATE SIGNED

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
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15. \_\_\_\_\_



## WISCONSIN DEPARTMENT OF TRANSPORTATION

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## New Rustic Roads offer additional scenic opportunities

**January 22, 2004**

Those who enjoy traveling Wisconsin's quiet, scenic backroads can now choose from 98 Rustic Roads to hike, bike or drive. Governor Jim Doyle has announced the addition of one new Rustic Road (R-98 in Burnett County) and the extension of another (R-52 in Washington County). Wisconsin's Rustic Roads network now spans some 541 miles through 53 counties.

"One of the state's oldest and most popular initiatives, the Rustic Roads program supports tourism and economic development by showcasing some of the most picturesque roadways and finest four-season scenery Wisconsin has to offer," Governor Doyle said. "At the same time, the program encourages inter-governmental partnerships since local groups must nominate prospective Rustic Roads and roads accepted into the statewide network remain under local government jurisdiction."

The state's Rustic Roads Board recently voted to add the following routes:

- R-98, Towns of Oakland and Swiss, Burnett County, eight miles. This eight-mile route begins at the junction of WIS 35 and Old 35 near Danbury, proceeds along CCC Road to Hayden Lake Road, forming a loop back to WIS 35. The route passes several lakes, features canopied trees and prairie-like fields, along with abundant wildlife including waterfowl, deer, bear and eagles.
- Extension of R-52, Washington Drive, Town of Trenton, Washington County, one mile. This one-mile route extension along Washington Drive between County Y and Paradise Drive features field stone houses from the 1800's, traditional wood barns and a variety of wildlife.

The Rustic Roads program was established in 1973, with the first road (R-1 in Taylor County) dedicated in 1975. To qualify as a Rustic Road, a route must have outstanding natural features such as rugged terrain, native vegetation, abundant wildlife, open areas or agricultural vistas. Rustic Roads range from under two miles long to 37 miles in length and have speed limits of no more than 45 miles per hour.

The Wisconsin Department of Transportation (WisDOT) and Department of Tourism jointly produce a Rustic Roads guide available by calling the tourism department at (800) 432-8747 (the booklet does not include the most recently

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added routes). Information on the Rustic Roads network is also available on the WisDOT Web site at <http://www.dot.wisconsin.gov/travel/scenic/rusticroads.htm>. The recently-added roads are expected to appear on the Web site in the near future and should be marked with official Rustic Roads signs by the end of this year.

**For more information contact:**

Jane Carrola, WisDOT Rustic Roads Coordinator  
(608)266-0649 [jane.carrola@dot.state.wi.us](mailto:jane.carrola@dot.state.wi.us)

Dennis Leong, WisDOT Bureau of Planning  
(608)266-9910 [dennis.leong@dot.state.wi.us](mailto:dennis.leong@dot.state.wi.us)



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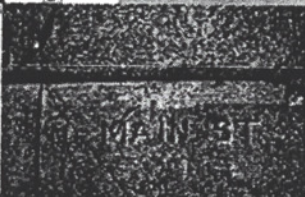
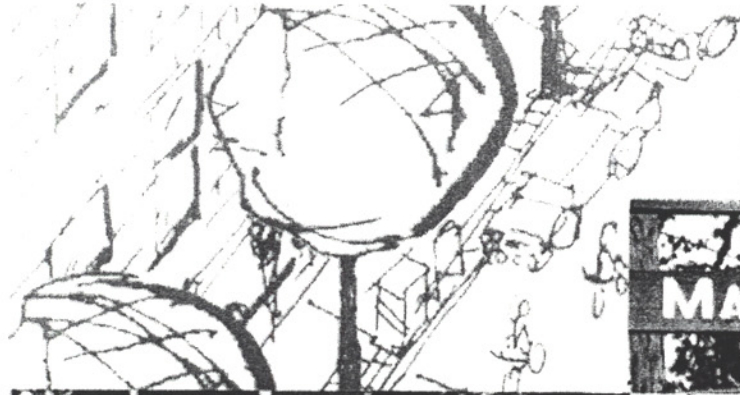
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## **Main Street: when a highway runs through it**

- The Table of Contents and some sections are attached.
- The entire 105 page resource is available as a PDF online at <http://www.lcd.state.or.us/tgm/pub/mainst/MSH.pdf>



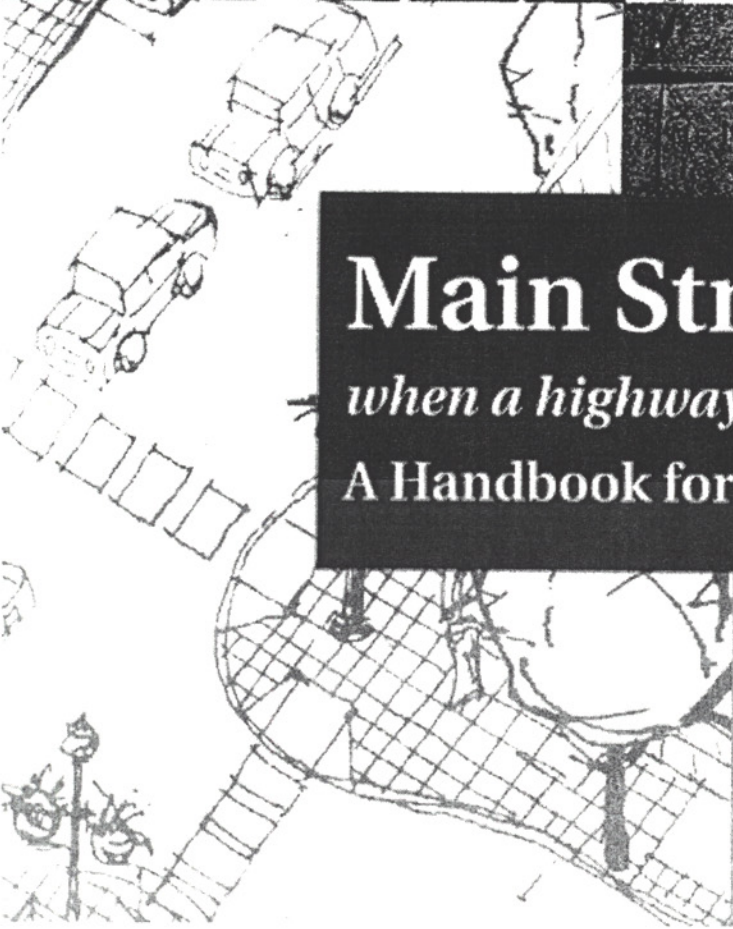


# Main Street...

*when a highway runs through it:*

**A Handbook for Oregon Communities**

November 1999





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## Speed

Speed is one of the most talked about highway issues and most highway design is closely related to it, but it is surprisingly difficult to understand. The differences between posted speed, design speed, and running speed are hard to grasp, especially as they relate to low-speed pedestrian areas. The Basic Rule also complicates the issue.

In a nutshell, the speed of a street segment can be defined as follows:

**Posted speed** — The maximum speed considered prudent to drive considering land use and other factors. Some posted speeds are set by statute and others are set by the State Speed Board.

**Design speed** — The maximum safe speed that can be driven in free-flowing traffic and good weather. The design speed has a direct effect on the cost, safety, and capacity of the roadway.

**Running speed** — The average speed at which most vehicles travel in a given section of highway.

**Basic Rule** — The appropriate speed for the conditions.



**Typical statement:** "Traffic goes too fast through our downtown. How can we slow it down?"

**Possible problems:** Main street looks like a highway and offers little reason to slow down; design speed too high.

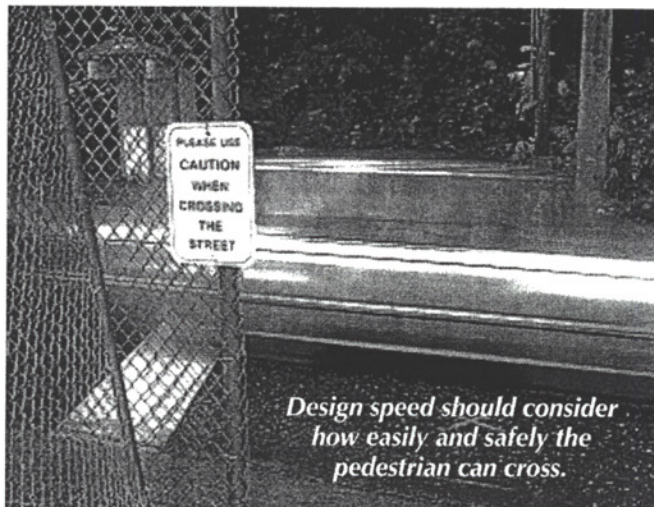
**Potential ingredients:** Various measures to calm traffic and improve appearance of streetscape.



**Typical statement:** "Motorists drive into town like they're still on the open highway."

**Possible problems:** Abrupt change of speed zones with inadequate transition area.

**Potential ingredients:** Extend traffic calming to transition area and create a gateway.



*Design speed should consider how easily and safely the pedestrian can cross.*

When speeds on a highway through town are higher than posted, one reason may be that the street gives few visual clues that drivers should slow down. The design of a highway that is a main street needs to reflect the change in land use, pedestrian activity, and expected motorist behavior. The scene at left is in a downtown on a state highway, although the design looks otherwise.



## SPEED ZONES

State statutes specify the following designated speeds (1997 ORS 811.105):

- alleys ..... 15 mph
- **business districts**, school zones when children are present ..... 20 mph
- residential districts, public parks, ocean shores ..... 25 mph
- rural highways, urban interstate highways, trucks on rural interstate highways ..... 55 mph
- autos on rural interstates ..... 65 mph

A **business district** is a "territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 ft or more on one side, or 300 ft or more on both sides, is occupied by buildings used for business." (1997 ORS 801.170)

**Posted speeds** override these standards, and the **Basic Rule** overrides posted speeds. The Basic Rule means that you must drive the appropriate speed for the conditions. For example, ice or snow might reduce the speed to below the posted limit.

The Oregon Department of Transportation is responsible for establishing **speed zones** on all public roads. Cities and counties may appeal speed zoning recommendations to the **Speed Zone Review Panel**.

Posted speeds different from the statutes are usually determined by an engineering investigation which includes many factors. The **85th percentile speed**, which is the speed at or below which 85 percent of the vehicles are traveling, may be used as a benchmark but with allowances for different cultural, physical and functional factors, including the needs of pedestrians and residents.

*There is more to life than  
increasing its speed.  
—Mahatma Gandhi*

There are several approaches to resolving the speed issue: **slow** the traffic through physical and psychological means, **smooth** out the traffic flow, and create **transition** zones in the streetscape.

## Slow down

Motorists typically drive at a speed they perceive as safe. This is partially related to the road design, especially available or perceived lane width, curves in the road, corner radii, and stopping sight distance. Reducing traffic speeds can also be aided by physical constraints on the roadway such as curb extensions and medians that make the road look narrower. On-street parking and short blocks also help hold down speed by creating "friction."

When it is not appropriate to reduce actual lane or roadway width, on freight routes for instance, a calming effect can be accomplished by creating an illusion of less space through paint on the pavement, or by adding tall trees and street furniture.

See also:

*Pavement Markings*

*Transitions*

*Street Furniture*

in Chapter 4

*If the street is attractive, drivers have a  
reason to slow down.*



## The driver's focus at different speeds.

A low speed allows drivers to be more aware of their surroundings and to have time to react to other highway users.

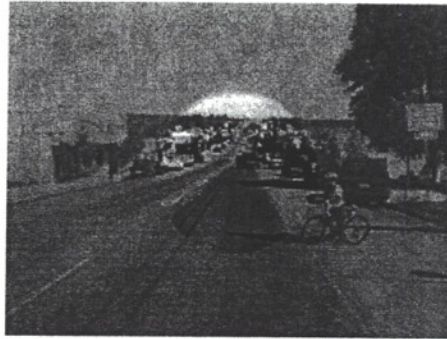
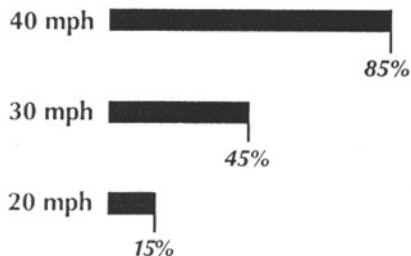
The photos show how a driver's focus changes as their speed increases. The setting is a typical downtown in a small Oregon city. Shops and on-street parking line both sides of this 2-lane couplet. The highway is built to "full standard" because of the ample right-of-way.

At the posted speed of 30 mph, many drivers have a difficult time seeing bicyclists and pedestrians, and stopping distance is nearly twice that of 20 mph.

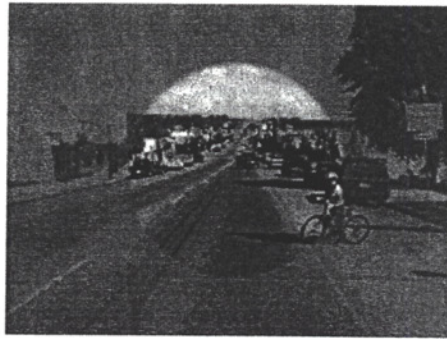
To safely accommodate all users, this highway needs substantial design changes that tell the driver that this is not the open highway it was a few blocks before.

A good start would be wide planting strips with trees to narrow the roadway. A bike lane could be striped. Intersections could be narrowed even further with curb extensions.

When a person is struck by a motor vehicle, they have the following chances of death according to *Killing Speed and Saving Lives*, UK Department of Transportation:



At 40 mph the driver's focus is on the roadway in the distance.



At 30 mph the driver begins to see things at the road edges in the background.



At 20 mph the foreground comes into focus.



At 15 mph the driver easily sees that this is a place where pedestrians and bicyclists are present.



Good design also includes an attractive streetscape that makes drivers want to slow down. In particular, visible outdoor cafés and other sidewalk activities beckon the motorist to enjoy the surroundings.

### **Smooth out**

Speeding and general traffic operation can often be addressed by smoothing out the traffic flow. Slow, steady traffic conditions are safer and can handle more cars than erratic, stop-and-go conditions. There are several proven ways to smooth out traffic:

- Synchronize a series of signals at a low speed with short, fixed-length cycles.
- Shift driveway accesses so that there are fewer than one or two driveways per block; combine driveways or shift them to side streets.
- Convert 4-lane streets to 3 lanes (2 travel lanes with a center turn lane) where there are large numbers of left turns; 3 lanes can work better than 4 because turning cars can wait without blocking a through lane.
- At an intersection close to the beginning of main street, install a modern roundabout (a slow-speed intersection treatment where entering motorists yield to those already in the intersection) to compel drivers to slow down.

### **Transition**

The boundaries of a good downtown are easy to identify. As you travel along a successful main street, the pavement width and sidewalk width, building types, and landscaping change to provide a clear transition into the downtown. This clues the motorist to slow down and expect pedestrians, cars pulling out from parking, and someplace pleasant to stop. There are several ways to reinforce the proper message:

- Add a gateway: make the entrance to the downtown look special with curbs, a landscaped median, fountain, monument marker, a welcome sign, public art, or banners announcing events.

- Add other visual cues that make the driver aware that they are entering an area of intense human activity such as planters, landscaping, ornamental lighting, flags, benches, and other street furniture. These send a clear message that people are present. Strong vertical elements near the curb line such as trees also visually narrow the street.
- Widen the sidewalks and make the highway look narrower. In smaller communities, moving from a rural highway section with shoulders and driveways to an urban section with curbs, sidewalks, and on-street parking is a strong visual cue.
- Construct a modern roundabout with an attractive center island.
- Long-term, encourage redevelopment of off-street parking to bring buildings closer to the street.
- Emphasize access management at the entrances to downtown by adding medians and combining driveways.

These features are not necessarily expensive but do require community vision and commitment. As the city grows, the main street can be expanded into the properly designed transition area.

### **LIABILITY**

At some point in the effort to reduce traffic speeds, someone may question the potential liability of introducing traffic calming onto a highway. This has not proven to be a problem on urban streets. In 1997, the Institute of Transportation Engineers surveyed 68 agencies responsible for about 900 traffic calming projects and found that only 6 lawsuits out of 1,500 filed against these agencies involved traffic calming, and only 2 of the suits were successful.

Experience confirms that the potential benefits of traffic calming far outweigh the potential liability. Lawsuits can be minimized in the same way as other aspects of highway design:

- Clear policy.
- Good process that involves the public and documents the need.
- Appropriate design based on established goals.
- Consideration of users, especially the young, elderly, and disabled.
- Clear and consistent signing and marking.
- Proper maintenance.

If in doubt about a particular project, consult legal counsel and other agencies that have implemented similar designs.

*"Be not afraid of  
going slowly, be  
afraid only of  
standing still."*

*—Chinese proverb*

**See also:**

***Transitions  
in Chapter 4***

## On-Street Parking

On-street parking is normal, necessary, and expected in most downtown business areas, including main streets. Parking next to the sidewalk helps establish building orientation to the street, which is so important to main street vitality.

Businesses often insist that parking must be available adjacent to their building, which holds true only when the pedestrian experience is unpleasant. On main street, walking is designed to be positive, and intentionally walking several blocks is presumed to be acceptable and even pleasurable. On-street parking provides a hope of parking close to the destination which is all most people need.

Parking studies frequently reveal that downtowns do not have severe parking space deficiencies; rather, spaces are not being managed well. For example, employees may be tempted to park close to work, but those spaces would be better for short-term customer parking. Time limitation, meters, and ticketing, as well as incentives for employees to use other commute options or to park in city-owned lots are all part of a parking management program.

Where parking turnover is high, on-street parking tends to slow traffic speed because cars are frequently maneuvering in and out of spaces. The degree of traffic calming depends on how well the parking is utilized and managed. Interruptions such as driveways and fire hydrants, plus lane width also affect traffic calming.

On-street parking also buffers the sidewalk from traffic but may reduce visibility of pedestrians crossing the street; for this reason, curb extensions are recommended where there is on-street parking. Curb extensions also reinforce the calming effect of on-street parking by narrowing the appearance of the street when many of the parking spaces are empty.

While the primary purpose of a street is to transport people and goods, on-street

parking is often cited as an advantage for pedestrians, primarily as a buffer. Yet on-street parking also uses space that could be used for wider sidewalks or bike lanes.

There are many possible parking configurations, but the most common are parallel and angled. Only parallel parking is allowed on state highways, with any other type requiring a design exception from ODOT.

It is a good idea to direct large vehicles, such as motor homes and long pickups, to side streets or parking lots that can accommodate them.

### Parallel Parking

Parallel parking on one side of the street requires at least 7 ft (2.1 m) of roadway width (ODOT's standard is 8 ft or 2.4 m). A wide outside travel lane of 14 ft (4.3 m) is also desirable to provide clearance for opening doors and for bicycles. Where right-of-way width permits, a bike lane can be provided between the travel and parking lanes.

### Angled Parking

Angled (aka diagonal) parking is sometimes used on wide streets to create more parking spaces, but takes up about 19 ft (5.8 m) of roadway width per side. Angled parking also causes conflicts with cars and bicycles, since drivers backing out have poor visibility of oncoming vehicles and parked vehicles (especially long pickups and tall sport utility vehicles) obscure other vehicles backing out.

These factors have resulted in ODOT's position that angled parking on a new or improved highway is discouraged, and requires a Design Exception. Changing angled parking to parallel parking can provide space for bicycle lanes, medians, and wider sidewalks.

See also:

*Curb Extension*

For additional information on parking, read *The Parking Handbook for Small Communities* (Edwards, ITE, 1994).

#### Provide On-Street Parking

**Use To:** Orient access to the street and sidewalk.

**Good News:** Improves car access, slows traffic, and buffers sidewalk from travel lane; works well with curb extensions.

**Bad News:** Takes up width; discouraged on highways.



## Scenario 3

# 5-Lane Highway

Portions of some state highways have been built or widened to 5 lanes, mainly with the goal of accommodating large traffic volumes while permitting direct business access. This example of a 5-lane highway is located on a highway of statewide importance through a mid-sized city of around 40,000 people. The highway carries an average of 30,000 trips per day with over 5% large freight trucks. The posted speed is 35 mph along the 6 blocks of downtown main street. The right-of-way is 80 ft. There is no on-street parking. Sidewalks are 6 ft wide and curb-tight. The center turn lane was 16 ft wide, plus 2 travel lanes in each direction.

The uses along the highway are almost all commercial, with parking out front. Each business has its own access, some of which are wider than 40 ft. Several businesses are car-oriented (a couple of fast food drive-through restaurants and a gas station/convenience store), but the oldest

part of downtown has a post office and a library on opposite sides of the street. There are no traffic signals in the town.

There have been a significantly higher than average number of serious collisions along the 5-lane section over the last 5 years, and a pedestrian was killed two years ago. A shopping mall recently opened at one end of town, and the downtown has seen a decline in business since then.

A Transportation System Plan (TSP) was completed but the community did not support it, so it has not been adopted. However, a corridor plan has been completed and adopted that includes this section of highway.

## The problems?

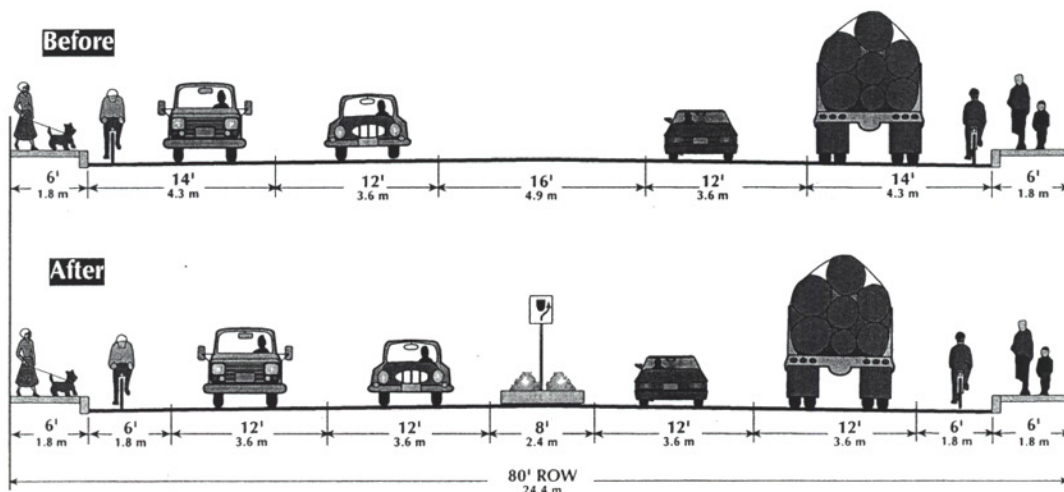
The central concern of this community was safety. Many accidents appeared to be associated with vehicles turning left in and out of driveways. The local police said that many motorists use the center turn lane for passing. It also

appeared that left turns across the two lanes of traffic generated some of the collisions. Speeding was apparently not a serious problem. From a speed study, the average motorist did not exceed the 35 mph speed limit.

The community was also worried about pedestrian safety; particularly where pedestrians were crossing from the post office to the library. Although there was a pedestrian warning sign and a marked crosswalk, motorists rarely stopped, and there was always uncertainty about whether motorists in the adjacent lane would also stop. In fact, this is how the pedestrian was killed two years ago.

## The Ingredients

Two alternatives to solve the safety concern were identified in the corridor plan and discussed by ODOT and the community. The first of these was to restripe the street as 3 lanes, add a bike lane, and install on-street parking and





add bulbouts at intersections. This would eliminate some of the collisions caused by the left turns across two lanes. Three lanes would make it easier for pedestrians to cross, since the crossing width would be reduced. It would also eliminate the hazard of the motorist in the second lane failing to stop for pedestrians. However, because of the high volumes on this important freight and commuting route, there was concern that eliminating two lanes would result in an unacceptable loss of capacity.

Instead, the community decided to construct a center median through the most critical area, in terms of collisions and pedestrian crossings—around 4 blocks. The median provided access management to limit left turns and a pedestrian refuge. In addition, the median only needed to be 6 ft wide, so the remaining roadway

width could be redistributed to create bike lanes. As well as providing for bicycles, the bike lanes provided some buffer for pedestrians on the fairly narrow, curb-tight sidewalks.

The transition areas where the median and bike lanes began and ended occurred at intersections where the change in lane configuration could be accommodated. In the future, the adjacent highway segments may be restriped for bike lanes instead of the wide outside lane.

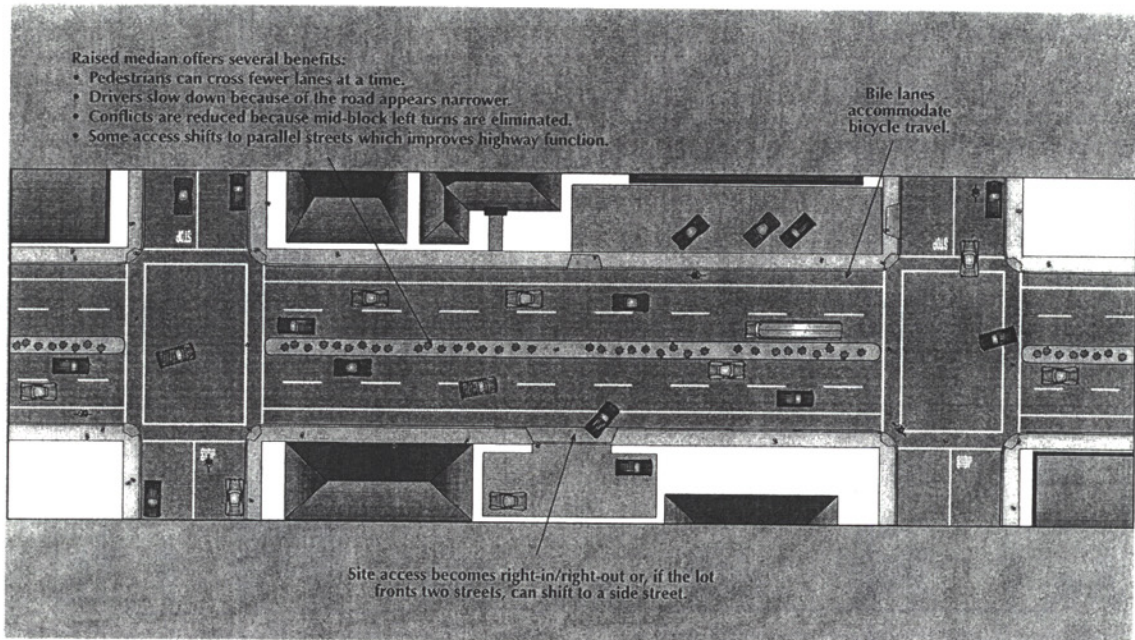
The discussions about the median generated new community interest in creating a long-term downtown plan. A number of merchants felt that widening sidewalks, adding landscaping and on-street parking on the side streets, and encouraging infill to bring buildings closer to the property line would help to bring the downtown back to life.

## Paying for It

There was a measurable safety concern in this community, which ODOT had been aware of for several years. The median was identified as a potential solution in the highway corridor plan. The project was placed on the STIP and completed by ODOT the following year. The community asked for landscaping on the median; ODOT agreed to include low-water using native shrubs. The community committed to maintaining the landscaping.

Since the median was constructed, the collision rate appears to have been reduced, and pedestrians report that crossing the highway is somewhat easier.

The community is discussing obtaining a TGM grant for the long-term downtown plan and updating the TSP. <img alt="arrow pointing left" data-bbox="775 468 795 480"/>



*5-lane highway with median and bike lanes.*

# Appendix

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## Glossary

**AASHTO:** American Association of State Highway and Transportation Officials. See also: Green Book.

**Access Management:** Measures regulating access to the highway from streets and driveways. Main streets generally feature short blocks with many street connections and few driveways, since most parking is on-street. Refer to the Oregon Highway Plan for access standards. See also: Deviation.

**Area Commission on Transportation (ACT):** A body chartered by the Oregon Transportation Commission (OTC) and composed of local transportation representatives, elected officials, and business representations of 2–4 counties. ACTs propose and comment on policy set by the OTC, propose programs and projects, and provide citizens and officials with a link to the OTC.

**Americans with Disabilities Act (ADA):** Civil rights legislation passed in 1990. ADA influences street design as described in the ADA Accessibility Guidelines (ADAAG). Most relevant aspects of ADA are discussed in the Oregon Bicycle and Pedestrian Plan.

**Alignment:** Geometric arrangement of the highway including width, slope, curvature, etc.

**APWA:** American Public Works Association.

**Arterial:** A road designated to carry traffic through an area rather than to local destinations.

**Average Daily Traffic (ADT):** The measurement of the average number of vehicles passing a certain point each day, usually given as a total for both directions. Traffic during the peak hour is normally about one-tenth of the ADT.

**Balanced Use:** The combination of land uses within an area, such as a downtown, such that residents do not need to leave the area on a daily basis.

**Basic Rule:** A state statute (ORS 811.100) that requires vehicles to be driven at speeds “reasonable and prudent” for the conditions (traffic, highway surface and width, intersection hazards, weather, visibility, etc.).

**BID:** Business Improvement District.

**Bike Lane:** A portion of a roadway which has been designated by striping and pavement markings for the preferential or exclusive use of bicyclists.

**Bikeway:** The appropriate design treatment for bicyclists, based primarily on motor vehicle traffic volumes and speeds. Main street bikeway types include the shared roadway, wide lane, shoulder bikeway, and bike lane.

**Capacity:** The number of vehicles that can travel past a given point on a sustained basis. Vehicle capacity responds to 3 factors: the number of travel lanes, the degree of connectivity, and generated traffic. In urban conditions, lane capacity ranges from 600 to 900 vehicles per hour.

**Center Turn Lane:** See: Continuous Two-Way Left-Turn Lane.

**Central Business District (CBD):** A traditional downtown area usually characterized by established businesses fronting the street, a concentration of public buildings, sidewalks, slow traffic speeds, on-street parking, and a compact grid street system. Main street usually runs through the CBD.

**Channelization:** The separation of vehicle and pedestrian movements at an intersection into defined paths through the use of islands.

**Collector:** A street designated to carry traffic between local streets and arterials, or from local street to local street.

**Community:** A sustainable human habitat which is complete and compact. The smallest community is a neighborhood.

**Continuous Two-Way Left-Turn Lane (CTWLTL):** A traversable median that is designed to accommodate left-turn egress movements from opposite directions. Aka center turn lane and two-way left-turn lane (TWLTL).

**Corner Radius:** See: Intersection Curb Radius.

**Corridor Plan:** A transportation plan for an entire length of highway which may include many different classifications. Corridor plans are coordinated with the cities and other jurisdictions through which the highway passes.

**Couplet:** Two one-way streets that handle traffic in the opposite directions. Couplets are typically created by converting existing two-way streets



## Glossary (cont'd)

**Cross-Section:** Diagrammatic presentation of a highway profile at right angles to the centerline at a given location.

**Crosswalk:** Portion of a roadway designated for pedestrian crossing, marked or unmarked. Unmarked crosswalks are the natural extension of the shoulder, curb line, or sidewalk.

**Deviation:** A departure from an access management standard. See: Access Management.

**Department of Land Conservation and Development (DLCD):** State agency that assists cities and counties in applying Oregon's land use laws, and aids in assuring compliance with Oregon's Statewide goals and guidelines.

**Design Exception:** A deviation from the Highway Design Manual standards that must be approved by the Roadway Manager.

**EID:** Economic Improvement District.

**Enclosure:** One of the physical attributes of streets and open spaces that contributes to a sense of place. Enclosure is adjusted primarily by building setback and height, and by trees. See also: Vertical Plane.

**Expressway:** A highway that provides for safe and efficient high speed and high volume traffic with limited access. A main street is never an expressway.

**Federal Highway Administration (FHWA):** Federal agency which oversees and funds highway-related activities that affect the national interest.

**Flexibility in Highway Design:** A 1997 publication by AASHTO and the FHWA to accompany the Green Book. It shows engineers and managers how sensitivity to local needs can result in better projects.

**Frontage Road:** A road designated and designed to serve local traffic parallel and adjacent to a highway.

**Gateway:** An highly varied urban element which marks the entrance of a district. Gateways are useful for orientation within the city. See also: Transition Area.

**Grade:** A measure of the steepness of a roadway, bikeway, or walkway, expressed in a ratio of vertical rise per horizontal distance, usually in percent; e.g., a 5% grade equals 5 m of rise over a 100 m horizontal distance.

**Grade Separation:** The vertical separation of conflicting travelways with a structure, such as a pedestrian bridge over the highway.

**Green Book:** AASHTO's "A Policy on Geometric Design of Highways and Streets" which provides guidelines (not standards) for roadway design. The Green Book emphasizes joint use of transportation corridors by pedestrians, cyclists, and public transit vehicles, and encourages flexible designs tailored to particular situations. In Oregon, the Green Book is modified by the Highway Design Manual. See also: Flexibility in Highway Design.

**Grid Pattern:** A web of intersecting streets, which is rectilinear in its alignment and orthogonal at its intersections. See: Street Network.

**Highway:** A general term denoting a public way for purposes of travel, including the entire area within the right-of-way. See sidebar on next page for specific highway classifications used in Oregon.

**Human Scale:** Site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering.

**Intersection Curb Radius:** The curved edge of a thoroughfare at an intersection, measured at the edge of the travel lanes (excluding the parking and bike lanes). Aka corner radius and curb return radius.

**Land Conservation and Development Commission (LCDC):** A group of citizen volunteers appointed by the Governor to direct the Department of Land Conservation and Development.

**Land Use:** The type of activity that the land is used for. On a main street, common land uses are commercial, office, residential, light industrial, and public (library, city hall, etc.).

**Level of Service (LOS):** The condition of traffic flow or delay expressed as a range from LOS "A" which represents unimpeded flow to LOS "F" which represents severe congestion. LOS was replaced by "mobility" in the 1999 Oregon Highway Plan.

**Local Street:** A street designated to provide access to and from local residences or businesses.

**Median:** The portion of the roadway which separates opposing traffic streams.

**Mobility:** In planning terms, mobility is the ordinary movement of the population by any means, including by direct travel or by means which reduce the need to travel such as proximity of destinations and teleworking. In highway terms, mobility is defined as the movement of vehicles.

**Mobility Standard:** ODOT has established performance goals for different highway classifications to aid in planning, design, and management. Motor vehicle mobility is determined by volume-to-capacity ratio. Refer to the Oregon Highway Plan for mobility standards. See: Volume-to-Capacity Ratio.

**Mode (or Modal):** A means of moving people or goods. Modes such as rail, transit, carpooling, walking, and bicycling that provide transportation alternatives to single-occupancy automobiles are sometimes called "alternative modes."

**Modernization:** Highway projects that accommodate existing traffic or projected traffic growth by adding capacity. See: Preservation.

## Glossary (cont'd)

**MUTCD:** Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration, 1988; a national standard for the design, application and placement of traffic control devices including traffic signals, signs, and pavement markings. Discussion of pedestrian needs is limited.

**National Highway System (NHS):** A system of statewide and interstate highways and intermodal connectors meeting federal criteria (approximately 155,000 miles total), designated by Congress in the National Highway System Designation Act of 1995.

**National Register of Historic Places (NRHP):** See: SHPO.

**Oregon Administrative Rule (OAR):** A rule written by a government agency intended to clarify the intent of an adopted law.

**Oregon Bicycle and Pedestrian Plan:** As adopted June 14, 1995, establishes bicycle and pedestrian policies and implementation strategies for ODOT, presents detailed design, maintenance and safety information, and provides facility design standards. The Bicycle and Pedestrian Plan covers many main street issues such as speed reduction, lane widths, medians, crossings, and intersections. The plan stresses good roadway design that takes into account the needs of all users.

**Oregon Department of Transportation (ODOT):** The agency entrusted with moving people and products by all modes to enhance the state's economy and livability.

**Oregon Highway Design Manual (HDM):** In draft as of October 1999; final Manual is expected to be published in early 2000. The Manual will assist designers in selecting the appropriate standards for a highway project. In particular, it expands the discussion of urban highway design to include traditional downtowns and central business districts. The intent within these areas is to provide a pedestrian, bicycle, and transit friendly environment.

**Oregon Highway Plan (OHP):** As adopted March 18, 1999, establishes policies and implementation strategies for Oregon highways, including those that are also main streets. The highway plan strikes a balance between local accessibility and through movement of people and goods. It establishes highway classifications as a tool to sort out investment priorities for highway projects. Designations for downtown commercial areas stress pedestrian access. Segment classifications are set by ODOT in collaboration with the affected cities and counties. See also: Special Transportation Area.

**Oregon Revised Statute (ORS):** A law that governs the state of Oregon, as proposed by the legislature and signed by the Governor.

## Oregon Highway Classifications

(\*could be a main street)

### Categories

**Interstate:** Links major cities and other states.

**\*Statewide:** Links major destinations not on Interstate.

**\*Regional:** Links regional centers.

**\*District:** Links county and city areas.

**\*Local Interest:** Generally local arterials with little through traffic.

### Sub-Categories

**Freeway:** High-speed, high-volume, controlled access.

**Expressway:** High-speed, high-volume, limited access.

**\*Urban Arterial:** High-volume urban street; many potential land uses; further subdivided into Urban Fringe/Suburban, Developed, and Traditional Downtown/Central Business District.

### Land Use Designations

**\*Special Transportation Area:** Traditional downtown or central business district; low-speed, on-street parking, many street connections, and few driveways; often pedestrian oriented.

**Commercial Center:** Large commercial, mixed-use development (400,000+ ft<sup>2</sup>) with convenient internal circulation including provisions for pedestrians, bicyclists and transit, where available. Adjacent to and linked to the highway by a road or driveway.

**Urban Business Area:** Highway segments where vehicular accessibility is important to continued economic viability. Accommodates automobile access. Requires plans to improve pedestrian movement, cluster new buildings in centers or nodes, and improve movement between, across, and within urban business areas.

### Other Designations

**\*Freight System:** Long-haul truck movement a priority; has higher mobility standard.

**\*Lifeline Route:** Emergency route maintained for potential mass movement.

**\*Scenic Byway:** Exceptional scenic value that may affect design.

**Oregon Transportation Plan (OTP):** As adopted September 15, 1992, the OTP defines transportation goals, policies and actions for the next 40 years, and identifies a coordinated multimodal transportation system to be developed over 20 years. It gives increased emphasis to public transit, intercity bus service, railroads, bicycles and walking, and supports the development of compact, walkable communities. The OTP envisions downtown cores that are healthy central hubs for commerce within an urban region.

**Parking Lane:** The recommended width for parallel parking lanes along a highway is 8 ft (2.4 m), with 7 ft (2.1 m) as an exception in constrained right-of-ways.

**Pavement Markings:** Painted or applied lines or legends placed on a roadway surface for regulating, guiding, or warning traffic.



## Glossary (cont'd)

**Pavement Width:** The width of vehicular pavement of a street, including moving and parking lanes but excluding planters and sidewalks. See also: Roadway.

**Pavement:** The impervious surface dedicated to the circulation and parking of vehicles. Sound environmental practice endeavors to minimize paved area which is considered detrimental to the watershed and increases the cost of drainage.

**Peak Hour:** Hour of the day with the most traffic, usually during the evening commute time but sometimes including the morning commute time or early afternoon.

**Pedestrian:** A person on foot, in a wheelchair, or walking a bicycle.

**Pedestrian Friendly:** Design qualities that make walking attractive, including places people want to go and good facilities on which to get there.

**Pedestrian Scale:** See Human Scale.

**Planting Strip:** That section of the sidewalk area which accommodates street trees and scrubs.

**Preservation:** Projects that rebuild or extend the service life of highways. Preservation projects add useful life to the highway without increasing capacity. See: Modernization.

**Prospectus:** An internal ODOT tool that defines a project in its planning stage. The prospectus describes project limits, costs and funding, environmental issues, and approvals.

**Quality of Life (QOL):** A measure of human well-being related to personal choice, including availability of leisure time, discretionary income, and travel options.

**Raised Median:** A nontraversable median where curbs are used to elevate the surface of the median above the surface of the adjacent traffic face. Pedestrians may normally cross the median but vehicles may not. See: Median.

**Refuge Island:** A nontraversable section of median or channelization device on which pedestrians can take refuge while crossing the highway.

**Right-of-Way (ROW):** The composite public area dedicated exclusively to circulation—both physical and social—including the roadway and pedestrian area.

**Roadway:** The paved portion of the street which is primarily occupied by vehicles, including the travel lanes and parking lanes. The roadway may also include a median and refuge islands.

**Roadway Manager:** The ODOT person responsible for making exceptions to the design standards.

**Roundabout:** An intersection design where traffic circulates around a central island rather than proceeding straight through and which has special features to reduce conflicts inherent in conventional intersections.

**Secondary Route:** A parallel road to main street suitable as an alternate route for through traffic, especially trucks.

**Sense of Place:** A highly desirable but elusive quality of a neighborhood or city, often recognized only when it is lost. An effective sense of place is created by many interdependent elements, such as: the setting, buildings, streets, meeting places, connections between important places, activities, and the presence of people.

**Shared Roadway:** A type of bikeway where bicyclists and motor vehicles share a travel lane.

**Shoulder:** The portion of a highway that is contiguous to the travel lanes provided for pedestrians (when there is no sidewalk), bicyclists, emergency use by vehicles, and for lateral support of the base and surface.

**Shy Distance:** The lateral (side) clearance of a walkway or vehicle travel lane as measured from the outside edge of the walkway or lane to the nearest vertical obstacle such as a building, fence, or pole.

**Sidewalk:** A walkway separated from the roadway with a curb, constructed of a durable, hard and smooth surface, designed for preferential or exclusive use by pedestrians.

**Sidewalk Area:** That portion of a street right-of-way which is dedicated to uses other than moving and parking vehicles. It includes primarily the sidewalks, plantings, and street furniture.

**Sight Distance:** The distance a person can see along an unobstructed line of sight.

**Slip Lane:** A wide-radius, right-turn channel to facilitate high volumes of turning vehicles. See: Channelization.

**Small-Scale Urban Highway Pedestrian Improvement (SUPPI):** An ODOT program administered by the Oregon Bicycle and Pedestrian Program that helps cities and counties complete small pedestrian projects on urban highways.

**Smart Development:** Development that implements the state's land use and transportation goals in urban areas. It is "smart" because it: uses land efficiently; facilitates a range of transportation choices; fully utilizes existing public facilities; combines residential, commercial, and community service activities within a neighborhood to create a lively and safe environment; is designed to the scale and comfort of people; and uses locally-appropriate design to reinforce community identity and heritage.

**Special Transportation Area (STA):** A highway classification identified in a corridor plan or local transportation system plan. An STA is characterized by a downtown, business district, or community center on an Urban Arterial (not Expressway) with speeds no more than 25 mph (40 km/h), frequent street connections, and on-street parking.

## Glossary (cont'd)

In an STA, local access and pedestrian travel is more important than through traffic movement. The STA designation allows changes from the usual highway standards within the downtown, such as shorter block lengths and higher levels of local congestion. This is balanced by strict access management on the highway outside of the downtown. STAs, as well as the other land use area designations, are applied to a specific area through the adoption of a Transportation System Plan or Corridor Plan. (Through the ODOT Exception Process, some STA design elements may be applied to an appropriate highway segment when not a designated STA.) See also: Oregon Highway Plan.

**State Historic Preservation Office (SHPO):** Agency primarily concerned with the preservation of historic structures and districts, such as property on, or eligible for, the National Register of Historic Places. Any use of federal highway funds in a main street project requires review by SHPO to determine if the project could have an adverse effect on historic resources.

**State Transportation Improvement Program (STIP):** ODOT's adopted list of major projects covering 4 years.

**Street:** A place of movement and activity, defined by the continuous line of buildings along its edges which have a particular scale, dimension, form, and detail unique to each street.

**Street Network:** A web of intersecting streets, which may be diagonal, curvilinear, or irregular in its alignment and variable at its intersections. See: Grid Pattern.

**Streetscape:** The combination of planters, sidewalks, street trees, and street lights.

**Terminal Vista:** A building, sculpture, hill, or other large object at the end of a street segment. A terminal vista tends to slow the motorist and gives the pedestrian a landmark with which to orient themselves.

**TIF:** Tax Increment Financing.

**Threshold Gap:** The distance from a pedestrian to an oncoming motor vehicle sufficient for 50% of pedestrians to choose to cross a street.

**Traffic Calming:** A set of techniques which serve to reduce the speed and aggressiveness of traffic. Such strategies include lane narrowing, on-street parking, sidewalk extensions into the roadway, surface variations, and visual clues on a vertical plane. Although traffic calming is often a retrofit to deal with identified problems, it is also an important aspect of new construction to prevent problems from occurring. See: Traffic Priority Device.

**Traffic Control Device:** Signs, signals or other fixtures, whether permanent or temporary, placed on or adjacent to a travelway by authority of a public body having jurisdiction to regulate, warn, or guide traffic.

**Traffic Management:** The mitigation of traffic congestion achieved by methods other than proximity of destinations, road construction, or the provision of transit. The principal methods are: transit, car-pooling, staggering of work hours, and variable rate road tolls.

**Traffic Priority Device:** The various techniques which assign priority to the moving vehicle at the expense of the pedestrian; having the opposite effect of traffic calming.

**Traffic Volume:** The number of vehicles that pass a given point for a given length of time (hour, day, year). See: Average Daily Traffic and Capacity.

**Transit:** The four general types of transit systems are heavy rail, light rail, buses, and trolleys. In addition, there are hybrids such as taxi fleets and rental cars.

**Transit Stop:** The waiting area for bus or rail. The experience of waiting is considered to be as important as any other consideration in encouraging the use of transit by those who have the choice.

**Transition Area:** A length of street where an obvious change occurs such as street width, building types, speed limit, or landscaping. A well-defined transition area before main street may be necessary to help slow traffic. See also: Gateway.

**Transportation Demand Management (TDM):** Actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include but are not limited to the use of alternative modes, ride-sharing and vanpool programs, and trip-reduction ordinances.

**Transportation Growth Management (TGM):** A program administered by the Department of Land Conservation and Development to assist cities and counties in dealing with transportation issues.

**Transportation Needs:** Estimates of the movement of people and goods consistent with an acknowledged comprehensive plan and state requirements such as the TPR. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives (such as avoiding principal reliance on any one mode of transportation).

**Transportation Planning Rule (TRP):** Oregon Administrative Rule 660-12 that establishes the relationship between transportation and land use planning. The TRP stresses that a community's land use plan amendments and zone changes that may affect a transportation facility should be consistent with the adopted function, capacity, and performance measures for the affected facility. Some of the TRP requirements that applicable to main streets include bicycle parking, bikeways and sidewalks, and safe and convenient pedestrian and bicycle access from the sidewalk,



## Glossary (cont'd)

transit stops, adjacent development, and residential and neighborhood activity centers within one-half mile.

**Transportation System Plan (TSP):** A plan for one or more transportation facilities that are planned, developed, operated, and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

**Travel Lane** (aka Driving Lane): Area of roadway dedicated to vehicle movement. The recommended width for highways is 12 ft (3.6 m), with 11 or 10 ft (3.3 or 3.0 m) permitted in constrained right-of-ways under certain conditions.

**Urban Arterial:** A major street in an urban area. See: Arterial.

**Utilities:** General term for urban infrastructure, excluding transportation. Utilities include electricity, telephone, fiber-optic cable, gas, water, and sewer. While streets run within public right-of-ways, utilities run within easements which may overlap private lots.

**Vehicle Miles Traveled (VMT):** The average length of a vehicular trip. VMT is one measure of the effectiveness of balanced use as a measure of traffic mitigation.


**Vertical Plane:** The vertical aspect of a building or streetscape, as opposed to the horizontal plane, which is the plan view.

**Volume-to-Capacity Ratio (V/C Ratio):** A measure of roadway congestion, calculated by dividing the number of vehicles passing through a section of highway during the peak hour by the capacity of the section. See: Capacity and Congestion.

**Walking Distance:** The distance which may be covered by a five-minute walk at an easy pace. This is the distance that most people will walk rather than drive, providing the environment is pedestrian-friendly.

**Vehicle:** Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including vehicles that are self-propelled or powered by any means.

**Walkway:** A transportation facility built for use by pedestrians, including persons in wheelchairs. Walkways include sidewalks, paths, and paved shoulders.

**Wide Outside Lane:** A wider than normal curbside travel lane that is provided for ease of bicycle operation where there is insufficient room for a bike lane or shoulder bikeway; normally 14 ft (4.2 m). 

## Resources

### Livable Oregon

621 SW Morrison, Suite 1300  
Portland, Oregon 97205  
503-222-2182  
<http://www.livable.org>

### Oregon Department of Forestry

2600 State Street  
Salem Oregon 97310  
503-945-7213  
<http://www.odf.state.or.us>

### Oregon Department of Transportation

Transportation Bldg.  
355 Capitol St. NE  
Salem, Oregon 97301-3871  
888-275-6368  
<http://www.odot.state.or.us>

### Oregon Downtown Development Association

161 High Street, SE #236 or PO Box 2912  
Salem, Oregon 97308  
503-587-0574  
<http://www.odda.org>  
e-mail: [info@odda.org](mailto:info@odda.org)

### Oregon Economic and Community Development Department

775 Summer St., NE  
Salem, Oregon 97310  
503-986-0123  
<http://170.104.101.34/DEPT.HTM>

### Oregon Parks and Recreation Department State Historic Preservation Office

1115 Commercial St. NE  
Salem, Oregon 97310  
503-378-4168  
<http://arcweb.sos.state.or.us/SHPO/shpoabout.html>

### Transportation Growth Management Program

635 Capitol St. NE Suite 200  
Salem, Oregon 97301  
503-373-0050  
<http://www.lcd.state.or.us/issues/tgmweb>



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# A HIGHWAY RUNS THROUGH IT:

## *Conserving Scenic Corridors in Florida*

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## **I. Introduction**

Scenic corridors may encompass not just roadway pavement, right-of-way areas and adjacent roadside, but also the many elements that make up scenic vistas. Features found within scenic corridors may include lakes, streams wetlands; forest and agricultural lands; desert or mountain views; urban and rural scenes; and cultural and historic resources. A scenic corridor may extend for miles and miles in horizon vistas depending on a corridor's terrain. Similarly, the width of a scenic corridor may include a closed canopy road or a narrow urban street.

Unfortunately, unplanned growth, uncontrolled signage, poorly designed development and incompatible land uses can easily compromise the aesthetic quality of scenic corridors. Federal, state and local scenic corridor protection programs have emerged to encourage creative roadway planning. Such planning can yield direct and indirect benefits for communities, landowners and roadway users. Direct benefits may include increases in tourism revenue due to identification on state, federal and auto club maps; increases in business, tax revenue, and jobs from tourist dollars; access to federal and state funding for planning and managing the corridor; increases in property values, improved maintenance and higher budgets for roads; and access to money and other assistance from state and national offices of economic development and tourism. Indirect benefit includes the official recognition that what the community has is special. This official acknowledgment carries with it a sense of community pride.

This paper addresses scenic corridor protection techniques, both regulatory and incentive-based. Section II discusses the roots of the scenic highway movement in the United States. Section III then provides an overview of Federal scenic byway programs. Next, Section IV describes state programs with an emphasis on Florida's scenic highway program. Finally, Section V of this paper discusses local government and community-based scenic corridor protection strategies including tools and techniques for implementing scenic corridor programs.

## **II. Roots of the Scenic Highway Movement**

The scenic highway movement can trace its roots back to the later half of the 19<sup>th</sup> century. Frederick Law Olmstead created and developed avenues and boulevards that meandered through urban parks.<sup>2</sup> Over time, these thoroughfares increased in numbers as automobile transportation became affordable for the American working class.

Some of the first scenic highways included suburban parkways built in Boston, Massachusetts and Westchester County, New York in the early decades of the 20<sup>th</sup> century.<sup>3</sup> For instance, the Bronx River Parkway, which began construction in 1913, was designed to provide

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<sup>2</sup> National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, Information Series No. 68 (1992) (attached as Appendix A).

<sup>3</sup> See *id.*, at 1.

a pleasurable commuting experience by beautifying a blighted urban corridor.<sup>4</sup> This scenic corridor provides scenic vistas and a limited number of access points for simple, comfortable travel along the Bronx River.

### III. Federal Scenic Byway Programs

#### A. National Park Service

In the 1930's the National Park Service (NPS) began constructing parkways using the urban parkways around New York City as models. These parkways now constitute a special type of unit of the NPS.<sup>5</sup> They are defined as highways "for recreational passenger car traffic with a wide right-of-way that insulates the roadway from abutting private property, minimizes intersections and access points, and protects natural scenic values."<sup>6</sup> These early parkways included the Blue Ridge Parkway in Virginia and North Carolina and the Natchez Trace Parkway in Tennessee and Mississippi.<sup>7</sup> Today, the NPS manages nine parkways, four of which are found in or near Washington, D.C. Moreover, numerous national parks contain roads considered scenic corridors including Skyline Drive in Shenandoah National Park, Virginia, and Going-to-the-Sun Road in Glacier National Park, Montana.<sup>8</sup>

#### B. U.S. Forest Service and Bureau of Land Management

The U.S. Forest Service and the Bureau of Land Management also have scenic highway systems.<sup>9</sup> The U.S. Forest Service (USFS) began its program in 1988 by designating roads within national forest boundaries in 30 states.<sup>10</sup> USFS scenic highways are mostly protected by federal ownership of the their land and in a few situations by scenic easements.<sup>11</sup> However, many USFS scenic highways pass through both public and private land. Like the USFS, the Bureau of Land Management (BLM) has promoted a network of scenic roads called "Back Country Byways" in the western states. These scenic roads are intended to expose the beauty of the west that is not

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<sup>4</sup> See *id.*

<sup>5</sup> U.S. Department of Transportation—Federal Highway Administration, *Protection Techniques for Scenic Byways: Four Case Studies* (September 1990) (attached as Appendix B).

<sup>6</sup> See *id.*, at 16.

<sup>7</sup> See National Trust for historic Preservation, *The Protection of America's Scenic Byways*, *supra* note 2, at 2.

<sup>8</sup> See *id.*

<sup>9</sup> U.S. Department of Transportation—Federal Highway Administration, *Community Guide to Planning & Managing a Scenic Byway* (attached as Appendix C).

<sup>10</sup> See National Trust for historic Preservation, *The Protection of America's Scenic Byways*, *supra* note 2, at 2.

<sup>11</sup> See U.S. Department of Transportation, *Protection Techniques for Scenic Byways: Four Case Studies*, *supra* note 5, at 16.



easily accessible by major roads including prairies, deserts, canyons, historic towns, mountaintops and wildlife.<sup>12</sup> Back Country Byways are classified into four classifications, depending on the terrain and travel conditions.<sup>13</sup> Most require trucks or four-wheel drive vehicles for reasonable access. Thus, these byways may be impassable during certain times of the year.

### C. National Scenic Highways Program

The federal government has been particularly interested in scenic byways for several decades. Early interest was formalized in the 1960s with the creation of the Outdoor Recreation Resources Review Commission.<sup>14</sup> In 1965, the Highway Beautification Act was passed, regulating signage and junkyards along federally aided highways.<sup>15</sup> Several federal studies of scenic byways were also taken from the 1960s through the 1980s. However, legislation to create a national system of scenic highways was not drafted until 1988 with the help of the Coalition for Scenic beauty (now known as "Scenic America").<sup>16</sup>

In 1989, the Scenic Byways Protection Act was introduced in the House of Representatives and the Senate, with support from engineering, environmental and economic interests.<sup>17</sup> Even though this particular bill was not approved, the 1990 appropriation legislation for the Department of Transportation contained provisions for implementing a study to recommend guidelines for conducting a national scenic byways program. The study assessed existing scenic byways, safety issues, economic impacts, tourism, and protection techniques of scenic byways. The study generated further support for scenic byways, and in 1991 several more bills were introduced in Congress.<sup>18</sup>

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<sup>12</sup>

See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, supra note 2, at 2.

<sup>13</sup> See U.S. Department of Transportation, *Protection Techniques for Scenic Byways: Four Case Studies*, supra note 5, at 17.

<sup>14</sup> See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, supra note 2, at 5.

<sup>15</sup> See *id.* See also infra § V(G) Sign Control.

<sup>16</sup> See *id.* See also [www.scenic.org](http://www.scenic.org)

<sup>17</sup> See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, supra note 2, at 5.

<sup>18</sup> See *id.*

Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991.<sup>19</sup> The Act provided funding, over six-years, for the construction and maintenance of highways, bridges and mass transportation facilities.<sup>20</sup> The Act contains strong provisions for state and local planning and a concern for assessing the impact of transportation projects on communities and integrating transportation and community goals.

The foundations of the national scenic byways program are established in Section 1047 of ISTEA.<sup>21</sup> First, the Act creates a 17-member Scenic Byways Advisory Committee with the purpose of assisting the Secretary of Transportation in developing a national scenic highway program.<sup>22</sup> The Committee is composed of six members from the federal government, three members representing travel and tourism, two members representing transportation officials, two members representing truck and auto users and four members representing the preservation and conservation communities.<sup>23</sup> This eclectic membership reflects the broad spectrum of interests groups that are concerned about the scenic byways program and influence scenic byway legislation.

ISTEA creates a two-tier system of scenic byways: a system of designated roads that meet national criteria and a system of five-star byways, the so-called all-American roads.<sup>24</sup> The "minimum criteria" for use in designating highways as scenic byways and all-American roads requires the committee to address scenic beauty and historic significance of highway corridors, operation and management standards, signage standards, safety standards, landscaping and traveler's facilities, and procedures for designating scenic byways.<sup>25</sup>

The National Scenic Byways Program is envisioned as the next tier above state programs, with all-American roads as the very best of the national byways.<sup>26</sup> Participation by the states is voluntary. The designation criteria must consider user needs, protection of resources and strong public participation.<sup>27</sup> Furthermore, a corridor management plan is required as part of the

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Intermodal Surface Transportation Efficiency Act, Public Law 102-240(1991), codified in chapters 23 and 49 of the United States Code. Authorization of the National Scenic Byways Program can be found at P.L. 102-240 § 1047, and codification can be found at 23 U.S.C. 101 (1996). The National Scenic Highways Program can also be found in the Congressional Statutes at large at 105 Stat. 1996.

<sup>20</sup> See *id.*, at 23 U.S.C. 101.

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See P.L. 102-240, *supra* note 19, at § 1047.

<sup>22</sup> See *id.*

23

See *id.*

24

See U.S. Department of Transportation, *Community Guide to Planning & Managing a Scenic Byway*, *supra* note 9, at 10.

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See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, *supra* note 2, at 5.

<sup>26</sup> See Christopher J. Duerksen, *Protecting Scenic Highways—A Legal Primer*, Clarion Associates<sup>27</sup> (1993).

See *id.*

designation process and the Federal Highway Administration has the responsibility to provide technical assistance capability.<sup>28</sup> Finally, for a route to be eligible for inclusion in the National Scenic Byways Program, it must include: one or more of six intrinsic qualities (scenic, natural, historic, cultural, archeological, and recreational), broad-based local community support for its designation, and continued management as laid out in a corridor management plan.<sup>29</sup>

#### IV. State Scenic Byway Programs

##### A. Generally

ISTEA's National Scenic Byways Committee decided that roads should first be recognized at the state level as scenic highways before they could be eligible to receive national byway status. This decision caused the rapid development and enhancement of state scenic byway programs across the country. As a consequence, most states have some type of scenic byways program and they designate roads that have scenic values and historical and cultural resources.<sup>30</sup> In a number of states, such as Florida, formal scenic byways programs are authorized by legislation and are designated in accordance to published standards and procedures.<sup>31</sup> Other states, such as Maryland and North Carolina, have programs with administrative authorization granted under a general or executive authority.<sup>32</sup> Lastly, many states, such as Missouri and Illinois, have no formal scenic highway program but have designated a road or roads as scenic, often as part of a special initiative.<sup>33</sup>

The procedures for scenic designation differ dramatically. In some states, designation of scenic corridors is initiated at the local level. In other states, a state-level planning board or committee nominates the roads. Formal scenic highway program designation criteria varies from state to state. For example, California and Oregon have very defined and high standards of designation that relate to aesthetics, natural beauty and historic resources.<sup>34</sup> Other state programs apply criteria that relate more to tourism and travel experience. Whatever criteria are used, most state scenic byways programs mark the roads with special signs. This special signage is designated to heighten awareness of the roads' special qualities.

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<sup>28</sup> See *id.*

<sup>29</sup>

See U.S. Department of Transportation, *Community Guide to Planning & Managing a Scenic Byway*, *supra* note 9, at 8.

<sup>30</sup> See *id.*

<sup>31</sup> See *infra* § IV(B) Florida.

<sup>32</sup> See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, *supra* note 2, at 2-3

<sup>33</sup> See *id.*

<sup>34</sup>

See *id.*, at 3.



State scenic byways are often promoted through maps and brochures as tourist attractions.<sup>35</sup> However, most state programs do not incorporate the protection and management of the road corridors into their scenic byways programs.<sup>36</sup> Scenic protection of a designated corridor is generally left up to local jurisdictions in which the road passes.

## B. Florida

Florida had no official scenic highways program prior to ISTEA.<sup>37</sup> The Florida Legislature had designated several routes as "scenic and/or historic," but they were chosen on a case-by-case basis with no uniform designation criteria.<sup>38</sup> In 1993, State legislation was passed to allow the Florida Department of Transportation (FDOT) to establish an official program for scenic highways.<sup>39</sup> In 1994, FDOT received a Scenic Byways Grant from the Federal Highway Administration to create a Florida Scenic Highways Program.<sup>40</sup> The product of that grant was a proposed Florida Scenic Highways Program. Then, in February 1997, the Secretary of the Florida Department of Transportation approved and signed an FDOT procedure establishing the Florida Scenic Highways Program as official.<sup>41</sup> Finally, in April 1997, the Program received federal recognition.<sup>42</sup> Since that time, the Federal Highway administration has awarded FDOT with an "Environmental Excellence Award" for its creation of the Florida Scenic Highways Program.<sup>43</sup>

The Florida Scenic Highways Program is structured around the idea of building a grass roots effort to increase awareness of Florida's history and intrinsic resources. The program's mission statement reflects this purpose:

*"The Florida Scenic Highways Program will preserve, maintain, protect and enhance the intrinsic resources of scenic corridors through a sustainable balance of conservation and land use. Through community-based*

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<sup>35</sup> See *id.*

<sup>36</sup>

<sup>37</sup> See *id.*

<sup>38</sup>

See Florida Department of Transportation, *Florida Scenic Highways Program Manual* (1996), at Chapter 1, §1.2.

<sup>39</sup> See *id.* at Section 1.3. Scenic and historic highways legislatively mandated through the 1993 session include 19 highways from Escambia County to Dade County and of the 19 highways: 12 are historic, 6 are scenic and 1 is historic and scenic (see Appendix D for a listing of the highways).

<sup>40</sup> See FLA. STAT. § 335.093 (1993).

<sup>41</sup> See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37, at Section 1.3.

<sup>42</sup> See *id.*

<sup>43</sup> See *id.*

See *id.*

*consensus and partnerships, the program will promote economic prosperity and broaden the traveler's overall recreation and educational experience.*"<sup>44</sup>

Implicit in the Florida Scenic Highways Program's mission statement is the acknowledgment that the program's ultimate goal is to preserve, maintain, protect and enhance Florida's unique intrinsic resources. To date two highways have been formally designated under the Florida Scenic Highways Program. The "Pensacola Scenic Bluffs Corridor," which includes portions of State Road 10A and U.S. 90, is approximately 11 miles in length and was officially designated as Florida's first State Scenic Highway on April 24, 1998.<sup>45</sup> The other designated State Scenic Highway is the "Tamiami Trail Scenic Highway" which includes portions of U.S. 41 and is approximately 49.5 miles in length and was designated on December 9, 1998.<sup>46</sup>

The Florida Scenic Highways Program consists of three separate phases: eligibility, designation, and implementation.<sup>47</sup> During the eligibility phase an applicant forms a Corridor Advocacy Group (CAG) to develop an Eligibility Application.<sup>48</sup> After eligibility is established, the CAG begins the designation phase by developing a Corridor Management Plan (CMP), which specifies the procedures, protection techniques, and standards and regulations by which the scenic highway will be managed.<sup>49</sup> If designation is granted, then the implementation phase is initiated and the actions, techniques, and procedures laid out in the CMP are carried out.<sup>50</sup>

## **V. Protection Strategies: Tools and Techniques for Implementing Scenic Corridor Programs**

### **A. Planning**

#### **1. Policy Statements**

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<sup>44</sup> See *id.*, at § 1.2.

<sup>45</sup> See [www.scenicfla.org](http://www.scenicfla.org) (This is the website of "Citizens for a Scenic Florida," a Florida Chapter of "Scenic America.").

<sup>46</sup> Per phone conversation with Kristee Booth, Florida Department of Transportation, November 30, 1999.

<sup>47</sup> Florida Department of Transportation, *Florida Scenic Highways Program Manual*, supra note 37, at § 1.6.

<sup>48</sup> See *id.*

<sup>49</sup> See *id.*

<sup>50</sup> See *id.*

A governmental entity may issue a policy statement regarding land use or land development that provides a start for protection of scenic resources.<sup>51</sup> This policy may or may not be incorporated in a comprehensive plan or zoning ordinance. Recognition by a local government that a roadway is scenic may spark enough citizen support to protect it. Policy statements may also strengthen ordinances by influencing decision-making processes.

## 2. Comprehensive Planning

In Florida, local government comprehensive plans combine planning and regulatory functions.<sup>52</sup> They are legally enforceable documents used to plan for and regulate land use development in the local jurisdiction. All proposed development within a jurisdiction must demonstrate “consistency” with the comprehensive plan. In order for a particular use to have consistency with the comprehensive plan it must be “compatible with and further the objectives, policies, land uses . . . in the comprehensive plan.”<sup>53</sup> Furthermore, this consistency requirement ensures that the goals and objectives of the local comprehensive plan, such as scenic highway designation, will be implemented in land use decision-making. Moreover, Florida’s Growth Management Act addresses complications caused by multi-jurisdictional problems by requiring each local plan to address intergovernmental coordination.<sup>54</sup>

A Scenic Highway’s CMP must be either adopted into a local government’s comprehensive plan or it must be demonstrated that the comprehensive plan already contains provisions to protect the corridor.<sup>55</sup> Specifically, these elements include a map displaying the corridor, a corridor vision statement, and goals, objectives and strategies related to the specific local government.<sup>56</sup> This required coordination helps ensure scenic highways do not suffer from piecemeal local planning.

## 3. Pre-application Review of Development Proposals

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<sup>51</sup>

See U.S. Department of Transportation, *Protection Techniques for Scenic Byways: Four Case Studies*, *supra* note 5, at 12.

See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37, at Chapter 7.

See FLA. STAT. § 163.3194(3)(a)(1995) (Chapter 163 of the Florida Statutes is referred to as Florida’s Growth Management Act).

<sup>54</sup> See *id.*, at § 163.07.

See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37, at § 3.15.1.

See *id.*



A local government environmental review process can be an important tool in protecting scenic resources.<sup>57</sup> Development-approval processes generally include an environmental review, which requires developers to do an environmental assessment of a potential building site. This review can, and usually does, include an inventory of scenic, historical, and conservation resources and assesses the impacts of the proposed development on those resources. An environmental review does not by itself avoid adverse environmental impacts, but it usually does recognize potential threats to the environment and may identify some mitigation of the impacts.

### **3. Site Plan Review and Design Guidelines**

A Site Plan Review may be installed by a local government to act as a modified special permit process.<sup>58</sup> This middle-ground approach allows local governments more comprehensive control over new development than is feasible through zoning alone, but at the same time reduces “unbridled discretion” exercised by boards of county commissioners utilizing inadequate bylaws which are vague or lack necessary detail. This type of review is most often used for non-residential uses.

Design guidelines and design controls can be utilized under a design review process to effectuate what acceptable development in a community should look like.<sup>59</sup> Design guidelines may be published by citizen groups or governmental bodies and do not require enabling authority. Design controls, which are permitted by enabling legislation, require development to be in compliance with design guidelines. A design review board could administer these guidelines and controls. This approach, coupled with Site Plan Review, would provide a heightened level of scrutiny of development proposals along scenic corridors.

## **B. Acquisition of Interests**

### **1. Fee Simple Acquisition**

Ownership offers the surest way to protect scenic resources is to own them outright. Ownership of all or part of a scenic corridor assures maximum control of land use and design along a road. Title of land in “fee simple” is an absolute holding of real property without any limitation on ownership.<sup>60</sup> However acquiring property, whether by buying it or by donation, is usually the most expensive way to protect it. Further, costs are not limited to acquisition but also involve long-term management and maintenance. Moreover, scenic lands are often productive lands, and its

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<sup>57</sup> See U.S. Department of Transportation—Federal Highway Administration, *Scenic Resource Protection Techniques and Tools* (September 1990), at 28 (attached as Appendix E).

<sup>58</sup> See *id.*

<sup>59</sup> See *id.*

<sup>60</sup> See *id.*, at 9.

productivity is part of that which makes it scenic. Removing such lands from their productive roles may interfere with scenic qualities.

## 2. Scenic or Conservation Easements

Scenic or conservation easements are the acquisition of certain limited rights to, or interests in, real property.<sup>61</sup> They are essentially an agreement between the owner of property and the holder of an easement that the land will be restricted for certain specified uses that might compromise the land's scenic or natural qualities. They are increasingly being used to protect the views from roads.

Conservation easements were authorized by statute in Florida in 1976.<sup>62</sup> Section 704.06 of the Florida Statutes details the procedure for creating conservation easements.<sup>63</sup> A conservation easement usually restricts the type and amount of development that may take place on the property.<sup>64</sup> For example, in the case of scenic highways, conservation easements can be used to prohibit or restrict the placement of buildings or billboards on a scenic corridor to ensure the preservation of scenic qualities. In Florida, easements are perpetual in nature, run with the land and may be in the form of an easement, restriction, condition or covenant. The easement "runs with the land," so that as ownership changes, the land remains subject to the easement.<sup>65</sup>

The easement's seller/donor (owner) may receive several benefits, including estate, property, and income tax deductions and retention of certain rights to develop if specified in the easement instrument. In addition, the easement is drafted to specifically address the particular property's needs and owner's goals. Its flexibility makes the conservation easement a useful instrument for attaining specific conservation goals.<sup>66</sup>

The easement's buyer/donee (holder) takes upon themselves the duty of monitoring and enforcing the restrictions of the easement. The holder of the easement should have the time and monetary resources to properly monitor the property and enforce restrictions. If these duties are not performed properly the easement may be vulnerable to an attack on its validity for lack of enforcement.

The Florida conservation easement law defines one type of a conservation easement as a right or interest in real property which is appropriate to fulfill the purpose of retaining land or water

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<sup>61</sup>

See U.S. Department of Transportation, *Protection Techniques for Scenic Byways: Four Case Studies*, *supra* note 5, at 10.

<sup>62</sup> The conservation easement statute was amended in 1986 and 1993.

<sup>63</sup> See FLA. STAT. § 704.06 (1997).

<sup>64</sup> See David Downes, *Economic Incentives and Legal Tools for Private Sector Conservation*, 8 DUKE ENVTL. L. & POL'Y F. 209, 212 (Spring 1998).

<sup>65</sup> See FLA. STAT. § 704.06(4) (1997).

<sup>66</sup> See Cheryl A. Denton, *Conservation Easements in Florida: Do Unsubordinated Mortgages Pose a Threat?*, 70 FLA. BAR JOURNAL 50, 50 (1996).

areas predominately in their “*natural, scenic, open*, agricultural, or wooded condition.”<sup>67</sup> The purpose and restrictions in the easement should be drafted to reflect these objectives. The restrictions should be strict enough to protect the significant values of the property. Easements may be designed, however, that permit development that is consistent with the easement’s purpose.<sup>68</sup>

Any party that owns real property in fee simple may donate or sell interests in the property. If the property is subject to any mortgages or liens those lenders must agree to subordinate their rights in the property to the rights of the easement holder. Subordination is an IRS requirement to qualify for some tax deductions, as well as sound policy to preserve the easement.<sup>69</sup>

Under Florida law, the holder of the easement must be either:

- a governmental body or agency or
- a charitable corporation or trust
- whose purposes include:
  - (i) protecting natural, scenic, or open space values of real property,
  - (ii) assuring available land for agriculture, forestry, recreation, or open spaces use,
  - (iii) protecting of natural resources,
  - (iv) maintaining or enhancing air or water quality, or
  - (v) preserving sites or property of historical, architectural, archaeological, or cultural significance.<sup>70</sup>

It is also possible to have co-holders of the easement, allowing two qualified organizations to hold the easement. This arrangement brings together the strengths, abilities, and resources of the two stewardship organizations. The co-holders may share responsibility jointly or an individual organization can accept primary responsibility for enforcement of different restrictions.<sup>71</sup>

In order for the conservation easement to be enforceable, it must comply with all sections of Florida Statute ' 704.06. A conservation easement is defined in ' 704.06(2) as a ~~A~~perpetual, ~~e~~ undivided interest in property. Also, public access may be granted in a conservation easement, and is required for some income tax deductions.<sup>72</sup> Moreover, baseline data on the condition of the property at the time of transfer of the conservation easement must be recorded and incorporated by reference into the easement to provide evidence of conservation resource value and to satisfy

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<sup>67</sup> FLA. STAT. § 7 04.06(1) (1998) (emphasis added).

<sup>68</sup> See JANET DIEHL & THOMAS S. BARRETT, THE CONSERVATION EASEMENT HANDBOOK, 5 (1988).

<sup>69</sup> See Treas. Reg. § 1.170 A-154(g)(2) (1998).

<sup>70</sup> See FLA. STAT. § 704.06(3) (1997).

<sup>71</sup> See DIEHL, *supra* note 68, at 77.

<sup>72</sup> See DIEHL, *supra* note 68, at 8.



certain IRS requirements.<sup>73</sup> It is best to compile the information for the baseline report prior to the transfer, so that it can be easily incorporated into the easement.

In drafting the easement the drafter should clearly state the purpose of the easement and identify all the boundaries of the property. The standards for the restrictions should be measurable standards. For a good example of a model easement and explanations of each provision see Janet Diehl and Thomas S. Barrett's *Conservation Easement Handbook* (see also Appendix B of Appendix E for an example of a scenic easement from Michigan).<sup>74</sup> The conservation easement is a flexible alternative to outright donations of land and offers the convenience to the property owner of another entity enforcing the conservation restrictions. The disadvantages include the monetary expense of monitoring the land, as well as decreased property value and decreased owner control.

## 9. Land Trusts

Another alternative for conveying or acquiring title to real property for conservation purposes, land trusts are often established to protect areas of unique scenic quality.<sup>75</sup> Land trusts hold land and other property rights for the benefit of the public and often include educational, recreational and scientific activities. Land trusts often have considerable flexibility in acquiring property and the ability to act quickly and take risks to buy land before it is sold for development. The downside, as with many of the acquisition techniques, is the cost of such a program.

The land trust arrangement was established by the Florida legislature in 1963.<sup>76</sup> Since that time, land trusts have become a popular vehicle for conservation. A land trust is an arrangement whereby the trustee retains both legal and equitable title to land for the benefit of another party, the beneficiary.<sup>77</sup> Major examples of land trusts include the Jackson Hole Trust of Wyoming and the Big Sur Land Trust in California.

When a deed or other recorded instrument naming the trustee as grantee sets forth the trustee's powers, a land trust is created.<sup>78</sup> Florida Statute '689.071 sets out elements of a land trust that must be met in order to be entitled to the benefits of the statute. The following conditions must be satisfied:

- The instrument must convey an interest in real property;
- The grantee in the instrument must be designated as a "trustee";

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It also provides the information necessary for a summary report for the easement holder to utilize in monitoring the property.

<sup>74</sup> See DIEHL, *supra* note 68, at 15.

<sup>75</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 11.

<sup>76</sup> See FLA. STAT. § 689.071, which was enacted on August 17, 1963.

<sup>77</sup> See Mark Warda, *LAND TRUSTS IN FLORIDA* 13 (Sphinx Publishing 4<sup>th</sup> ed. 1995) (1984).

<sup>78</sup> See *id.*; See also FLA. STAT. § 689.071.

- The recorded instrument must confer on the trustee "the power and authority either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property@;
- The land trust agreement must be recorded.

If these conditions are satisfied, the trustee is vested with full ownership in the property, with full power and authority which was granted in the recorded instrument.

The distinctive features of a land trust include:

- Both the legal and equitable titles to the property are vested in the trustee, and the beneficiary has no interest in either.
- The trustee has no duties or powers other than to convey, mortgage, or deal with the real property as directed by the beneficiaries or to sell or liquidate the property at the trust's termination.
- The rights of possession, management, control, and operation of the property, as well as the right to rents, issues, profits, and proceeds of sale or mortgage financing are vested in the beneficiary.
- The rights, privileges, and obligations of the beneficiaries are not interests in real estate but by the trust instrument are expressly characterized as personal property.<sup>79</sup>

In land trusts, both legal and equitable titles to the trust property are vested in the trustee.<sup>80</sup> Therefore, a land trust differs from a conventional trust under which the trustee holds legal title and the beneficiary holds equitable title.<sup>81</sup> The trustee holds the title and may sign documents affecting title when directed by the beneficiary or the terms of the trust.<sup>82</sup> The beneficiary retains all other rights and duties regarding the property -- collects rents, pays taxes, obtains insurance, and manages the property.<sup>83</sup> Also, the terms usually contain the duty to convey the property to the beneficiary at the termination of the trust.<sup>84</sup>

As previously noted, a land trust beneficiary retains a personal property interest, not a real property interest.<sup>85</sup> The beneficiary, which can be a person, corporation, partnership, limited liability corporation, or a combination,<sup>86</sup> has the duty to manage the property.<sup>87</sup> Because the

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<sup>79</sup> See Bruce S. Goldstein, *FLORIDA REAL PROPERTY COMPLEX TRANSACTIONS* 9-B-1, § 9.56 (The Florida Bar 1997). (Quoting: KENOE, *KENOE ON LAND TRUSTS* I.C.[1.3] (1978)).

<sup>80</sup> See Warda, *supra* note 77, at 16.

<sup>81</sup> See 76 *AMERICAN JURISPRUDENCE* § 12.

<sup>82</sup> See Warda, *supra* note 77, at 14.

<sup>83</sup> See *id.*, at 14.

<sup>84</sup> See *id.*, at 14.

<sup>85</sup> See *id.*, at 15.

<sup>86</sup> See *id.*

<sup>87</sup> See *id.*, at 17.

duties, rights, and responsibilities of ownership reside with the beneficiary, the beneficiary also assumes the responsibility and liability for mismanagement.<sup>88</sup>

A land trust may be created in two ways: A property owner can deed the property to a trustee, or a buyer can direct a seller to convey property to a trustee.<sup>89</sup> Two instruments typically are involved in the creation of land trusts. First, a land trust agreement states in detail the duties and responsibilities of the trustee. The agreement may also refer to the relationship among the beneficiaries when dealing with decision-making or profit-sharing. The second instrument, the deed, conveys title to the trustee. The deed will usually contain language that the trustee is granted full power and authority to protect, conserve, and sell, lease, encumber, or otherwise manage the property described in the deed.<sup>90</sup>

A land trust utilized as a vehicle for owning real property offers a number of benefits. Advantages of land trusts include:

- Because the interest of a beneficiary of a land trust is personal property rather than real property, a properly recorded judgment against a beneficiary does not constitute a lien against the real estate held by the land trust. It should be noted, however, that the filing of a RICO lien notice creates a lien in favor of Florida on the beneficial interest in land situated in the county in which the notice is filed.<sup>91</sup> A judgment creditor also could perfect a lien against the personal property interest of a beneficiary by following the necessary procedures for levying on personal property.
- The incompetency, death, bankruptcy, or divorce of one of several owners of a parcel of real estate can create problems in selling, mortgaging, or otherwise dealing with the property. If the property is held by a land trust, these circumstances affect only the beneficial interests of the persons involved and not the real estate. Thus, with appropriate authority granted by the land trust instrument, the trustee can effectively mortgage, convey title to, or otherwise deal with the property despite the existence of any of these circumstances.
- As noted [in '9.57], the personal liability of the trustee is limited under Florida Statutes '737.306(1)(a), which states that unless otherwise provided in the contract, a trustee is not personally liable on contracts, except contracts for attorneys' fees, properly entered into in the trustee's fiduciary capacity in the course of administration of the trust estate, unless the trustee fails to reveal his or her representative capacity and identify the trust estate in the contract.<sup>92</sup>

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<sup>88</sup> See *id.*; See also 76 AMERICAN JURISPRUDENCE §12.

<sup>89</sup> See Warda, *supra* note 77, at 29.

<sup>90</sup> See *id.*, at 41.

<sup>91</sup> See FLA. STAT. § 895.07 (1998).

<sup>92</sup> See FLA. STAT. § 689.071(5).



- Because the land trust agreement is not recorded, the identity of the beneficial owners remains confidential.<sup>93</sup>

There are some down sides to setting up a land trust. First, there is a cost incurred when setting up a land trust and also with maintaining it.<sup>94</sup> Moreover, finding a trustee that can be trusted may prove to be difficult -- especially when considering that a trustee has full power to sell the property.<sup>95</sup> The sale cannot be taken back, but the act could constitute criminal fraud.<sup>96</sup>

#### 4. Revolving Funds

Revolving fund approaches allow a group to purchase threatened property and sell it with restrictions on alterations and use to a new owner.<sup>97</sup> This approach works well for non-profit groups willing to risk temporary ownership and to invest cash and extra effort in seeking permanent protection and responsible ownership for specific properties. The revolving fund approach differs from the land trust approach in that revolving fund groups are usually independent and may keep some of their property indefinitely.

There is a similar approach to the revolving concept referred to as "pre-acquisition" or "passthrough" program.<sup>98</sup> This approach involves a partnership between an organization and a government agency that will end up owning the property. The organization moves quickly to acquire the property when an agency might not be able to act. Then, the organization covers its costs by selling the property to the agency that permanently protects the property. The Nature Conservancy and the Trust for Public Lands have utilized this approach when working with park agencies, the U.S. Fish and Wildlife Service, and the U.S. Forest Service.<sup>99</sup>

#### 5. Other Types of Acquisition

##### a) Lease-Purchase Agreements

Another approach to acquiring property outright is lease-purchase agreements. Under this type of approach, rent paid under the terms of a lease is applied towards an already agreed upon sale

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<sup>93</sup> Goldstein, *supra* note 79, at § 9.62.

<sup>94</sup> One example would be attorney's fees.

<sup>95</sup> See Warda, *supra* note 77, at 73-74.

<sup>96</sup> See Warda, *supra* note 77, at 74.

<sup>97</sup> National Trust for Historic Preservation, *Rural Conservation*, Information Series No. 77 (1993) (attached as Appendix F).

<sup>98</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57 at 12.

<sup>99</sup>  
See *id.*

### **e) Land Donations**

Non-profit organizations and local governments sometimes receive gifts of property through a donation or bequest.<sup>108</sup> However, it is critical for donors to give adequate notice of their intention to donees, so the donees can solidify financial arrangements needed for the property's maintenance (see Appendix A of Appendix E for a list of representative guidelines for receiving property as a gift).

### **C. Land Transfer Controls**

#### **1. Purchase of Development Rights (PDR)**

PDRs is the purchase of easements that extinguish the right to develop property, leaving the owner with all other rights of ownership.<sup>109</sup> The price of the rights is determined by the reduction in the market value of the property as a result of the removal of development rights. PDR programs are often financed by the sale of bonds. Reasonably successful TDR/PDR programs for preserving agricultural land have been implemented in Suffolk County, New York and in Montgomery County, Maryland.<sup>110</sup>

#### **2. Land Banking**

Land Banking involves a local government obtaining fee simple to a parcel of land and then selling the land from its "land bank" with restrictions on allowable development of the land.<sup>111</sup> In effect, the government acts as a large-scale developer. Thus, it could acquire land along scenic corridors and re-sell for development in locations least disruptive to scenic values. This approach has been widely used in Europe, especially Sweden, Denmark and France.

#### **3. Transfer of Development Rights (TDR)**

TDRs is a planning tool in which a developer may own the development rights to a property located in a designated no-growth zone and transfer those development rights to a receiving zone for credits.<sup>112</sup> Sellers of development rights receive cash for the land's potential without actually selling the land, developers are able to build to a higher density, and communities benefit by concentrating development where it is decided to be appropriate while at the same time protecting and preserving open space.

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<sup>108</sup>

*See id.*

<sup>109</sup> *See National Trust for Historic Preservation, Rural Conservation*, *supra* note 99, at 13.

<sup>110</sup> *See id.*

<sup>111</sup> *See U.S. Department of Transportation, Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 15.

<sup>112</sup> *See National Trust for Historic Preservation, Rural Conservation*, *supra* note 99, at 11.

TDRs can be an effective tool for conservation, but they are complex and difficult to implement.<sup>113</sup> Unfortunately, there are few successful TDR programs in Florida or nationwide.<sup>114</sup> This tool might be best utilized in or near metropolitan areas where the jurisdiction covers a large area and a sophisticated planning process already in place.

#### 4. Deed Restrictions

Deed restrictions, also known as covenants, are self-imposed restrictions on subsequent owners of property when a property is transferred.<sup>115</sup> Deed restrictions operate similar to easements and are commonly used with limited development and revolving funds. These restrictions could impose development standards and limitations on property along and adjacent to a scenic corridors.

Generally, restrictions are instituted in order to control the free use of the owners property for the benefit of others. Restrictive covenants may be utilized to control the uses to which the land may be put.<sup>116</sup> Restrictive covenants can either be public or private. Public restrictions are legislative in nature and are established to protect the public welfare.<sup>117</sup> A zoning ordinance is an example of a public restriction.<sup>118</sup> Private restrictions, on the other hand, are used predominately in residential subdivisions to limit land use and to prevent nuisances.<sup>119</sup> Frequently, private restrictions are found in homeowner's association documents where many individuals live in ordered communities containing common areas.<sup>120</sup> Other examples are residential restrictions that call only for single-family residences and building line restrictions which prohibit the erection of a building nearer than a specified distance from the lot lines.<sup>121</sup>

#### D. Land Use Controls

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For a discussion of Transferable Development Rights as well as an easy-to-follow, illustrated explanation of the TDR concept see *An Analysis of the Development and Planning Alternatives to Protect the Character of Eastern Sarasota County While Minimizing Adverse Impacts on Sarasota County Taxpayers*, prepared by the Conservation Clinic at the University of Florida Levin College of Law, November 1999. See also Julian Conrad Juergensmeyer and Thomas E. Roberts, *Land Use Planning and Control Law* (1998), at § 9.9.

<sup>114</sup> See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37.

<sup>115</sup>

See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 16.

<sup>116</sup> See Florida Bar Continuing Legal Education, *Florida Real Property Sales Transactions* 289 (1978).

<sup>117</sup> See Florida Bar Continuing Legal Education, *Florida Real Property Sales Transactions* § 9.15 (9-1).

<sup>118</sup> See *id.*

<sup>119</sup> See *id.*

<sup>120</sup> See *id.*

<sup>121</sup> See Florida Bar Continuing Legal Ed., *supra* note 118, at 292.



## 1. Zoning Ordinances

A zoning ordinance is a set of rules used to guide land use and development.<sup>122</sup> They consist of two parts: a zoning map and the ordinance. The map divides a given governmental jurisdiction into land-use zones, each with certain development requirements and limitations. Most zoning ordinances have at least five unique zones: residential, industrial, institutional, commercial and open space.<sup>123</sup> Within each zone various construction and development restrictions are specified.

A zoning ordinance can be effective for minimizing the effects of urban sprawl. However, for this benefit to be realized, zoning must be strictly enforced and must ensure development occurs in conformity with the comprehensive plan. Unfortunately, there are also several drawbacks to traditional zoning.<sup>124</sup> First, they are often inflexible. Second, different uses are typically segregated. This segregation will not always protect a scenic corridor's environment or character.

## 2. Overlay Zoning & Scenic Highway Districts

Zoning ordinances may contain special zones called "overlay zones," also known as "critical area zones."<sup>125</sup> This type of special zoning may be applied to specific areas such as highway corridors to protect specific resources found throughout a community.<sup>126</sup> In these overlay zones, special restrictions apply to all land, regardless of how it is traditionally zoned. Overlay zoning does not affect the use or density regulations of existing zoning, but instead, it creates an additional set of requirements to be met when the unique resources protected by the overlay would be affected by a proposed land use.<sup>127</sup> Possibly, the most common overlay device for protecting a scenic road corridor is the highway corridor overlay district<sup>128</sup> (see Appendix C of Appendix E for an example of a scenic highway districts ordinance from Charleston County, South Carolina).<sup>129</sup> These scenic highway districts are used to conserve and enhance the natural beauty along scenic corridors. They work in conjunction with existing zoning classifications to ensure the preservation of scenic resources.

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<sup>122</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, supra note 57, at 18.

<sup>123</sup> See *id.*

<sup>124</sup> See *id.*

<sup>125</sup> See *id.*

<sup>126</sup>

See National Trust for Historic Preservation, *Rural Conservation*, supra note 99, at 10.

<sup>127</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, supra note 57, at 19.

See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, supra note 29.

<sup>129</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, supra note 57, at 19.

### **3. Development Agreements**

Pursuant to Sections 163.3220 through 163.3243 of the Florida Statutes, local governments and developers may enter into development agreements that describe the way a development may proceed.<sup>130</sup> Any development agreement must be consistent with the local government's comprehensive plan and can only be adopted, amended or revoked after public notice and hearings.<sup>131</sup> Furthermore, these agreements may last up to ten years.<sup>132</sup> Consideration of scenic resources may be a part of the development agreement process. In the context of scenic corridors, development agreements could provide a level of certainty for a community regarding potential development along a scenic corridor. They would be aware of and may be more able to manage agreed upon development that takes place over a fixed duration of time.

### **E. Land Development Controls**

#### **1. Subdivision Regulation**

In contrast to zoning, which governs the use of property in a community, subdivision regulation controls the design of new development including what it will look like and how it will affect the community.<sup>133</sup> However, given their related objectives, subdivision controls are often coordinated with zoning ordinances. Thus, many communities combine the two concepts into single land development codes.<sup>134</sup>

Subdivision controls can be an important scenic conservation tool. They can apply to any parcel of land, not just traditional subdivisions, and can go a long way to lessen the negative scenic impacts of development. On the other hand, subdivision regulations may also inhibit flexible design standards that can enhance scenic resources. Two of the most important aspects of subdivision regulation are its design and engineering standards and performance guarantees.<sup>135</sup> First, design and engineering standards cover the division of property, including specifying the location of roads, open spaces and other improvements. Second, performance guarantees, such as escrow accounts, ensure that development will proceed only as approved.

#### **2. Flexible Design Standards**

##### **a) Cluster Development**

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<sup>130</sup> See *id.*

<sup>131</sup> See FLA. STAT. § 163.3225 (1999).

<sup>132</sup>

See FLA. STAT. § 163.3229 (1999).

<sup>133</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 22.

<sup>134</sup>

Alachua County, Florida, for instance, has combined the two. See Part III, the Unified Land Development Code, of the Alachua County Code. Alachua, Florida (1997, as amended).

<sup>135</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 22.

Cluster development is the grouping of development on a small portion of land, and can be an effective way to limit development in scenic areas.<sup>136</sup> This type of land development control allows for open accessible to nearby property owners and the public. Moreover, clustering often appeals to developers because it allows flexibility in lot size and can be less expensive in terms of overall improvements. Cluster development in the context of scenic corridors could maintain viewsheds and protect unique natural and scenic resources. However, the success of programs that would *require* clustering depends on balancing the property rights and expectations of the landowner against the community's need to preserve its scenic land.<sup>137</sup>

#### **b) Planned Unit Development**

This type of land development control treats large parcels of land as a single unit containing a mixture of uses.<sup>138</sup> They allow flexibility in zoning and often result in developments with greater open space than in traditional zoning. In residential areas PUDs could have an impact in the area of protection of scenic corridors through site planning and roadway location focusing on the natural resources along scenic corridors. They may also provide a way for local governments to incorporate site design specifications into development.

#### **c) Performance Systems**

Rather than making the general assumptions embodied in traditional zoning, performance systems provide a way of analyzing the effects of proposed development.<sup>139</sup> Performance systems place the burden on developers to mitigate objectionable impacts before a building permit is issued. Generally, they operate with a point system and minimum point scores, or standards, can be set for the impact on scenic views and natural qualities.

Taking either the form of an overlay district or of an amendment to the underlying zoning provisions, the following zoning standards should reflect the scenic character of the district being regulated:

- a) Densities;
- b) Limitations on paved surfaces;
- c) Restrictions on underground services; and
- d) Restrictions on vegetational clearing.

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<sup>136</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 23.

<sup>137</sup> For a couple case studies and a brief discussion of clustering see *An Analysis of the Development and Planning Alternatives to Protect the Character of Eastern Sarasota County While Minimizing Adverse Impacts on Sarasota County Taxpayers*, prepared by the Conservation Clinic at the University of Florida Levin College of Law, November 1999.

<sup>138</sup> See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37.

<sup>139</sup> See National Trust for Historic Preservation, *Rural Conservation*, *supra* note 99, at 11.



In order to protect the scenic rural character of exurban areas, Calvert County, Maryland includes among its design standard requirements, a front roadway buffer for the purpose of maintaining and enhancing "a visually attractive rural landscape."<sup>140</sup>

### 3. Development Moratoria

Across the board restriction on development permits until a certain governmental action is complete, also known as a "development moratoria," could be used to manage growth in a community.<sup>141</sup> Moratoria may be appropriate when a community is revising its comprehensive plan or trying to improve troublesome conditions such as heavy traffic congestion or limited sewer capacity.<sup>142</sup> However, a moratorium should not be used to postpone development indefinitely.<sup>143</sup> Otherwise, a community will open itself up to court challenges.

## F. View Protection

### 1. View Preservation

In spite of preservation ordinances and design review regulations, many communities are recognizing the need to take a comprehensive approach to protecting special vistas and scenic roads. Communities are recognizing that vistas add to the local sense of place and image, which contribute to quality of life and attracting business. Therefore, many communities have enacted view protection ordinances utilizing a combination of tools, including height controls, use restrictions, sign controls and landscaping regulations.<sup>144</sup>

In some cities, such as Austin, Texas, view protection concerns have manifested in efforts to protect views of important buildings such as state capitols. In other cities, such as Denver, Colorado, mountain views have spurred special regulations to limit building heights. Furthermore, some cities, like New Orleans and Houston, have attempted to beautify their city's entryways, which are the community's welcome mat.<sup>145</sup>

### 2. Tree Protection

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<sup>140</sup> See Calvert County, MD. Calvert County Code, at 5-103.D.5a. See also Stokes, *Saving America's Countryside*, at 176-86.

<sup>141</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 24.

<sup>142</sup> See *id.*

<sup>143</sup> See *id.*

<sup>144</sup> See *id.*, at 35.

<sup>145</sup> For a more detailed discussion of the Denver, Austin, and New Orleans' view protection ordinances see Appendix E at § 3.8.1.

There is also an increasing interest in protecting existing trees across the nation. Americans have increasingly begun to realize and appreciate the benefits of trees. More specifically, people have recognized trees' abilities to "soften the edge of development," to contribute to a safer healthier environment and reduce the phenomena known as "urban heat islands" by moderating effects of sun, cold and wind.<sup>146</sup> Furthermore, trees serve as screens against noise, stabilize soils and provide a haven for wildlife.<sup>147</sup> In response to growing community interest, a number of local communities, such as Tallahassee, Florida, have adopted specific tree species as community hallmarks.<sup>148</sup> These designations and tree-related ordinances can help protect and conserve scenic vistas.

An emerging legal issue that has caused problems for tree protection in many areas is how to prevent an owner from clearing a site of trees before they apply for a building permit or site plan approval.<sup>149</sup> Communities have responded in several ways. They include following the Model Development Code approach and include tree removal under the definition of development that requires a permit. Alternatively, other approaches utilize separate regulations that place restrictions on land clearance, often as soil erosion and drainage control ordinances. Finally, some communities have tree ordinances that require a review process that consideration of trees in development proposals.

#### G. Signage

Sign control is an essential tool of scenic resource protection. Sign control should include managing the location, appearance and existence of signage along scenic corridors.<sup>150</sup> An ideal system would convey information without creating clutter, blocking scenic views or contrasting with the natural or cultural character of an area.

In recent times, courts have recognized aesthetic concerns as being a valid justification for the use of the police power.<sup>151</sup> In many jurisdictions, aesthetics standing alone have been recognized as a valid exercise of these powers.<sup>152</sup> Moreover, regulations prohibiting signs near major highways and public places have been traditionally considered valid.<sup>153</sup> Although the justifications given for regulating signage through the police power have included the desire to protect travelers, most likely, grounds for sustaining these regulations have been based on either

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<sup>146</sup> See *id.*, at 38.

<sup>147</sup> See *id.*

<sup>148</sup>

See *id.*

<sup>149</sup> See *id.*

<sup>150</sup> See *id.*, at 30.

<sup>151</sup> This has been the case since Berman v. Parker, 348 U.S. 26 (1954).

<sup>152</sup> See *id.*

<sup>153</sup>

See, e.g., Illinois Highway Advertising Control Act of 1971, 225 Ill. Comp. Stat. 440/1 (1996) (discussed in Scadron v. City of Des Plaines), 989 F.2d 502 (7<sup>th</sup> Cir. 1993).

aesthetics,<sup>154</sup> or the preservation of areas where signs would mar the historic or naturally scenic character of an area.<sup>155</sup>

The Federal Highway Beautification Act (FHBA) affects regulation of signage on the Interstate Highway System and the Federal-aid primary highway system.<sup>156</sup> One of the main purposes of FHBA is to “preserve natural beauty.”<sup>157</sup> Thus, FHBA’s principal mandate is for the “effective control” of signage by prohibiting signs within 660 feet of the right of way along interstate and primary highway systems, unless an area is zoned for commercial or industrial uses.<sup>158</sup> It is possible for new outdoor signs to be constructed on industrial or commercial land within controlled zones along Federal Interstate and Federal-aid primary system so long as they comply with the size, height, and spacing requirements set forth in a federal-state agreement to implement FHBA.<sup>159</sup> Compensation must usually be paid for the removal of signs predating the law.<sup>160</sup> Unfortunately, funding for compensation has lagged, and at its current level it is doubtful that targeted billboards will be removed in the near future. Overall, FHBA has provided the stimulus for many states to control signs along highways or risk loss of federal funds.

The state of Florida has complied with the mandates of the FHBA by enacting Chapter 479 of the Florida Statutes.<sup>161</sup> On most points Chapter 479 is more expansive and restrictive than the FHBA. For instance, Chapter 479 regulates signage along the State Highway System, in addition to signage along the Interstate and Federal-aid Primary Systems.<sup>162</sup> Further, Chapter 479 requires that every who engages in outdoor advertising person, with certain limited exceptions, must obtain a license for that business, and must obtain a sign permit for every outdoor sign erected within the controlled zone.<sup>163</sup>

The FHBA formerly provided that States with a scenic highway program may not allow the erection of any sign on any Interstate or Federal-aid primary highway designated scenic, subject to some exceptions. However, Congress has revised FHBA and inserted an exception to allow states to exclude from state or federal scenic byways designation any segment of a scenic road that

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<sup>154</sup>

<sup>154</sup> See Dukeminier, *Zoning for Aesthetics Objectives: A Reappraisal*, 20 *Law & Contemp. Probs* 218 (1955).

<sup>155</sup> See Julian Conrad Juergensmeyer and Thomas E. Roberts, *Land Use Planning and Control Law* (1998), at § 12.3, at 565.

<sup>156</sup> See 23 U.S.C. § 131 (1999) (attached as Appendix G).

<sup>157</sup>

<sup>157</sup> See *id.*, at § 131(a).

<sup>158</sup> See *id.*, at § 131(b).

<sup>159</sup>

<sup>159</sup> See *id.*, at § 131(c)-(d).

<sup>160</sup>

<sup>160</sup> See *id.*, at § 131(g).

<sup>161</sup>

<sup>161</sup> See FLA. STAT. Chapter 479 (1998) (attached as Appendix H). Furthermore, the Florida Administrative Code Chapter 14-10 (1999) addresses Outdoor Advertising Sign Regulation and the Highway Beautification Program (attached as Appendix I).

<sup>162</sup> See *id.*, at § 479.105.

<sup>163</sup> See *id.*, at §§ 479.04-.105.



it determines to be inconsistent with the state's criteria for scenic designation.<sup>164</sup> Thus, Florida may determine that certain areas along designated scenic highways should be excluded from scenic designation and its outdoor sign prohibition.

Florida has provided that local governments may enact their own sign ordinances as long as the regulations are at least as stringent as those in Chapter 479.<sup>165</sup> Florida Courts have upheld carefully drafted, content-neutral local sign ordinances adopted pursuant to this authority.<sup>166</sup> Thus, any signage regulation used to protect scenic corridors should address size, location and lighting of signs using reasonable time, place and manner restrictions. Furthermore, any attempt at on-site sign regulation should utilize content-neutral and narrowly drawn ordinances to accomplish the legitimate end of protection of a scenic viewshed.

## H. Tax Benefits

The conservation of real property generates a number of opportunities to lower an individual's tax burden. Benefits may accrue through conservation conveyances in the areas of federal income taxes, estate taxes, gift taxes, capital gains taxes, and ad valorem taxes.<sup>167</sup>

### 1. Federal Income Taxes

The Internal Revenue Service recognizes a qualified conservation contribution<sup>®</sup> (such as a conservation easement) as a charitable contribution under Section 170 of the Internal Revenue Code (Code).<sup>168</sup> Yet, it places restrictions on what may qualify as a conservation contribution.

<sup>164</sup> See S. 440, 104<sup>th</sup> Cong., 1<sup>st</sup> Sess. § 314 (1995).

<sup>165</sup>

See *id.*, at FLA. STAT. § 479.155.

<sup>166</sup> See E.B. Elliot Advertising Company v. Metropolitan Dade County, 425 F.2d 1141 (5<sup>th</sup> Cir. 1970). See also Hav-a-Tampa Cigar Co. v. Johnson, 5 So.2d 433 (Fla. 1941). Importantly, "point-of-sale" or on-site signs, meaning those that were attached to property and advertised products or services available on that property were excluded from the restrictions considered. Because of this exclusion, the bounds of permissible regulation of point-of-sale signs was not ruled on by the Court in the above cases. Thus, a local government should distinguish between on-site and off-site signs in drafting any regulation. See also Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981); City of Lake Wales v. Lamar Advertising Ass'n, 414 So.2d 1030, 1032 (Fla. 1982).

<sup>167</sup> For further reading about conservation and tax incentives, see Bowles, Downes, Clark, and Guerin-McManus, *Economic Incentives and Legal Tools for Private Sector Conservation*, 8 DUKE ENVTL. L. AND POL'Y F. 209. See also SMALL, *supra* note 55 (additional explanations of the principles discussed below).

<sup>168</sup> See I.R.C. § 170 (1999). I.R.C. § 170(h) states:

#### 1.8 Qualified Conservation Contribution.—

1. In General. — For purposes of subsection (f)(3)(B)(iii), the term "qualified conservation contribution" means a contribution—

- A. of a qualified real property interest,
- B. to a qualified organization,

The Code outlines a three-prong test to determine if a qualified conservation contribution exists.<sup>169</sup> Such a contribution must be (1) a qualifying real property interest, (2) to a qualified organization, (3) exclusively for conservation purposes.<sup>170</sup>

It is required that the contribution qualify as a real estate interest.<sup>171</sup> The Code defines a qualifying real property interest<sup>172</sup> as having any one of three characteristics.<sup>173</sup> First, the owner may donate their entire interest in the property (other than mineral rights).<sup>173</sup> Second, the donor may give a remainder interest in their property.<sup>174</sup> This would be an interest in the property that would pass after the expiration of an intervening interest. For example, the owner may elect to

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- C. exclusively for conservation purposes.
  - 2. **Qualified Real Property Interest.** For purposes of paragraph (1), the term “qualified real
  - 3. **property interest” means any of the following interests in real property:**
    - A. the entire interest of the donor other than a qualified mineral interest,
    - B. a remainder interest, and
    - C. a restriction (granted in perpetuity) on the use which may be made of the real property.
  - 4. **Qualified Organization.** For purposes of paragraph (1), the term “qualified organization” means an organization which-
    - A. is described in clause (v) or (vi) of subsection (b)(1)(A), or
    - B. is described in section 501(c)(3) and-
      - i. meets the requirements of section 509(a)(2), or
      - ii. meets the requirements of section 509(a)(3) and is controlled by an organization described in subparagraph (A) or in clause (I) of this subparagraph.
  - 5. **Conservation Purpose Defined.--**
    - A. **In General.**-- For purposes of this subsection, the term “conservation purpose” means-
      - i. the preservation of land areas for outdoor recreation by, or the education of, the general public,
      - ii. the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,
      - iii. the preservation of open space (including farmland and forest land) where such preservation is-
        - I. for the scenic enjoyment of the general public, or
        - II. pursuant to a clearly delineated Federal, State, or local governmental conservation policy, and will yield a significant public benefit, or
      - iv. the preservation of an historically important land area or a certified historic structure. . . .
    - 5. **Exclusively for Conservation Purposes.** - For purposes of this subsection -  
**A contribution shall not be treated as exclusively for conservation purposes unless the conservation purpose is protected in perpetuity. . . . Id**

<sup>169</sup> See I.R.C. § 170(h)(1) (1999).

<sup>170</sup> See *id.*

<sup>171</sup> See *id.*

<sup>172</sup> See I.R.C. § 170(h)(2) (1999).

<sup>173</sup> See I.R.C. § 170(h)(2)(A) (1999).

<sup>174</sup> See I.R.C. § 170(h)(2)(B) (1999).

donate the property upon death to a conservation trust. One method of achieving this result would be to place the property in a life estate for the duration of the life of the owner and grant the remainder interest to the conservation trust. Upon death, the remainder would pass to the trust. The creation of such a remainder interest would qualify as a real estate interest under the three prong test above. Third and finally, a restriction placed on the use of the real property will serve as a qualified real property interest (i.e. a conservation easement), provided the restriction is placed in perpetuity.<sup>175</sup> This option would allow the owner to retain ownership benefits of the property subject to the easement restrictions. The restrictions would serve to preserve and protect the land from any future development because such a restriction must be granted in perpetuity.<sup>176</sup>

In addition to qualifying as a real estate interest, the interest must be donated to a qualified organization.<sup>177</sup> Such an organization may be a governmental unit such as the state or federal government, or any of their respective agencies.<sup>178</sup> Alternatively, an organization formed under the Internal Revenue Code ' 501(c)(3) as a tax-exempt charitable organization may also qualify.<sup>179</sup>

Finally, the gift must be made exclusively for a conservation purpose.<sup>180</sup> The Code lists four criteria that may qualify as a conservation purpose.<sup>181</sup> First, the preservation of land for outdoor recreation by, or the education of, the general public qualifies as a conservation purpose.<sup>182</sup> Second, a conservation purpose may be found if the interest was given for the protection of a relatively natural<sup>183</sup> habitat of fish, wildlife, or plants.<sup>184</sup> Third, the preservation of open space may qualify as a conservation purpose.<sup>185</sup> To qualify however, the open space must

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<sup>175</sup> See I.R.C. § 170(h)(2)(B) (1999).

<sup>176</sup> The federal government places restrictions on donations before they allow tax deductions. See Reg. Sec. 1.170A-14(g)(2). The "first in time, first in right" principle threatens easements when a superior right to the property exists such as a mortgage. For a discussion of conservation easements and the subordination of mortgages and foreclosures, see Cheryl Denton, *Conservation Easements in Florida: Do Unsubordinated Mortgages Pose a Threat?*, 70 FLA. B. J. 50 (April 1996). In general, "[A]ny interest in the property retained by the donor (and the donor's successors in interest) must be subject to legally enforceable restrictions (for example, by recordation in the land records of the jurisdiction in which the property is located) that will prevent uses of the retained interest inconsistent with the conservation purposes of the donation." Reg. Sec. 1.170A-14(g)(1).

<sup>177</sup> See I.R.C. § 170(h)(1) (1999).

<sup>178</sup> See I.R.C. § 170(h)(3)(A) (1999).

<sup>179</sup> See I.R.C. § 170(h)(3)(B) (1999).

<sup>180</sup> See I.R.C. § 170(h)(3)(A) (1999).

<sup>181</sup> See I.R.C. § 170(h)(4) (1999).

<sup>182</sup> See I.R.C. § 170(h)(4)(A)(i) (1999).

<sup>183</sup> Attempting to explain a "relatively natural" state with regard to a Michigan statute (the Recreational Land Use Act), the Court states: "The focus is on the use of the land and whether it remains in a relatively natural state or has been developed and changed in a manner incompatible with the intention of the act. . . . The central issue in this case is the character of the land." *Wilson v. McNamara, Inc.*, 173 N.W. 2d 851, 854 (Mich. Ct. App. 1988)(emphasis added).

<sup>184</sup> See I.R.C. § 170(h)(4)(A)(ii) (1999).

<sup>185</sup> See I.R.C. § 170(h)(4)(A)(iii) (1999).



be for the scenic enjoyment of the general public (or, pursuant to another delineated governmental conservation policy) that will yield a significant public benefit.<sup>186</sup> Such open space may include farmland and forest land.<sup>187</sup> Finally, the preservation of a historically important land or structure may qualify as a conservation purpose.<sup>188</sup> The exclusivity requirement of this prong mandates that these conservation purposes be protected in perpetuity.<sup>189</sup>

Once it has been determined that a qualifying conservation contribution has been made, the taxpayer must determine the value of the donation.<sup>190</sup> In the event that the property owner donates property, this is simply the fair market value of the property. However, the value of any easement donation would be more difficult to ascertain. An appraiser must determine both the fair market value of the property *with* and *without* the easement.<sup>191</sup> The difference between these figures would yield the value of the easement.<sup>192</sup> Such values must be determined through a qualified appraisal with appropriate documentation to verify the amount of the deductions.<sup>193</sup>

After the value of the easement has been ascertained, the taxpayer may determine the extent of any deductions. According to the Code, the taxpayer may be eligible to deduct an amount equal to thirty percent (30%) of the taxpayers adjusted gross income, up to the value of the easement.<sup>194</sup> The donor may take this deduction no more than six years and the deduction must cease once the value of the easement has been deducted.<sup>195</sup>

The following example may help one develop a better understanding of the Code regulations. Assume that a property has an appraised fair market value of \$100,000. The landowner donates a conservation easement to a qualifying organization such as a land trust. The easement restrictions reduce the value of the property to \$64,000. Thus, the value of the easement (and the landowner's gift) would be \$36,000. Assuming that the landowner has an adjusted gross income of \$60,000, they may deduct \$18,000 ( $\$60,000 \times 30\% = \$18,000$ ). This deduction may be taken the following year as well (assuming the adjusted gross income is constant) until the value

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<sup>186</sup> See *id.*

<sup>187</sup> See *id.*

<sup>188</sup> See I.R.C. § 170(h)(4)(A)(iv) (1999).

<sup>189</sup> See I.R.C. § 170(h)(5)(A) (1999). See Reg. Sec. 1.170A-14(g) (discussing the requirements of the donor to protect the property in perpetuity).

<sup>190</sup> See STEPHEN SMALL, THE FEDERAL TAX LAW OF CONSERVATION EASEMENTS, 17-1 (1990).

<sup>191</sup> See *id.*

<sup>192</sup> See *id.*

<sup>193</sup> See THE LAND TRUST ALLIANCE, APPRAISING EASEMENTS, 5 (1990).

<sup>194</sup> See I.R.C. § (b)(1)(C) (1999). Alternatively, the Code offers an election that may offer greater tax savings. In many situations however, it will offer no greater benefit. With the election, "a taxpayer who makes a charitable gift of appreciated property can choose to reduce the amount of the deduction to the cost or bases of the property, and one important new rule will follow: the value of the gift (a reduced to basis) will be deductible up to 50% of the taxpayer's income, compared to the 30% ceiling without the election. The decision to use the new rule is made by making an 'election' to reduce the value of the gift to basis, and to increase the deduction to 50% of income." STEPHEN SMALL, PRESERVING FAMILY LANDS: ESSENTIAL TAX STRATEGIES FOR THE LANDOWNER, at 93. See I.R.C. section (b).

<sup>195</sup> See *id.*

of the easement donation has been deducted (up to a maximum of six years). In this example, the landowner may take two years of the full deduction before the amount of the donation has been reached.<sup>196</sup>

## 2. Estate Taxes

Estate taxes are imposed on the right to transfer property by death.<sup>197</sup> The highest effective federal estate tax rate is fifty five percent (55%). Such rates underscore the importance of sound estate planning.<sup>198</sup> A conservation conveyance may be used to dramatically reduce estate taxes.<sup>199</sup>

The highest and best use of a property dictates the value of the property for purposes of estate taxes.<sup>200</sup> This amount is typically not what the existing use of the property may be, but the development potential of the parcel.<sup>201</sup> Thus for example, a desirable piece of farmland would be valued at the price developers would be willing to pay for it (for subdivision of the property) rather than the value of the parcel as farmland. The heirs of the property would be required to satisfy the estate taxes due on the fair market value of the property at its highest and best use, in addition to any other assets that the heirs may have inherited.<sup>202</sup> With the estate taxes due within nine months, heirs are often forced to sell the inherited land just to meet the estate taxes due.<sup>203</sup>

The use of a conservation easement or other conveyance may reduce the estate taxes.<sup>204</sup> By donating a conservation easement, the property owner is reducing the tax base of the property.<sup>205</sup> Such a restriction on the property would serve to lower the highest and best use.<sup>206</sup> Thus, the development potential of the property would be significantly diminished. Such a reduction would be reflected in the amount of estate taxes paid by the heirs of the estate.<sup>207</sup>

Such a conservation easement may be made during the life of the owner or upon death.<sup>208</sup> If the easement is made during the lifetime of the owner, the conveyance would immediately

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<sup>196</sup> See Florida Land Trust Association, *Preservation For Floridians*, 26-27 (1991). See generally Small, *The Federal Tax Law of Conservation Easements*, at 20.

<sup>197</sup> See HENRY CAMPBELL BLACK, *BLACK'S LAW DICTIONARY*, (5<sup>th</sup> ed. 1990). The tax is levied on the decedent's estate and not on the heir receiving the property. See *id.* A tax levied on the heir receiving the property would be an inheritance tax. *Id.*

<sup>198</sup> See JANET DIEHL & THOMAS BARRETT, *THE CONSERVATION EASEMENT HANDBOOK*, 55-56 (1988).

<sup>199</sup> See *id.*

<sup>200</sup> See *id.*, at 55.

<sup>201</sup> See *id.*

<sup>202</sup> See *id.*

<sup>203</sup> See *id.*

<sup>204</sup> See *id.*

<sup>205</sup> See *id.*, at 56.

<sup>206</sup> See *id.*, at 56.

<sup>207</sup> See *id.*

<sup>208</sup> See *id.*

depreciate the value of the property.<sup>209</sup> Such a depreciation would be reflected in the estate taxes at the death of the property owner.<sup>210</sup> In addition, the owner would be able to capitalize on the benefits of an income tax deduction discussed above.<sup>211</sup>

An owner may choose not to limit their rights in the property during the owner's lifetime.<sup>212</sup> Should the owner choose, they may elect to donate a conservation easement upon their death. Such a devise would similarly reduce the taxable value of the estate as the conveyance during the lifetime of the owner.<sup>213</sup> However, the conveyance of the easement would not occur until death of the owner. At that time, the easement would pass and the heirs would realize the tax consequences of the estate with the easement.<sup>214</sup> Of course, the income tax benefits would not be realized by the property owner if the easement passed at death.

### 3. Gift Taxes

Gift taxes are imposed on a donor (the person making the donation) for the transfer of property.<sup>215</sup> This tax is based on the fair market value of the property at the time of the gift.<sup>216</sup> Similar to estate taxes, such a grant would serve to reduce gift taxes on gifts of property made during the lifetime of the owner.<sup>217</sup> By donating the easement before the gift is made, the property owner reduces the value of the property that would be subject to gift taxes.<sup>218</sup> By reducing the value of the property, the owner reduces the level of taxes that he or she will face due to the transfer.<sup>219</sup> If for example, the gift is made to the owner's children (spouses benefit from an exemption), the donor would benefit from the reduced gift taxes owed on the transfer.<sup>220</sup>

### 4. Capital Gains Taxes

When one donates an interest in the land, such a donation will ultimately serve to reduce any capital gains taxes on the property should the owner decide to sell their interest. As applied to real property, capital gains are basically the increase in value of the property while in the owner's possession. Capital gains realized when one transfers property are treated as income for purposes of taxation. The granting of an easement would reduce the amount of the property's appreciation

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<sup>209</sup> See *id.*

<sup>210</sup> See *id.*

<sup>211</sup> See *id.*

<sup>212</sup> See JANET DIEHL & THOMAS BARRETT, THE CONSERVATION EASEMENT HANDBOOK, at 56.

<sup>213</sup> See *id.*

<sup>214</sup> See *id.*

<sup>215</sup> See HENRY CAMPBELL BLACK, BLACK'S LAW DICTIONARY, (6<sup>th</sup> ed. 1990).

<sup>216</sup> See *id.*

<sup>217</sup> See JANET DIEHL & THOMAS BARRETT, THE CONSERVATION EASEMENT HANDBOOK, at 57.

<sup>218</sup> See *id.*

<sup>219</sup> See *id.*

<sup>220</sup> See *id.*



from the time of acquisition.<sup>221</sup> Thus, the gain of the property would be proportionately reduced by the value of the easement.<sup>222</sup>

## 5. Ad Valorem Taxes

In Florida, ad valorem taxes are proportional to the assessed value of the property.<sup>223</sup> Donating a conservation easement should reduce the assessed value of the interest retained in the property.<sup>224</sup> Thus, the limitations of development on the property will reduce the appraised value, decreasing the amount of ad valorem taxes owed by the taxpayer.<sup>225</sup> Since the charitable contribution of the Code requires that a qualified appraisal<sup>226</sup> of the property be produced,<sup>227</sup> the property owner may use this as evidence of the reduced value of the property to the County Property Appraiser. Therefore, the owner would realize a reduced tax burden of their annual ad valorem taxes.<sup>228</sup>

An alternative method of reducing the owner's ad valorem taxes would be to downgrade the zoning of the property.<sup>229</sup> For example, an owner could seek to re-zone the property to open space. Since a change in zoning would not be permanent, the owner could later petition to re-upgrade the zoning classification.<sup>230</sup> Though this probably would not reduce taxes as much as a conservation easement, it may provide some tax relief for the taxpayer.<sup>231</sup>

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<sup>221</sup> See Stephen Small, *The Federal Tax Law of Conservation Easements*, 17-14.

<sup>222</sup> See generally *id.*, at 17-14 to 15.

<sup>223</sup> FLA. CONST. art. VII (1997).

<sup>224</sup> See JANET DIEHL & THOMAS BARRETT, *THE CONSERVATION EASEMENT HANDBOOK*, at 56.

Note however, in instances where the donor maintains an unencumbered interest in surrounding property, the assessed values in surrounding property may increase due to the added amenity of a conservation easement. See STEPHEN SMALL, *THE FEDERAL TAX LAW OF CONSERVATION EASEMENTS*, at 18.

<sup>225</sup> See *id.*

<sup>226</sup> The Code requires that a qualified appraisal "include, among other things, a description of the property, the method of valuation used to determine the fair market value of the property, certain information about the appraiser and his or her qualifications, and a description of the fee arrangements between the donor and the appraiser." STEPHEN SMALL, *THE FEDERAL TAX LAW OF CONSERVATION EASEMENTS*, at 19-3. The appraisal must be performed by a qualified appraiser which is "one qualified to make appraisals of the type of property being valued and cannot be a person whose relationship to the taxpayer or the donee organization would cause a reasonable person to question the independence of such appraiser." See *id.* at 19-2 to 3.

<sup>227</sup> See The Land Trust Alliance, *Appraising Easements*, 5.

<sup>228</sup> See JANET DIEHL & THOMAS BARRETT, *THE CONSERVATION EASEMENT HANDBOOK*, at 56.

<sup>229</sup> Telephone Interview with Robin Tardiff, Property Appraiser (Land Section) for the Manatee County Property Appraiser (Feb. 10, 1999).

<sup>230</sup> See *id.*

<sup>231</sup> Assessed property should reflect the just value of the property. FLA. CONST. art. VII s.4(c)(2)(1997). A downgrade in zoning may have a negative effect on the just value of the property. Florida Statutes state that the county property appraiser shall consider "[T]he highest and best use to which the property can be expected to be put in the immediate future and the present use of the property, taking into consideration . . . local and state land use regulation . . ." FLA. STAT. § 193.011(2)(1997).

Applying for greenbelt status may also reduce the tax burden.<sup>232</sup> Greenbelts give the owner an agricultural exemption on the ad valorem taxes of the property.<sup>233</sup> To qualify however for greenbelt status, the property must be used for a bonafide commercial agricultural use.<sup>234</sup>

## **6. Conclusion**

The land donations can provide several tax benefits to the donor of the interest. Such a gift enables the donor to take a deduction as a charitable gift on their federal income taxes. Upon death of the owner, the conveyance reduces the tax burden upon the estate before the property passes to heirs. The owner of the property may donate more property that has been encumbered with a conservation easement before subjecting themselves to gift taxes. Should the owner decide to sell the property, they will realize proportionately reduced capital gains after granting a conservation easement. Finally, the owner receives an immediate benefit with a reduction in their annual ad valorem taxes. Such benefits may amount to substantial savings to the taxpayer who donates the real property or a conservation easement.

## **I. Voluntary Approaches**

### **1. Inter-jurisdictional Approaches**

Inter-jurisdictional agreements are a particularly important scenic conservation tool in corridors that cross two or more jurisdictions. They are contracts executed by local governments in order to most efficiently use services and facilities among adjoining jurisdictions.<sup>235</sup> They allow local governments to exercise together all power and authority that the governments share in common and could exercise independently. In Florida, local governments are allowed to enter into such agreements pursuant to Section 163.01 of the Florida Statutes.<sup>236</sup>

Interlocal agreements may create new entities that implement the agreement. This entity could perform the operational functions of a scenic highway program such as management and administration. Furthermore, an interlocal agreement could establish an independent special district to implement a scenic byway corridor.

### **2. Special Districts**

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<sup>232</sup> Telephone Interview with Robin Tardiff, Property Appraiser (Land Section) for the Manatee County Property Appraiser (Feb. 10, 1999).

<sup>233</sup> See *id.*

<sup>234</sup> See *id.*

<sup>235</sup> See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37.

<sup>236</sup> See FLA. STAT. § 163 (1999).

Special districts, governed by Chapter 189 of the Florida Statutes, are local units within certain limited boundaries that have specific governmental purposes.<sup>237</sup> They may be either dependent or independent. Dependent special districts are created by an ordinance of a local government having jurisdiction over the area. Independent special districts, on the other hand, can only be created by the Florida Legislature, the Florida Governor and Cabinet, and in certain circumstances, local governments.

As stated earlier, local governments can create special districts by interlocal agreement.<sup>238</sup> A special district, created in this manner, could be useful for a scenic byways program. Under this type of scenario, a multi-jurisdictional independent special district with the necessary funding could focus on the protection of a scenic corridor by utilizing its "own governmental powers" to most effectively implement the other various tools to enhance and conserve scenic byways.

Finally, a variation of the special district is the community development district (CDD) authorized in Chapter 163 of the Florida Statutes which allows large scale developments, often developments of regional impact (DRIs), to utilize tax free bonds to construct and maintain improvements, including roadways.<sup>239</sup> A scenic corridor could be maintained and protected over the life of a CDD program.

## VI. Conclusion

With the creation of a National Scenic Byways Program, the opportunity to develop new scenic byways and to strengthen the protection of existing byways has increased dramatically. Some states, with the help of federal funding, have established new scenic byway programs in recent years, while other states have enhanced their byway programs. However, designation under scenic highway programs has provided only the trigger for protecting scenic corridors.

The real protection of scenic corridors rests in the hands of local communities requires a strong commitment to implementation of scenic corridor management plans that utilize corridor protection strategies. Thus, communities must explore the many tools and techniques capable of being utilized as corridor protection strategies. These protection techniques cover a wide spectrum from fee-simple ownership to ordinances that prohibit certain types of land use to self-directed grass roots efforts to protect and enhance scenic beauty.

In the long run, the success of corridor protection will rest on the ability of local interest groups to work together to balance the goals of fostering economic prosperity with protecting

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<sup>237</sup> See FLA. STAT. § 189 (1999).

<sup>238</sup> See *supra* this paper section § V(I)(1).

<sup>239</sup>

See FLA. STAT. §§ 163.360 - 163.385 (Community Redevelopment, in general Chapter 163 Part III).



the values of a scenic corridor. Thus, the protection of scenic corridors will necessitate local cooperation, commitment, and attention. However, “where there is a will, there is a byway.”<sup>240</sup>

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<sup>240</sup> See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, *supra* note 2, at 17.

# TRANSPORTATION ELEMENT

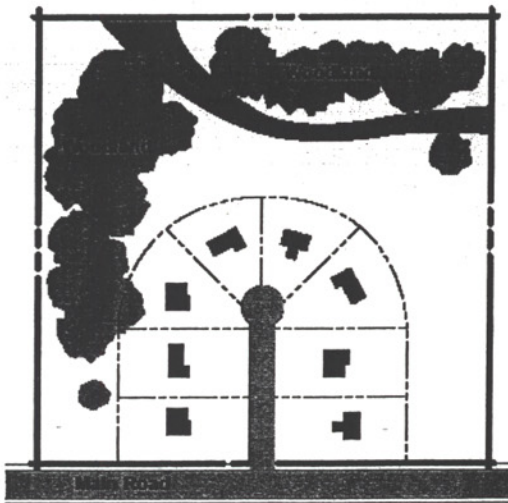
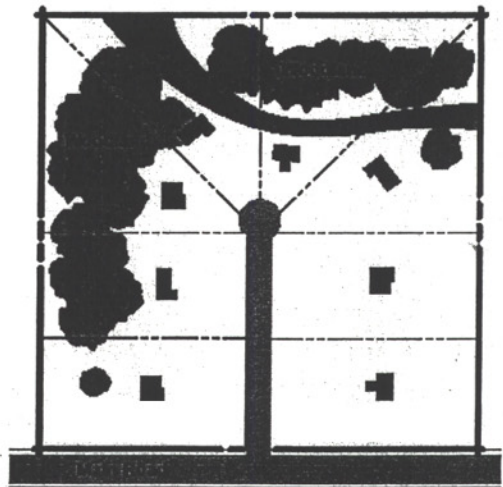
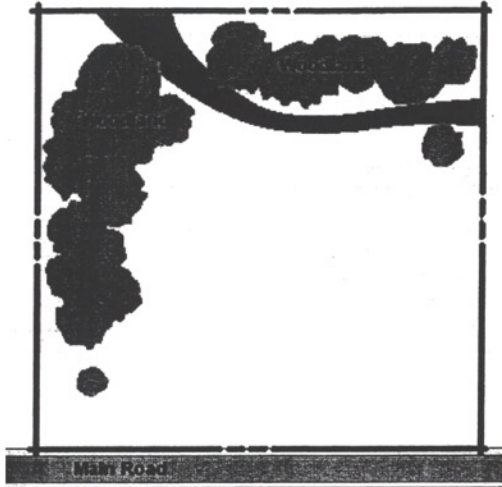
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# Transportation Element

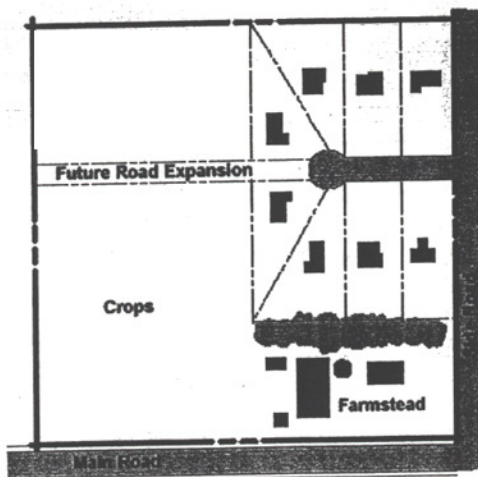
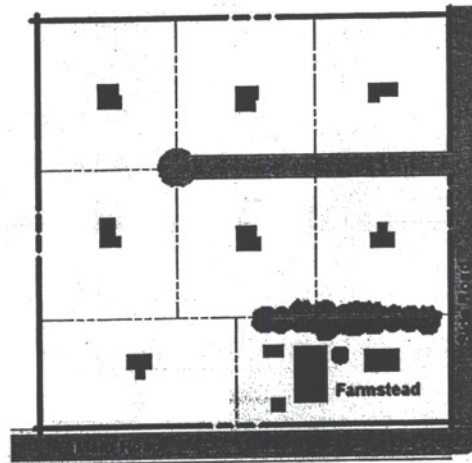
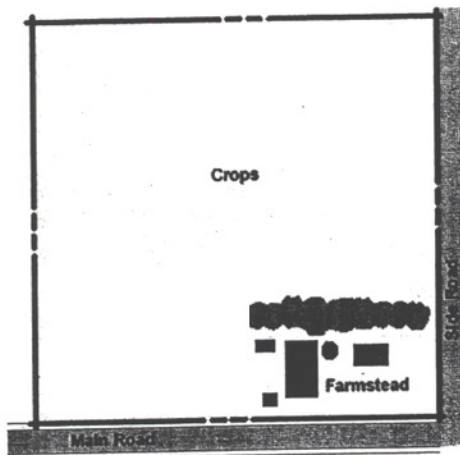
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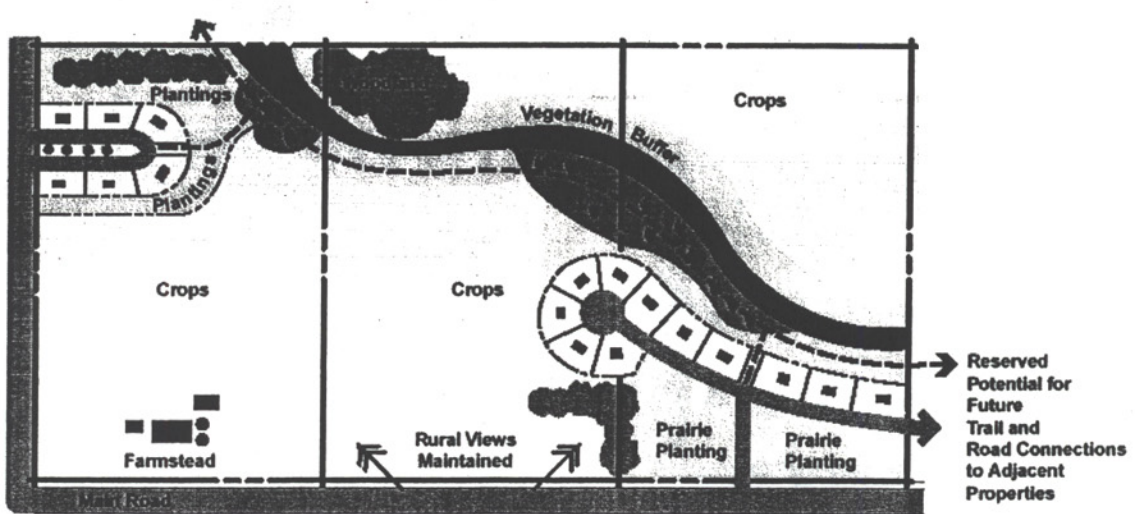
Prepared by Amy Knox, SWWRPC

# POTENTIAL DEVELOPMENT SCENARIOS



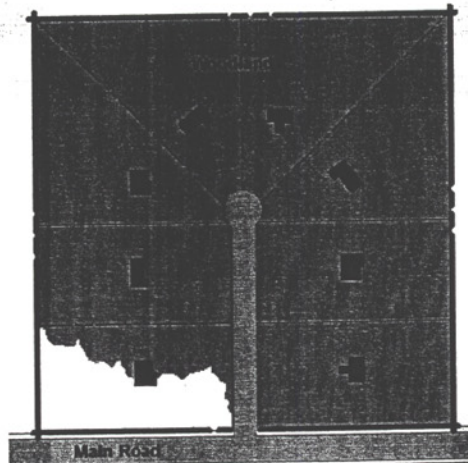
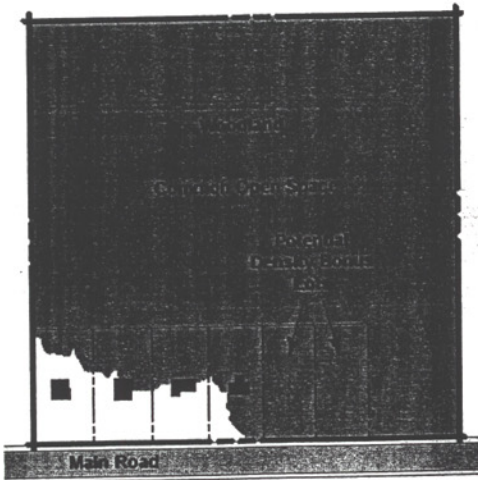
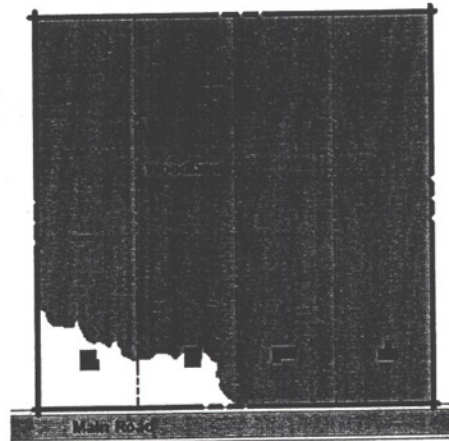
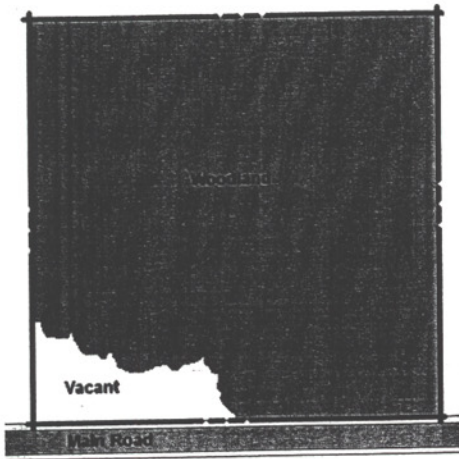
# POTENTIAL DEVELOPMENT SCENARIOS







# POTENTIAL DEVELOPMENT SCENARIOS



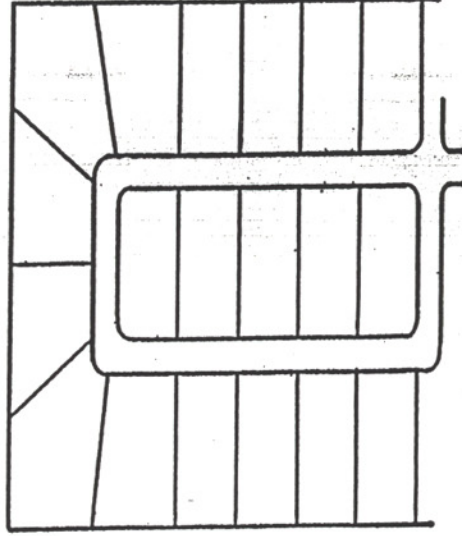
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## City & Village Development Scenarios

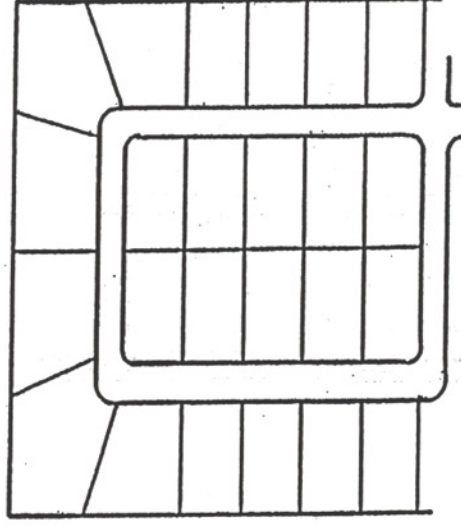
Prepared by Amy Knox, SWWRPC

# DEVELOPMENT SCENARIOS

Example A



Example B



- Example A is a poor street design as the five lots in the middle are at least double fronted, meaning a street on two or more sides of the property.
- Example B incorporates the same design idea, but decreases the size of the lots and creates a double row of lots in the middle of the development.

# DEVELOPMENT SCENARIOS

Example A



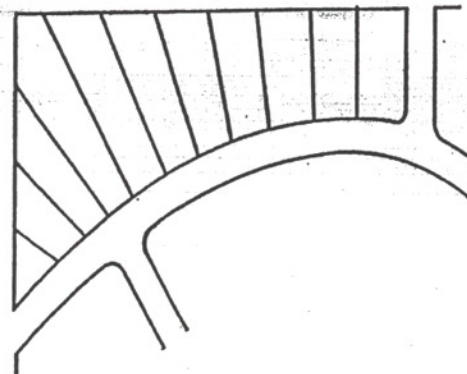
Example B



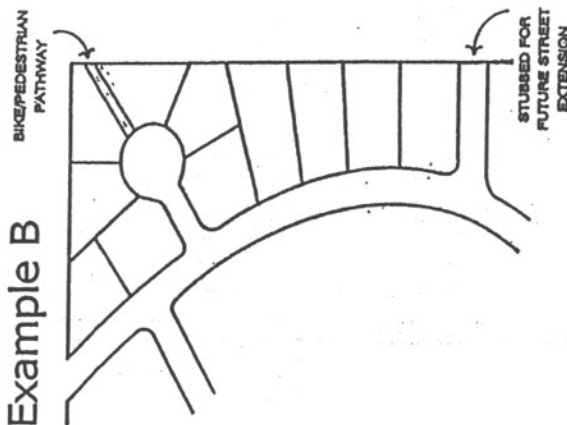
- Example A Incorporates suburban cul-de-sac development creating several dead ends
- Example B is based on the traditional development of the village, connecting existing streets and infrastructure

# DEVELOPMENT SCENARIOS

Example A



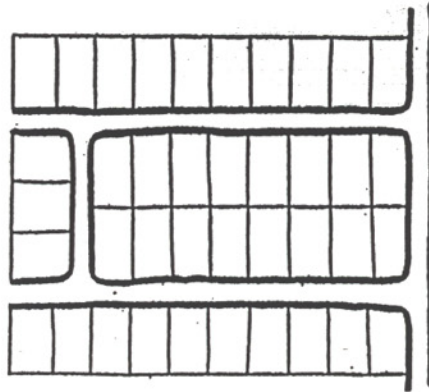
Example B



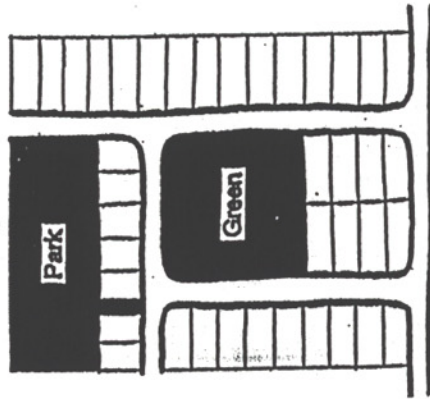
- Example A is a straight division of the lots which creates long skinny lots (the pizza cutter effect)
- Example B Incorporates a cul-de-sac to decrease lot depth and increase width, as well as incorporation of a bike/pedestrian path
- Note, both examples also include a street that is stubbed for future street extensions

# DEVELOPMENT SCENARIOS

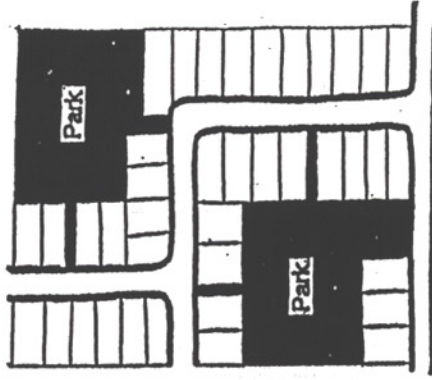
Example A



Example B



Example C

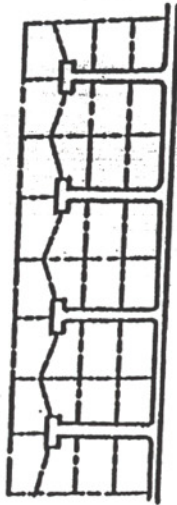


- Example A has 39 lots and 2500 feet of road, no parks or walking paths
- Example B has 39 lots, 2250 feet of road, common green space, a park, and a walking path to get from one area to the other
- Example C has 39 lots, 1650 feet of road, two parks, and four walking paths

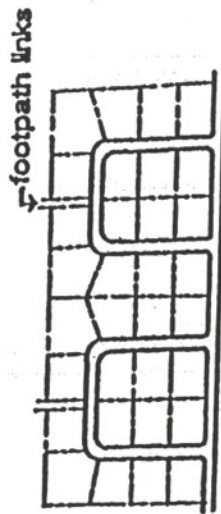


# DEVELOPMENT SCENARIOS

Example A



Example B



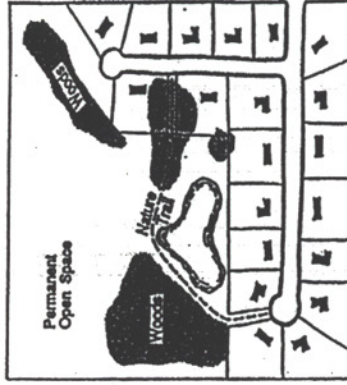
- Multiple Dead End Cul-de-sacs (Example A) vs. Cul-de-sacs joined together to form continuous loops (Example B)
- No walking paths between lots, a person must walk around (Example A), where as Example B includes pedestrian paths

# DEVELOPMENT SCENARIOS

Example A



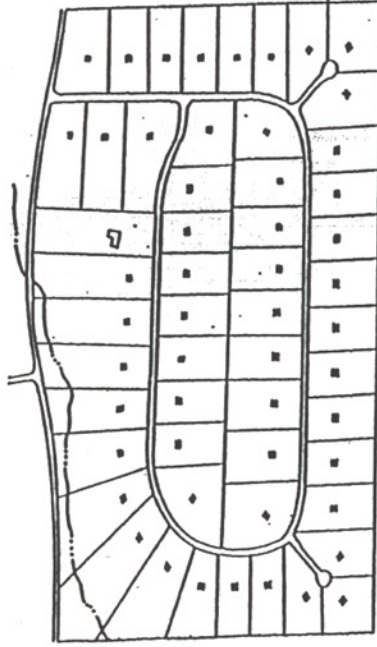
Example B



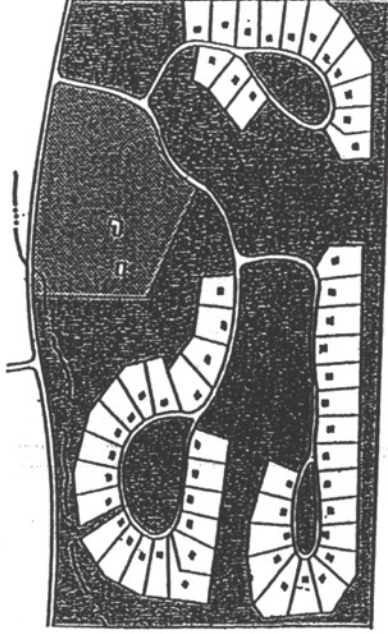
- Example A Includes 20 lots that are approximately 2 acres each, no common open space, and pond access for only 4 lots
- Example B also includes 20 lots that are approximately  $\frac{3}{4}$  acre each, 25 acres of open space, and pond access for all property owners

# DEVELOPMENT SCENARIOS

Example A



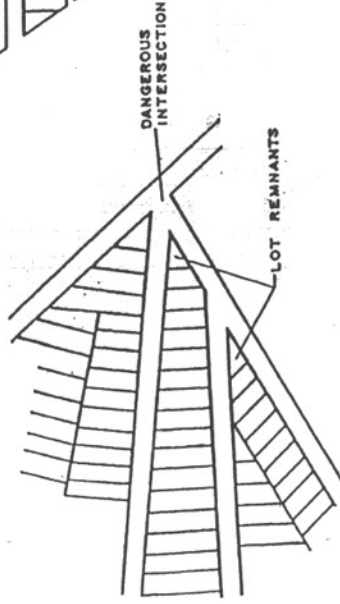
Example B



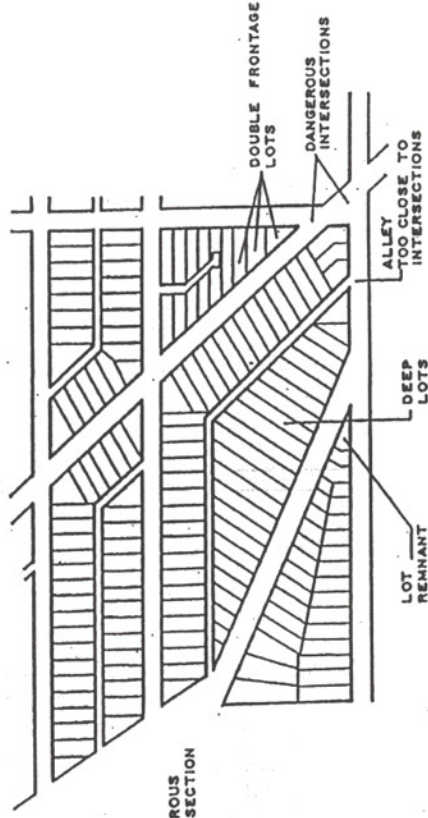
- Example A depicts a conventional subdivision where the entire property is divided into large lots
- Example B depicts a conservation subdivision that incorporates the same number of lots, in combination with a large amount of common open space shared by all property owners

# DEVELOPMENT SCENARIOS

Example A



Example B



- Example A depicts an example of a subdivision with dangerous intersections and poor lot design
- Example B depicts several bad development examples, including double fronted lots, dangerous intersections, deep lots, and odd shaped lots that are not developable

# TRANSPORTATION ELEMENT

Appendix  
C-4





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February 03,  
2004*

## Significant Changes Made in Rules of the Wisconsin Department of Transportation for Land Divisions Abutting State Highways

With an effective date of February 1, 1999, the Wisconsin Department of Transportation has substantially rewritten and expanded the scope of Administrative Rule Chapter TRANS 233 ([www.legis.state.wi.us/rsb/code/trans/trans233.pdf](http://www.legis.state.wi.us/rsb/code/trans/trans233.pdf)). Administrative Rule TRANS 233 is the renumbered version of the rule historically known as HY33 under which the Wisconsin Department of Transportation contributed its component to the state plat review process.

The new version of TRANS 233 makes the following significant changes:

1. DOT will now review all land divisions involving lands directly abutting state highways or urban connecting streets that are part of the state trunk highway system. "Abutting" has been extended to include lands that are separated from the state trunk highway or connecting highway by a service road, or by unplatted roads owned by the subdivider. The rule also applies to land divisions abutting highways that intersect with a state trunk highway or connecting highway.
2. DOT review and approval extends to all manner of land divisions, full state subdivision plats, "county subdivision plats," minor subdivisions done by certified survey map, land divisions done by "metes and bounds," conveyances, etc. The underlying authority for the expanded state review is Wis. Stats. §236.13(1)e, and also Wis. Stats. §86.07(2), the statute giving state control over connections to state highways.
3. All such divisions are required to have advance approval of WisDOT. Applications must be submitted with a \$110 review fee, and the Department has 20 calendar days to complete its review.
4. The application must show all peripheral state and state-related highways as well as all public and private roads or driveways within the land division that intersect with the peripheral state road.
5. Setback rules are modified to allow some reduction in standard state setbacks pursuant to local ordinances, but the variations allowable by local ordinance are relatively minor. (Local ordinances can reduce the setback from 110 feet from the centerline to 100 feet, for example.)



6. The rules are more restrictive with respect to what can occur within the setbacks. For example, signs, parking lots, driveways, septic systems, and drainage facilities are prohibited within the setbacks.

Public utilities may install or maintain utility facilities within setbacks.

7. The Department will analyze whether the area being subdivided has noise levels warranting noise barriers under Administrative Rule TRANS 405. If so, the land developer will be responsible for noise barriers and a notation must be placed on the plat or CSM warning owners of the noise levels.

8. Authorizations are provided for the Department to require easements for vision corners.

9. A minimum distance of 1,000 feet is required between connections of roads or driveways with state highways "to the extent practicable."

10. Storm drainage standards are now articulated in the code. The pertinent standard is that anticipated discharge of storm waters shall be "less than or equal to the discharge preceding the development . . . (and the discharges) must . . . not endanger or harm the traveling public, downstream properties, or transportation facilities."

11. The Department continues to have power to grant variances. However, if the Department later acquires land, the Department is not required to pay compensation for structures or improvements that are authorized by variance.



## Joseph K. Leibham

STATE SENATOR

FOR IMMEDIATE RELEASE

FOR INFORMATION, CONTACT:

State Senator Joseph K. Leibham (888) 295-8750

JANUARY 28, 2004

### **RULES COMMITTEE MOVES TO SUSPEND PART OF TRANS 233**

*Remaining Rule Clarifies DOT's Authority Over Land Use Along State Highways*

**Madison...**Members of the Legislative Joint Committee for Review of Administrative Rules (JCRAR) moved on Wednesday to suspend portions of an administrative rule that regulates development activities along state trunk highways in Wisconsin. Citing the need to protect private property rights, promote economic development and reign in the scope of authority over these activities by the Department of Transportation (WisDOT), JCRAR voted to strike portions of Trans 233. Trans 233 is a comprehensive administrative rule that gives WisDOT the authority to regulate development lands that abut state trunk highways or connecting highways in Wisconsin. The rule suspension addressed concerns raised by numerous citizens who own land along state trunk highways in Wisconsin.

"The current implementation of Trans 233 greatly exceeds the scope of statutory authority that the legislature granted to WisDOT," said JCRAR Co-Chairman, State Senator Joe Leibham (R-Sheboygan). "Trans 233 has become a major barrier to economic development and job growth and runs over private property rights."

Senator Leibham said that the actions of JCRAR would suspend portions of the rule that went into effect in 1999. Specifically, the committee's action will limit the purpose and scope of WisDOT's plat review authority to "subdivisions" of five or more 1.5 acre lots that are adjacent to state highways. In addition, the suspended rule will allow for the reasonable and economic beneficial use of private property with state highway setback areas while prohibiting those improvements that create a legitimate threat to the health and safety of traveling motorists. "Prior to today's committee action, the state was controlling the use of private land without providing any compensation," Senator Leibham said. "This power was never granted to WisDOT by the legislature and it had to be stopped."

In an effort to ensure the continued safety of our roadways, Senator Leibham said WisDOT will retain the ability to manage access points onto state highways and have the ability to require vision corners at intersections and driveways. "Today's actions will restore private property development rights while maintaining our ability to ensure safety on our highways," Senator Leibham said.

Senator Leibham said that he and JCRAR Co-Chairman, State Representative Glenn Grothman (R-West Bend) had several meetings and communications with the WisDOT administration, including a letter spelling out concerns with Trans 233, and allowing them to address JCRAR on two separate committee meetings. "What was originally intended to be a vehicle for the State to review and manage projects that would adversely affect highway safety had grown into a review and objection process against economic development and growth," Senator Leibham said. "Our actions were necessary to reign in the expanded authority and power of the state so that private property rights can be protected."

The motion passed by JCRAR suspends identified language from the current Trans 233 immediately. The suspension will remain in effect until new legislation is passed by the full legislature. Leibham said he is open to continuing dialogue with WisDOT to address the suspension and concerns with Trans 233. "Our goal is to reform Trans 233 so that it is consistent with the authority approved by the legislature and seeks to promote highway safety without restricting job growth, economic development, or infringing on the rights of private property owners," Senator Leibham said.

###

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## **Traffic crashes, congestion could rise because of rule change**

### **Legislature suspends portions of Transportation Administrative Rule 233**

**January 29, 2004**

Wisconsin Department of Transportation (WisDOT) Secretary Frank Busalacchi today said the Legislature's decision to suspend regulatory oversight of land divisions along state highways could have a harmful impact on highway safety that may cause an increase in traffic crashes and injuries.

Busalacchi made the comments after the Legislature's Joint Committee for Review of Administrative Rules suspended portions of Transportation Administrative Rule 233 (Trans 233).

Busalacchi said the rule has served Wisconsin well for many years by promoting sustainable development, improving traffic flow and helping to reduce traffic crashes, especially rear-end collisions that occur when there are too many access points along a highway.

"Studies consistently show the number of crashes on both urban and rural highways rise as the number of driveways per mile increase. We can ill-afford to ignore a tool that has a positive impact on highway safety," he said.

Busalacchi called the suspension a step back for reasonable regulatory reform. "We need reforms that maintain standards while providing program efficiencies, not sweeping changes that have a detrimental impact on public and private investments," he said.

The Department of Transportation appeared at several Legislative hearings to express concerns about significant changes in the rule. The department has proposed a series of revisions focused on speeding up the land division review process and improving the working relationships of businesses, developers and state and local agencies.

Busalacchi said the suspended rule could make it more difficult to preserve public investments in roads and to create the type of sustainable developments that bring economic opportunities and job growth to Wisconsin. He noted the negative impact traffic jams, congestion and over-development have on communities.

"This change harms long-range planning efforts that help preserve investments in transportation corridors and contribute to the quality of life and attractiveness of

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Wisconsin's cities, towns and villages," he said.

Trans 233, which was first created in 1956, has been revised several times over the years. It regulates the division of land along state highways and local connecting highways. The rule applies to access points, such as the number of driveways, but also allows WisDOT to regulate setback requirements and certain aspects of noise, vision and storm water drainage.

Statewide, nearly 1,900 Trans 233 reviews are completed each year. WisDOT estimates that number to drop to about 150 since the department's authority will now be limited to land divisions associated with subdivision developments. In recent years, ten times as many land divisions occurred via non-subdivision methods than by subdivision.

WisDOT will retain its authority under Transportation Administrative Rule 231 to issue permits for driveways abutting state highways.

**For more information contact:**

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Last modified: January 29, 2004

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Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

## Chapter Trans 233

### DIVISION OF LAND ABUTTING A STATE TRUNK HIGHWAY OR CONNECTING HIGHWAY

Trans 233.01	Purpose.
Trans 233.012	Applicability.
Trans 233.015	Definitions.
Trans 233.017	Other abutments.
Trans 233.02	Basic principles.
Trans 233.03	Procedures for review.
Trans 233.04	Required information.
Trans 233.05	Direct access to state trunk highway or connecting highway.

Trans 233.06	Frequency of connections with a state trunk highway or connecting highway.
Trans 233.07	Temporary connections.
Trans 233.08	Setback requirements and restrictions.
Trans 233.105	Noise, vision corners and drainage.
Trans 233.11	Special exceptions.
Trans 233.12	Performance bond.
Trans 233.13	Fees.

Note: Chapter Hy 33 was renumbered chapter Trans 233, under s. 13.93 (2m) (b) 1., Stats., Register, August, 1996, No. 488. Chapter Trans 233 as it existed on January 1, 1999, was repealed and a new Chapter Trans 233 was created effective February 1, 1999.

**Trans 233.01 Purpose.** Dividing or developing lands, or both, affects highways by generating traffic, increasing parking requirements, reducing sight distances, increasing the need for driveways and other highway access points and, in general, impairing highway safety and impeding traffic movements. The ability of state trunk highways and connecting highways to serve as an efficient part of an integrated intermodal transportation system meeting interstate, statewide, regional and local needs is jeopardized by failure to consider and accommodate long-range transportation plans and needs during land division processes. This chapter specifies the department's minimum standards for the division of land that abuts a state trunk highway or connecting highway, in order to provide for the safety of entrance upon and departure from those highways, to preserve the public interest and investment in those highways, to help maintain speed limits, and to provide for the development and implementation of an intermodal transportation system to serve the mobility needs of people and freight and foster economic growth and development, while minimizing transportation-related fuel consumption, air pollution, and adverse effects on the environment and on land owners and users. Preserving the public investment in an integrated transportation system also assures that no person, on the grounds of race, color, or national origin, is excluded from participation in, denied the benefits of, or subjected to discrimination under any transportation program or activity. The authority to impose minimum standards for subdivisions is s. 236.13 (1) (e), Stats. The authority to impose minimum standards for land divisions under ss. 236.34, 236.45 and 703.11, Stats., is s. 86.07 (2), Stats. The authority to impose minimum standards for land divisions to consider and accommodate long-range transportation plans and needs is ss. 1.11 (1), 1.12 (2), 1.13 (3), 20.395 (9) (qx), 66.1001 (2) (c), 84.01 (2), (15), and (17), 84.015, 84.03 (1), 85.02, 85.025, 85.05, 85.16 (1), 86.31 (6), 88.87 (3), and 114.31 (1), Stats.

Note: The Department is authorized and required by ss. 84.01 (15), 84.015, 84.03 (1) and 20.395 (9) (qx), to plan, select, lay out, add to, decrease, revise, construct, reconstruct, improve and maintain highways and related projects, as required by federal law, Title 23, USC and all acts of Congress amendatory or supplementary thereto, and the federal regulations issued under the federal code; and to expend funds in accordance with the requirements of acts of Congress making such funds available. Among these federal laws that the Department is authorized and required to follow are 23 USC 109 establishing highway design standards; 23 USC 134, requiring development and compliance with long-range (minimum of 20 years) metropolitan area transportation plans; and 23 USC 135, requiring development and compliance with long-range (minimum of 20 years) statewide transportation plans. Similarly, the Department is authorized and required by the state statutes cited and other federal law to assure that it does not unintentionally exclude or deny persons equal benefits or participation in transportation programs or activities on the basis of race, color, national origin and other factors, and to give appropriate consideration to the effects of transportation facilities on the environment and communities. A "state trunk highway" is a highway that is part of the State Trunk Highway System. It includes State numbered routes, federal numbered highways, the Great River Road and the Interstate System. A listing of state trunk highways with geographic end points is available in the Department's "Official State Trunk Highway System and the Connecting Highways" booklet that is published annually as of December 31. The County Maps published by the Wisconsin Department of Transportation also show the breakdown

county by county. As of January 1, 1997, there were 11,813 miles of state trunk highways and 520 center-line miles of connecting highways. Of at least 116 municipalities in which there are connecting highways, 112 are cities and 4 or more are villages.

A "connecting highway" is not a state trunk highway. It is a marked route of the State Trunk Highway System over the streets and highways in municipalities which the Department has designated as connecting highways. Municipalities are responsible for their maintenance and traffic control. The Department is generally responsible for construction and reconstruction of the through lanes of connecting highways, but costs for parking lanes and related municipal facilities and other desired local improvements are local responsibilities. The Department reimburses municipalities for the maintenance of connecting highways in accordance with a lane mile formula. See ss. 84.02 (11), 84.03 (10), 86.32 (1) and (4), and 340.01 (60), Stats. A listing of connecting highways with geographic end points is also available in the Department's "Official State Trunk Highway System and the Connecting Highways" booklet that is published annually as of December 31.

A "business route" is an alternate highway route marked to guide motorists to the central or business portion of a city, village or town. The word "BUSINESS" appears at the top of the highway numbering marker. A business route branches off from the regular numbered route, passes through the business portion of a city and rejoins the regularly numbered route beyond that area. With very rare exceptions, business routes are not state trunk highways or connecting highways. The authorizing statute is s. 84.02(6), Stats. This rule does not apply to business routes.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99; am. Register, January, 2001, No. 541, eff. 2-1-01; corrections made under s. 13.93 (2m) (b) 7., Stats.

**Trans 233.012 Applicability.** (1) In accordance with ss. 86.07 (2), 236.12, 236.34 and 236.45, Stats., this chapter applies to all land division maps reviewed by a city, village, town or county, the department of administration and the department of transportation. This chapter applies to any land division that is created by plat or map under s. 236.12 or 236.45, Stats., by certified survey map under s. 236.34, Stats., or by condominium plat under s. 703.11, Stats., or other means not provided by statute, and that abuts a state trunk highway, connecting highway or service road.

(2) Structures and improvements lawfully placed in a setback area under ch. Trans 233 prior to February 1, 1999, or lawfully placed in a setback area before a land division, are explicitly allowed to continue to exist. Plats that have received preliminary approval prior to February 1, 1999, are not subject to the standards under this chapter as first promulgated effective February 1, 1999, if there is no substantial change between the preliminary and final plat, but are subject to ch. Trans 233 as it existed prior to February 1, 1999. Plats that have received final approval prior to February 1, 1999, are not subject to the standards under this chapter as first promulgated effective February 1, 1999, but are subject to ch. Trans 233 as it existed prior to February 1, 1999. Land divisions on which the department acted between February 1, 1999 and February 1, 2001 are subject to ch. Trans 233 as it existed February 1, 1999.

(3) Any structure or improvement lawfully placed within a setback area under ch. Trans 233 prior to February 1, 1999, or lawfully placed within a setback area before a land division, may be kept in a state of repair, efficiency or validity in order to preserve from failure or decline, and if unintentionally or tortiously destroyed, may be replaced substantially in kind.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99; renum. Trans. 233.012 to be (1), cr. (2) and (3), Register, January, 2001, No. 541, eff. 2-1-01; correction made under s. 13.93 (2m) (b) 7., Stats.



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**Trans 233.015 Definitions.** Words and phrases used in this chapter have the meanings given in s. 340.01, Stats., unless a different definition is specifically provided. In this chapter:

(1) "Certified survey map" or "CSM" means a map that complies with the requirements of s. 236.34, Stats.

(1m) "Desirable traffic access pattern" means traffic access that is consistent with the technical and professional guidance provided in the department's facilities development manual.

Note: Guidelines established in the Department's Facilities Development Manual are not considered "rules," as defined in s. 227.01(13), Stats., and so are not subject to the requirements under s. 227.10, Stats.

(1r) "District office" means an office of the division of transportation districts of the department.

(2) "Improvement" means any permanent addition to or betterment of real property that involves the expenditure of labor or money to make the property more useful or valuable. "Improvement" includes parking lots, driveways, loading docks, in-ground swimming pools, wells, septic systems, retaining walls, signs, buildings, building appendages such as porches, and drainage facilities. "Improvement" does not include sidewalks, terraces, patios, landscaping and open fences.

(2m) "In-ground swimming pool" includes a swimming pool that is designed or used as part of a business or open to use by the general public or members of a group or association. "In-ground swimming pool" does not include any above-ground swimming pools without decks.

(3) "Land divider" means the owner of land that is the subject of a land division or the land owner's agent for purposes of creating a land division.

(4) "Land division" means a division under s. 236.12, 236.34, 236.45 or 703.11, Stats., or other means not provided by statute, of a lot, parcel or tract of land by the owner or the owner's agent for the purposes of sale or of building development.

(5) "Land division map" means an official map of a land division, including all certificates required as a condition of recording the map.

(5m) "Major intersection" means the area within one-half mile of the intersection or interchange of any state trunk highway or connecting highway with a designated expressway, or freeway, under s. 84.295, Stats., or a designated interstate highway under s. 84.29, Stats.

(6) "Public utility" means any corporation, company, individual or association that furnishes products or services to the public, and that is regulated under ch. 195 or 196, Stats., including railroads, telecommunications or telegraph companies, and any company furnishing or producing heat, light, power, cable television service or water, or a rural electrical cooperative, as described in s. 32.02 (10), Stats.

(6m) "Reviewing municipality" means a city or village to which the department has delegated authority to review and object to land divisions under s. Trans 233.03 (7).

(6r) "Secretary" means the secretary of the department of transportation.

(7) "Structure" includes a temporary or non-permanent addition to or betterment of real property that is portable in nature, but that adversely affects the safety of entrance upon or departure from state trunk or connecting highways or the preservation of public interest and investment in those highways, as determined by the department. "Structure" does not include portable swing sets, movable lawn sheds without pads or footings, and above ground swimming pools without decks.

(7m) "Technical land division" means a land division involving a structure or improvement that has been situated on the real property for at least 5 years, does not result in any change to the use of existing structures and improvements and does not negatively affect traffic. "Technical land division" includes the conversion of an apartment building that has been in existence for at

least 5 years to condominium ownership, the conversion of leased commercial spaces in a shopping mall that has been in existence for at least 5 years to owned spaces, and the exchange of deeds by adjacent owners to resolve mutual encroachments.

(8) "Unplatted" means not legally described by a plat, land division map, certified survey map or condominium plat.

(8m) "User" means a person entitled to use a majority of the property to the exclusion of others.

(9) "Utility facility" means any pipe, pipeline, duct, wire line, conduit, pole, tower, equipment or other structure used for transmission or distribution of electrical power or light or for the transmission, distribution or delivery of heat, water, gas, sewer, telegraph or telecommunication service, cable television service or broadcast service, as defined in s. 196.01 (1m), Stats.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99; cr. (1m), (1r), (2m), (5m), (6m), (6r), (7m) and (8m), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 233.017 Other abutments.** For purposes of this chapter, land shall be considered to abut a state trunk highway or connecting highway if the land is any of the following:

(1) Land that contains any portion of a highway that is laid out or dedicated as part of a land division if the highway intersects with a state trunk highway or connecting highway.

(2) Separated from a state trunk highway or connecting highway by only unplatted lands that abut a state trunk highway or connecting highway if the unplatted lands are owned by, leased to or under option, whether formal or informal, or under contract or lease to the owner.

(3) Separated from a state trunk highway or connecting highway by only a service road.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99.

**Trans 233.02 Basic principles.** To control the effects of land divisions on state trunk highways and connecting highways and to carry out the purposes of ch. 236, Stats., the department promulgates the following basic requirements:

(1) Local traffic from a land division or development abutting a state trunk highway or connecting highway shall be served by an internal highway system of adequate capacity, intersecting with state trunk highways or connecting highways at the least practicable number of points and in a manner that is safe, convenient and economical.

(2) A land division shall be so laid out that its individual lots or parcels do not require direct vehicular access to a state trunk highway or connecting highway.

(3) The department, in order to integrate and coordinate traffic on a highway or on a private road or driveway with traffic on any affected state trunk highway or connecting highway, shall do both of the following:

(a) Consider, particularly in the absence of a local comprehensive general or master plan, or local land use plan, that plat or map's relationship to the access requirements of adjacent and contiguous land divisions and unplatted lands.

(b) Apply this chapter to all lands that are owned by, or are under option, whether formal or informal, or under contract or lease to the land divider and that are adjacent to or contiguous to the land division. Contiguous lands include those lands that abut the opposite side of the highway right-of-way.

(4) Setbacks from a state trunk highway or connecting highway shall be provided as specified in s. Trans 233.08.

(5) A land division map shall include provision for the handling of surface drainage in such a manner as specified in s. Trans 233.105 (3).

(6) A land division map shall include provisions for the mitigation of noise if the noise level exceeds noise standards in s. Trans 405.04, Table I.

(7) A land division shall provide vision corners at intersections and driveways per department standards.



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**Note:** Guide dimensions for vision corners are formally adopted in the Department's Facilities Development Manual, Chapter 11, pursuant to s. 227.01 (13) (e), Stats. Rules governing construction of driveways and other connections with highways are found in ch. Trans 231. Detailed specifications may be obtained at the department's district offices.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 233.03 Procedures for review.** The following procedures apply to review by the department, district office or reviewing municipality of proposed certified survey maps, condominium plats and other land divisions:

(1) **CONCEPTUAL REVIEW.** (a) Before the lots are surveyed and staked out, the land divider shall submit a sketch to the department's district office for review. The sketch shall indicate roughly the layout of lots and the approximate location of streets, and include other information required in this chapter.

(b) Unless the land divider submits a preliminary plat under s. 236.12 (2) (a), Stats., the land divider shall have the district office review the sketch described in par. (a).

(c) There is no penalty for failing to obtain conceptual review; the conceptual review procedure is encouraged to avoid waste that results from subsequent required changes.

(2) **PRELIMINARY AND FINAL PLAT REVIEW.** The department shall conduct preliminary and final subdivision plat review under s. 236.12, Stats., when the land divider or approving authority submits, through the department of administration's plat review office, a formal request for departmental review of the plat for certification of non-objection as it relates to the requirements of this chapter. The request shall be accompanied with the land division map and the departmental review fee. No submittal may be considered complete unless it is accompanied by the fee.

(3) **PRELIMINARY AND FINAL REVIEW FOR LAND DIVISIONS OCCURRING UNDER S. 236.45 AND S. 703.11, STATS.** The department shall review preliminary and final land division maps under ss. 236.45 and 703.11, Stats., when the approving authority, or the land divider, when there is no approving authority, submits a formal request for departmental review for certification of non-objection as it relates to the requirements of this chapter. The request shall be accompanied with the land division map and the departmental review fee. No submittal may be considered complete unless it is accompanied by the fee. Additional information required is the name and address of the register of deeds, any approving agency, the land division map preparer and the land divider. This information is to be submitted to the district office. Review of preliminary and final land division maps occurring under ss. 236.45 and 703.11, Stats., by the department shall occur when the approving authority, or the land divider, when there is no approving authority, submits a formal request for departmental review for certification of non-objection as it relates to the requirements of this chapter. The request shall be accompanied with the land division map and the departmental review fee. No submittal may be considered complete unless it is accompanied by the fee. Additional information required is the name and address of the register of deeds, any approving agency, the land division map preparer and the land divider. This information is to be submitted to the department.

**Note:** The appropriate department address is Access Management Coordinator, Bureau of Highway Development, 4802 Sheboygan Avenue, Room 651, P. O. Box 7916, Madison, WI 53707-7916.

(4) **PRELIMINARY AND FINAL REVIEW FOR LAND DIVISIONS OCCURRING UNDER S. 236.34 AND BY OTHER MEANS NOT PRESCRIBED BY STATUTES.** The department shall conduct preliminary and final review of land division maps under s. 236.34, Stats., or under any other means not prescribed by statutes, when the land divider submits a formal request for departmental review for certification of non-objection to the land division as it relates to the requirements of this chapter. The request shall be accompanied with the land division map and the departmental review fee. No submittal may be considered complete unless it is accompanied by the fee. Additional information required is the name and address of the register

of deeds, any approving agency, the land division map preparer and the land divider. This information shall be submitted to the district office or to the department.

**Note:** The appropriate department address is Access Management Coordinator, Bureau of Highway Development, 4802 Sheboygan Avenue, Room 651, P. O. Box 7916, Madison, WI 53707-7916.

(5) **TIME LIMIT FOR REVIEW.** (a) Except as provided in pars. (b) to (d), not more than 20 calendar days after receiving a completed request to review a land division map, the department, district office or reviewing municipality shall do one of the following:

1. Determine that the land division is a technical land division. Upon determining that a land division is a technical land division, the department, district office or reviewing municipality shall certify that it has no objection to the land division map and shall refund all fees paid for review of that land division map.

2. Provide written notice to the land divider either objecting to or certifying that it has no objection to the land division.

**Note:** The 20-day time limit for action on a review without any special exception or variance is also established by statute for subdivision plat reviews in sec. 236.12(3) and (6), Stats.

(b) The department and district offices are not required to complete conceptual reviews under sub. (1) within a specified time, but shall endeavor to complete a conceptual review under sub. (1) within 30 calendar days after receiving the completed request.

(c) If a special exception is requested under s. Trans 233.11, the department, district office or reviewing municipality shall complete its review of the land division map within the time limit provided in s. Trans 233.11 (6).

(d) A request is considered complete under this subsection unless, within 5 working days after receiving the request, the department, district office or reviewing municipality provides written notice to the land divider stating that the request is incomplete and specifying the information needed to complete the request. On the date that additional information is requested under this subdivision, the time period for review ceases to run, but resumes running upon receipt of the requested information.

(e) If the department, district office or reviewing municipality fails to act within the time limit provided in this section or s. Trans 233.11 (6), the department, district office or reviewing municipality shall be considered to have no objection to the land division map or special exception.

(6) **DISTRICT AUTHORITY TO REVIEW LAND DIVISION MAPS.** Beginning on February 1, 2001, each district office may review land division maps under this chapter. The department shall develop implementing procedures to assure consistency and uniformity of such reviews among district offices and shall provide uniform guidance in figure 3 of procedure 7-50-5 of the department's facilities development manual dated December 1, 2000.

**Note:** Guidelines established under this subsection are not considered "rules", as defined in s. 227.01(13), Stats., and so are not subject to the requirements under s. 227.10, Stats. However, this rule references uniform guidance by date so that future revisions to that uniform guidance will become effective only if ch. Trans 233 is amended.

(7) **MUNICIPAL AUTHORITY TO REVIEW LAND DIVISION MAPS.** The department may, upon request, delegate to a city or village authority to review and object to any proposed land division that abuts a state trunk highway or connecting highway lying within the city or village. The department shall develop a uniform written delegation agreement in cooperation with cities and villages. The delegation agreement may authorize a city or village to grant special exceptions under s. Trans 233.11. Any decision of a reviewing municipality relating to a land division map or special exception is subject to the appeal procedure applicable to such decisions made by the department or a district office, except that the department may unilaterally review any such decision of a reviewing municipality to ensure conformity with the delegation agreement and this chapter and may reverse or modify the municipality's decision as appropriate. No reviewing municipality may change its setback policy after executing a delegation agreement



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**Note:** Rules governing construction of driveways and other connections with a state trunk highway are found in ch. Trans 231. Detailed specifications may be obtained at the Department's district offices.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99; am. (1), Register, January, 2001, No. 541, eff. 2-1-01.

### Trans 233.06 Frequency of connections with a state trunk highway or connecting highway.

(1) The land division shall be laid out with the least practicable number of highways and private roads or driveways connecting with abutting state trunk highways or connecting highways.

(2) The department shall determine a minimum allowable distance between connections with the state trunk highway or connecting highway, between any 2 highways within the land division and between a highway within the land division and any existing or planned highway. To the extent practicable, the department shall require a distance of at least 1,000 feet between connections with a state trunk highway or connecting highway.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99.

**Trans 233.07 Temporary connections.** (1) The department may issue temporary connection permits, which authorize the connection of a highway or a private road or driveway with a state trunk highway or connecting highway. The department may issue temporary connection permits in the case of:

(a) A land division which at the time of review cannot provide direct traffic access complying with the provisions of s. Trans 233.06 (2).

(b) A land division layout which might necessitate a point or pattern of traffic access for a future adjacent land division, not in accordance with s. Trans 233.06 (2).

(2) The department may require that such temporary connections be altered or closed by the permit holder at a later date in order to achieve a desirable traffic access pattern. The permit may require the permit holder to alter or close the temporary connection by a specified date or upon the completion of a specified activity. The permit holder is responsible for the expense of closing or altering the temporary connection.

(2m) A temporary connection shall be prominently labeled "Temporary Connection" on the land division map, and the following restriction shall be lettered on the land division map:

"The temporary connection(s) shown on this plat shall be used under a temporary connection permit which may be canceled at such time as a feasible alternate means of access to a highway is provided."

(3) When such a temporary connection is granted, the owner shall dedicate a service road or a satisfactory alternative, to provide for a present or future pattern of access that complies with s. Trans 233.06 (2).

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99.

**Trans 233.08 Setback requirements and restrictions.** (1) Except as provided in this section or in s. Trans 233.11 or, with respect to connecting highways, as provided in s. 86.16 (1), Stats., no person may erect, install or maintain any structure or improvement within a setback area determined under sub. (2) or (3).

(2) (a) Except as provided in par. (b), the setback area is the area within 110 feet of the centerline of a state trunk highway or connecting highway or within 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the centerline.

(b) If an applicable ordinance allows structures or improvements to be located closer to the right-of-way of a state trunk highway or connecting highway than is provided under par. (a), the setback area is the area between the right-of-way and the more restrictive of the following:

1. The distance allowed under the ordinance.

2. 42 feet from the nearer right-of-way line.

3. 100 feet from the centerline.

(c) At least once every 2 years, the department shall produce general reference maps that generally identify major intersections and the highways specified in subs. 1. to 5. The department may reduce or extend, by not more than 3 miles along the highway, the area subject to a setback established under par. (a) or (b) to establish logical continuity of a setback area or to terminate the setback area at a readily identifiable physical feature or legal boundary, including a highway or property boundary. Persons may seek special exceptions to the setback requirement applicable to these major intersections and highways, as provided in s. Trans 233.11 (3). The setback area established under par. (a) or (b) applies only to major intersections and to highways identified as:

1. State trunk highways and connecting highways that are part of the national highway system and approved by the federal government in accordance with 23 USC 103(b) and 23 CFR 470.107(b).

2. State trunk highways and connecting highways that are functionally classified as principal arterials in accordance with procedure 4-1-15 of the department's facilities development manual dated July 2, 1979.

3. State trunk highways and connecting highways within incorporated areas, within an unincorporated area within 3 miles of the corporate limits of a first, second or third class city, or within an unincorporated area within 1½ miles of a fourth class city or a village.

4. State trunk highways and connecting highways with average daily traffic of 5,000 or more.

5. State trunk highways and connecting highways with current and forecasted congestion projected to be worse than level of service "C," as determined under s. Trans 210.05 (1), within the following 20 years.

**Note:** The National Highway System (NHS) includes the Interstate System, Wisconsin's Corridors 2020 routes, and other important routes. Highways on the NHS base system were designated by the Secretary of USDOT and approved by Congress in the National Highway System Designation Act of 1995. NHS Intermodal Connector routes were added in 1998 with the enactment of the Transportation Equity Act for the 21st Century. Modifications to the NHS must be approved by the Secretary of USDOT. Guidance criteria and procedures for the functional classification of highways are provided in (1) the Federal Highway Administration (FHWA) publication "Highway Functional Classification—Concepts, Criteria and Procedures" revised in March 1989, and (2) former ch. Trans 76. The federal publication is available on request from the FHWA, Office of Environment and Planning, HEP-10, 400 Seventh Street, SW., Washington, DC 20590. Former ch. Trans 76 is available from the Wisconsin Department of Transportation, Division of Transportation Investment Management, Bureau of Planning. The results of the functional classification are mapped and submitted to the Federal Highway Administration (FHWA) for approval and when approved serve as the official record for Federal-aid highways and one basis for designation of the National Highway System. In general, the highway functional classifications are rural or urban: Principal Arterials, Minor Arterials, Major Collectors, Minor Collectors, and Local Roads. The definition of "level of service" used for this paragraph is the same as in ss. Trans 210.03(4) and 210.05(1) for purposes of the MAJOR HIGHWAY PROJECT NUMERICAL EVALUATION PROCESS. In general, the "level of service" refers to the ability of the facility to satisfy both existing and future travel demand. Six levels of service are defined for each type of highway facility ranging from A to F, with level of service A representing the best operating conditions and level of service F the worst. Department engineers will use the procedures outlined in the general design consideration guidelines in Chapter 11, Section 5 of the Wisconsin Department of Transportation's Facilities Development Manual to determine the level of highway service. Under the rule as effective February 1, 1999, s. Trans 233.08(1) provides 4 ways to erect something in a setback area (1) for utilities, follow the procedures set forth in the rule, (2) obtain a variance (now "special exception"), (3) for utilities, get local approval for utilities on or adjacent to connecting highways, or for utilities within the right of way of state trunk highways, get department approval (a mere "technical" exception), and (4) erect something that doesn't fall within the definition of "structure" or within the definition of "improvement." The provision below now adds a fifth "exception," (5) be 15 feet or more outside the right of way line of a defined and mapped set of highways.

(d) In addition to producing general reference maps at least once every 2 years that identify highways and intersections under par. (c), at least every 2 years the department shall also produce more detailed reference maps suitable for use in the geographic area of each district office.

(3) If any portion of a service road right-of-way lies within the setback area determined under sub. (2), the setback area shall be increased by the lesser of the following:

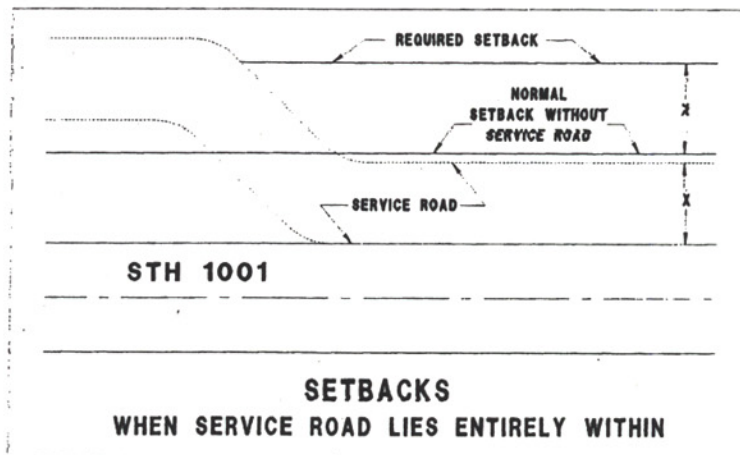
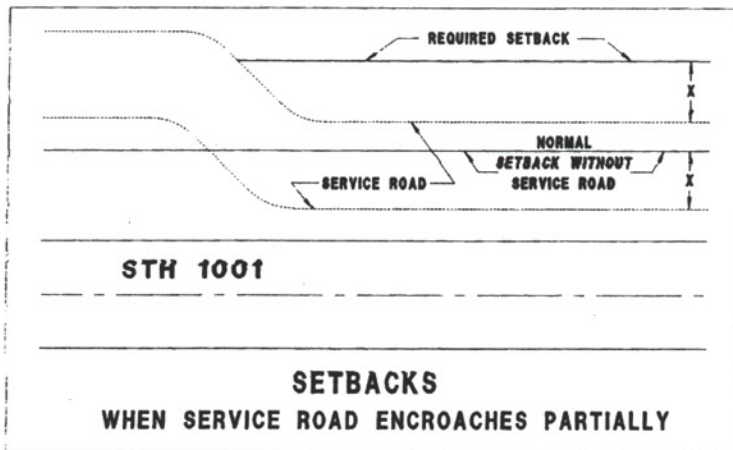
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(a) The width of the service road right-of-way, if the entire service road right-of-way lies within the setback area. Any increase under this paragraph shall be measured from the boundary of the setback area determined under sub. (2).

(b) The distance by which the service road right-of-way lies within the setback area, if the entire service road right-of-way does not lie within the setback area. Any increase under this para-

graph shall be measured from the nearer right-of-way line of the service road.

Note: For example, if a service road ROW extends 15 feet (measured perpendicularly to the setback) into the setback determined under sub. (2), and runs for a distance of 100 feet, the setback determined under sub. (2) shall be pushed 15 feet further from the centerline, running for a distance of 100 feet. See Graphic.





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(3m) (a) Notwithstanding sub. (1), a public utility may erect, install or maintain a utility facility within a setback area.

(b) If the department acquires land that is within a setback area for a state trunk highway, as provided by this chapter, and on which a utility facility is located, the department is not required to pay compensation or other damages relating to the utility facility, unless the utility facility is any of the following:

1. Erected or installed before the land division map is recorded.

2. Erected or installed on a recorded utility easement that was acquired prior to February 1, 1999.

3. Erected or installed after the land division map is recorded but with prior notice in writing, with a plan showing the nature and distance of the work from the nearest right-of-way line of the highway, to the department's appropriate district office within a normal time of 30 days, but no less than 5 days, before any routine, minor utility erection or installation work commences, nor less than 60 days, before any major utility erection or installation work commences, if any utility work is within the setback.

**Note:** For purposes of this section, "major utility erection or installation work" includes, but is not limited to, work involving transmission towers, communication towers, water towers, pumping stations, lift stations, regulator pits, remote switching cabinets, pipelines, electrical substations, wells, gas substations, antennae, satellite dishes, treatment facilities, electrical transmission lines and facilities of similar magnitude. "Routine minor utility erection or installation work" refers to single residential distribution facilities and similar inexpensive work of less magnitude. The concept behind the flexible, "normal time of 30 days" standard for utility submission of notice and plans to the department is to encourage and require at least 60 days notice from utilities for larger, complex or expensive installations, but not for routine, minor utility work that has traditionally involved only a few days notice for coordination and issuance of utility permits by the department for which a minimum of 5 days notice is mandatory. However, the normal time for submission and review is 30 days. This notice and plan requirement does not apply to maintenance work on existing utilities.

4. Erected or installed before the land division map is recorded but modified after that date in a manner that increases the cost to remove or relocate the utility facility. In such a case, the department shall pay compensation or other damages related to the utility facility as it existed on the date the land division map was recorded, except that if the modification was made with prior notice in writing, with a plan showing the nature and distance of the work from the nearest right-of-way line of the highway, to the department's appropriate district office within a normal time of 30 days, but no less than 5 days, before any routine, minor utility erection or installation work commences, nor less than 60 days, before any major utility erection or installation work commences, if any utility work is within the setback, then the department shall pay compensation or other damages related to the utility facility as modified.

(c) If a local unit of government or the department acquires land that is within a setback area for a connecting highway as provided by this chapter and on which a utility facility is located, the department is not required to pay compensation or other damages relating to the utility facility, unless the utility facility is compensable under the applicable local setbacks and the utility facility is in any of the categories described in par. (b) 1. to 4.

**Note:** A "connecting highway" is not a state trunk highway. It is a marked route of the state trunk highway system over the streets and highways in municipalities which the Department has designated as connecting highways. Municipalities have jurisdiction over connecting highways and are responsible for their maintenance and traffic control. The Department is generally responsible for construction and reconstruction of the through lanes of connecting highways, but costs for parking lanes and related municipal facilities and other desired local improvements are local responsibilities. See ss. 84.02 (11), 84.03 (10), 86.32 (1) and (4), and 340.01 (60), Stats. A listing of connecting highways and geographic end points are available in the department's "Official State Trunk Highway System and the Connecting Highways" booklet that is published annually as of December 31.

(d) The department shall review the notice and plan to determine whether a planned highway project within a 6-year improvement program under s. 84.01 (17), Stats., or a planned major highway project enumerated under s. 84.013 (3), Stats., will conflict with the planned utility facility work. If the department determines a conflict exists, it will notify the utility in writing within a normal time of 30 days, but no more than 5 days, after receiving the written notice and plan for any routine, minor utility

erection or installation work, nor more than 60 days, after receiving the written notice and plan for any major utility erection or installation work, and request the utility to consider alternative locations that will not conflict with the planned highway work. The department and utility may also enter into a cooperative agreement to jointly acquire, develop and maintain rights of way to be used jointly by WISDOT and the public utility in the future as authorized by s. 84.093, Stats. If the department and utility are not able to make arrangements to avoid or mitigate the conflict, the utility may proceed with the utility work, but notwithstanding pars. (b) and (c), the department may not pay compensation or other damages relating to the utility facility if it conflicts with the planned highway project. In order to avoid payment of compensation or other damages to the utility, the department is required to record a copy of its written notice to the utility of the conflict, that adequately describes the property and utility work involved, with the register of deeds in the county in which the utility work or any part of it is located.

**Note:** The Department will make the general and detailed maps readily available to the public on the internet and through other effective means of distribution.

(3n) Any person may erect, install or maintain any structure or improvement at 15 feet and beyond from the nearer right-of-way line of any state trunk highway or connecting highway not identified in s. Trans 233.08 (2) (c). Any person may request a special exception to the setback requirement established under this subsection, as provided in s. Trans 233.11 (3). This subsection does not apply to major intersections or within the desirable stopping sight distance, as determined under procedure 11-10-5 of the department's facilities development manual dated June 10, 1998, of the intersection of any state trunk highway or connecting highway with another state trunk highway or connecting highway. This subsection does not supersede more restrictive requirements imposed by valid applicable local ordinances.

**Note:** Technical figures 2, 3, 3m, 4, 4m, 5, 6 and 6m within Procedure 11-10-5 have various dates other than June 10, 1998 or are undated.

(4) The land division map shall show the boundary of a setback area on the face of the land division map and shall clearly label the boundary as a highway setback line and shall clearly show existing structures and improvements lying within the setback area.

(5) The owner shall place the following restriction upon the same sheet of the land division map that shows the highway setback line:

"No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to, signs, parking areas, drive-ways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department."

If on a CSM there is limited space for the above restriction on the same sheet that shows the setback line, then the following abbreviated restriction may be used with the standard restriction placed on a subsequent page: "Caution - Highway Setback Restrictions Prohibit Improvements. See sheet \_\_\_\_\_."

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99; cr. (2) (c), (d) and (3n), Register, January, 2001, No. 541, eff. 2-1-01.

### Trans 233.105 Noise, vision corners and drainage.

(1) NOISE. When noise barriers are warranted under the criteria specified in ch. Trans 405, the department is not responsible for



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any noise barriers for noise abatement from existing state trunk highways or connecting highways. Noise resulting from geographic expansion of the through-lane capacity of a highway is not the responsibility of the owner, user or land divider. In addition, the following notation shall be placed on the land division map:

"The lots of this land division may experience noise at levels exceeding the levels in s. Trans 405.04, Table I. These levels are based on federal standards. The department of transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the department to the highway's through-lane capacity."

**Note:** Some land divisions will result in facilities located in proximity to highways where the existing noise levels will exceed recommended federal standards. Noise barriers are designed to provide noise protection only to the ground floor of abutting buildings and not other parts of the building. Noise levels may increase over time. Therefore, it is important to have the caution placed on the land division map to warn owners that the department is not responsible for further noise abatement for traffic and traffic increases on the existing highway, in the absence of any increase by the department to the highway's through-lane capacity.

(2) **VISION CORNERS.** The department may require the owner to dedicate land or grant an easement for vision corners at the intersection of a highway with a state trunk highway or connecting highway to provide for the unobstructed view of the intersection by approaching vehicles. The owner shall have the choice of providing the vision corner by permanent easement or by dedication. If the department requires such a dedication or grant, the owner shall include the following notation on the land division map:

"No structure or improvement of any kind is permitted within the vision corner. No vegetation within the vision corner may exceed 30 inches in height."

**Note:** Guide dimensions for vision corners are formally adopted in the Department's Facilities Development Manual, Chapter 11, pursuant to s. 227.01 (13) (e), Stats.

(3) **DRAINAGE.** The owner of land that directly or indirectly discharges stormwater upon a state trunk highway or connecting highway shall submit to the department a drainage analysis and drainage plan that assures to a reasonable degree, appropriate to the circumstances, that the anticipated discharge of stormwater upon a state trunk highway or connecting highway following the development of the land is less than or equal to the discharge preceding the development and that the anticipated discharge will not endanger or harm the traveling public, downstream properties or transportation facilities. Various methods of hydrologic and hydraulic analysis consistent with sound engineering judgment and experience and suitably tailored to the extent of the possible drainage problem are acceptable. Land dividers are not required by this subsection to accept legal responsibility for unforeseen acts of nature or forces beyond their control. Nothing in this subsection relieves owners or users of land from their obligations under s. 88.87 (3) (b), Stats.

**Note:** In sec. 88.87 (1), Stats., the Legislature has recognized that development of private land adjacent to highways frequently changes the direction and volume of flow of surface waters. The Legislature found that it is necessary to control and regulate the construction and drainage of all highways in order to protect property owners from damage to lands caused by unreasonable diversion or retention of surface waters caused by a highway and to impose correlative duties upon owners and users of land for the purpose of protecting highways from flooding or water damage. Wisconsin law, sec. 88.87 (3), Stats., imposes duties on every owner or user of land to provide and maintain a sufficient drainage system to protect downstream and upstream highways. Wisconsin law, sec. 88.87 (3) (b), Stats., provides that whoever fails or neglects to comply with this duty is liable for all damages to the highway caused by such failure or neglect. The authority in charge of maintenance of the highway may bring an action to recover such damages, but must commence the action within 90 days after the alleged damage occurred. Section 893.59, Stats. Additional guidance regarding drainage may be found in Chapter 13 and Procedure 13-1-1 of the Department's Facilities Development Manual.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99; am. (1), (2) (intro.) and (3), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 233.11 Special exceptions. (1) DEPARTMENT CONSENT.** No municipality or county may issue a variance or spe-

cial exception from this chapter without the prior written consent of the department.

(3) (a) **Special exceptions for setbacks allowed.** The department, district office or, if authorized by a delegation agreement under sub. (7), reviewing municipality may authorize special exceptions from this chapter only in appropriate cases when warranted by specific analysis of the setback needs, as determined by the department, district office or reviewing municipality. A special exception may not be contrary to the public interest and shall be in harmony with the general purposes and intent of ch. 236, Stats., and of this chapter. The department, district office or reviewing municipality may grant a special exception that adjusts the setback area or authorizes the erection or installation of any structure or improvement within a setback area only as provided in this subsection. The department, district office or reviewing municipality may require such conditions and safeguards as will, in its judgment, secure substantially the purposes of this chapter.

**Note:** The phrase "practical difficulty or unnecessary hardship" has been eliminated from the rule that was effective February 1, 1999, to avoid the adverse legal consequences that could result from the existing use of the word "variance." The Wisconsin Supreme Court has interpreted "variance" and this phrase to make it extremely difficult to grant "variances" and in so doing has eased the way for third party legal challenges to many "variances" reasonably granted. See *State v. Kenosha County Bd. of Adjust.*, 218 Wis. 2d 396, 577 N.W.2d 813 (1998). The Supreme Court defined "unnecessary hardship" in this context as an owner having "no reasonable use of the property without a variance." *Id.* at 413. The "special exception" provision in this rule is not intended to be so restrictive and has not been administered in so restrictive a fashion. In the first year following revisions of ch. Trans 233, effective February 1, 1999, the Department granted the vast majority of "variances" requested, using a site and neighborhood-sensitive context based on specific analysis.

(b) **Specific analysis for special exceptions for setbacks.** Upon request for a special exception from a setback requirement of this chapter, the department, district office or reviewing municipality shall specifically analyze the setback needs. The analysis may consider all of the following:

1. The structure or improvement proposed and its location.
  2. The vicinity of the proposed land division and its existing development pattern.
  3. Land use and transportation plans and the effect on orderly overall development plans of local units of government.
  4. Whether the current and forecasted congestion of the abutting highway is projected to be worse than level of service "C," as determined under s. Trans 210.05 (1), within the following 20 years.
  5. The objectives of the community, developer and owner.
  6. The effect of the proposed structure or improvement on other property or improvements in the area.
  7. The impact of potential highway or other transportation improvements on the continued existence of the proposed structure or improvement.
  8. The impact of removal of all or part of the structure or improvement on the continuing viability or conforming use of the business, activity, or use associated with the proposed structure or improvement.
  9. Transportation safety.
  10. Preservation of the public interest and investment in the highway.
  11. Other criteria to promote public purposes consistent with local ordinances or plans for provision for light and air, providing fire protection, solving drainage problems, protecting the appearance and character of a neighborhood, conserving property values, and, in particular cases, to promote aesthetic and psychological values as well as ecological and environmental interests.
- (c) **Adjust setback.** If the department, district office or reviewing municipality grants a special exception by adjusting the setback area, the department shall pay just compensation for any subsequent department-required removal of any structure or improvement that the department has allowed outside of the approved, reduced setback area on land that the department acquires for a transportation improvement. The department may



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not decrease the 15 foot setback distance established under s. Trans 233.08 (3n), except in conformity with a comprehensive local setback ordinance, generally applicable to the vicinity of the land division, that expressly establishes a closer setback line.

(d) *Allow in setback - removal does not affect viability.* The department, district office or reviewing municipality may authorize the erection of a structure or improvement within a setback area only if the department, district office or reviewing municipality determines that any required removal of the structure or improvement, in whole or in part, will not affect the continuing viability or conforming use of the business, activity, or use associated with the proposed structure or improvement, and will not adversely affect the community in which it is located. Any owner or user who erects a structure or improvement under a special exception granted under this paragraph assumes the risk of future department-required removal of the structure or improvement and waives any right to compensation, relocation assistance or damages associated with the department's acquisition of that land for a transportation improvement, including any damage to property outside the setback caused by removal of the structure or improvement in the setback that was allowed by special exception. The department, district office or reviewing municipality may not grant a special exception within an existing setback area, unless the owner executes an agreement or other appropriate document required by the department, binding on successors and assigns of the property, providing that, should the department need to acquire lands within the setback area, the department is not required to pay compensation, relocation costs or damages relating to any structure or improvement authorized by the special exception. The department, district office or reviewing municipality may require such conditions and safeguards as will, in its judgment, secure substantially the purposes of this chapter. The department, district office or reviewing municipality shall require the executed agreement or other appropriate document to be recorded with the register of deeds under sub. (7) as part of the special exception.

(e) *Blanket or area special exceptions for setbacks.* Based on its experience granting special exceptions on similar land divisions, similar structures or improvements, or the same area and development pattern, the department may grant blanket or area special exceptions from setback requirements of this chapter that are generally applicable. The department shall record blanket or area special exceptions with the register of deeds in the areas affected or shall provide public notice of the blanket or area special exceptions by other means that the department determines to be appropriate to inform the public.

(f) *Horizon of setback analysis.* For purposes of its specific analysis, the department, district office or reviewing municipality shall consider the period 20 years after the date of analysis.

**Note:** Federal law requires a minimum 20-year forecast period for transportation planning for all areas of the State. 23 USC 134 (g) (2)(A) and 135 (e) (1).

(4) **SPECIAL EXCEPTIONS FOR PROVISIONS OF THIS CHAPTER OTHER THAN SETBACKS.** Except as provided in sub. (3), the department may not authorize special exceptions from this chapter, except in appropriate cases in which the literal application of this chapter would result in practical difficulty or unnecessary hardship, or would defeat an orderly overall development plan of a local unit of government. A special exception may not be contrary to the public interest and shall be in harmony with the general purposes and intent of ch. 236, Stats., and of this chapter. The department

may require such conditions and safeguards as will, in its judgment, secure substantially the purposes of this chapter.

**Note:** This subsection uses the phrase "practical difficulty or unnecessary hardship" to indicate a higher standard for special exceptions from provisions of this chapter other than setbacks. However, the phrase "special exception" has been used rather than the word "variance." The Supreme Court defined "unnecessary hardship" in a variance context as an owner having "no reasonable use of the property without a variance." See *State v. Kenosha County Bd. of Adjust.*, 218 Wis. 2d 396, 413, 577 N.W.2d 813 (1998). The department intends the "special exception" provision in this rule to be administered in a somewhat less restrictive fashion than "no reasonable use of the property" without a "variance."

(5) **MUNICIPAL SPECIAL EXCEPTIONS.** A delegation agreement under s. Trans 233.03 (8) may authorize a reviewing municipality to grant special exceptions. No municipality may grant special exceptions to any requirement of this chapter, except in conformity with a delegation agreement under this subsection. Any decision of a reviewing municipality relating to a special exception is subject to the appeal procedure applicable to such decisions made by the department or a district office, except that the department may unilaterally review any such decision of a reviewing municipality only for the purposes of ensuring conformity with the delegation agreement and this chapter.

(6) **TIME LIMIT FOR REVIEW.** Not more than 60 calendar days after receiving a completed request for a special exception under s. Trans 233.11, the department, district office or reviewing municipality shall provide to the land divider written notice of its decision granting or denying a special exception. The 60-day time limit may be extended only by written consent of the land divider.

**Note:** The Department intends that decisions concerning special exceptions be made in the shortest practicable period of time. The Department intends the 60-day time limit applicable to special exceptions to allow sufficient time for a land divider and the Department, district office or municipality to explore alternative locations or plans to avoid and minimize conflicts and to facilitate mutually acceptable resolutions to conflicts.

(7) **RECORDING REQUIRED.** A special exception granted under this section is effective only when the special exception is recorded in the office of the register of deeds. Any structure or improvement erected under authority of a special exception granted under this section is presumed to have been first erected on the date the special exception is recorded.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99; renum. (2) to be (3) (a) and am., cr. (3) (b) to (f) and (4) to (7), Register, January, 2001, No. 541, eff. 2-1-01.

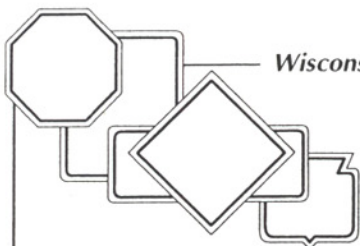
**Trans 233.12 Performance bond.** The department may, in appropriate cases, require that a performance bond be posted, or that other financial assurance be provided, to ensure the construction of any improvements in connection with the land division which may affect a state trunk highway.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99.

**Trans 233.13 Fees.** The department shall charge a fee of \$110 for reviewing a land division map that is submitted under s. 236.10, 236.12, 236.34, 236.45 or 703.11, Stats., or other means not provided by statute, on or after the first day of the first month beginning after February 1, 1999. The fee is payable prior to the department's review of the land division map. The department may change the fee each year effective July 1 at the annual rate of inflation, as determined by movement in the consumer price index for all urban consumers (CPI-U), published the preceding January in the CPI detailed report by the U.S. department of labor's bureau of labor statistics, rounded down to the nearest multiple of \$5.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99.





## Setting Speed Limits on Local Roads

Speed limits are an important tool for promoting safety on streets and highways. Limits tell drivers what is the reasonable speed for a road section. They also help traffic enforcement by setting standards for what is an unsafe speed.

The state has set speed limits for all roads. However, municipalities can change speed limits for their roads under authority and guidelines in the *Wisconsin Statutes*. Selecting the appropriate speed limit can be a challenge because people often disagree. Residents frequently seek lower speeds, especially after a serious crash. Drivers tend to choose speeds that seem reasonable for the conditions—often higher than the posted limit—and that satisfy personal needs (saving time, enjoyment, inertia).

Local officials have a key role in setting limits. They must balance the competing concerns and opinions of drivers, residents, and law enforcement agencies with statutory requirements and the recommendations of traffic engineers.

This booklet is designed to help. It includes background information and research recommendations, summarizes statutory limits, describes the process for changing limits, and discusses signs, enforcement, advisory speeds, and other speed issues.

### Background

High speeds are a factor in up to one-third of all fatal crashes, and injuries from speed-related crashes (including speed too fast for conditions) cost society \$27 billion per year (1994 estimate). Although speed by itself may not necessarily cause accidents, it affects their severity. For example, 85% of pedestrians struck by vehicles traveling 40 mph were killed while only 5% were killed when the speed was 20 mph.

Common sense says that regulating speed is a good way to make streets and highways safer. As a result, citizens may demand lower speeds, especially if there has been a severe crash or a frightening "near miss."



However, driving behavior is not so easy to manage. Many studies, including a 1997 federal speed study (FHWA-RD-92-084), show that simply lowering speed limits has little effect on actual speeds, usually only reducing speeds by one to two miles per hour. At the same time, the difference in speeds, which is a common cause of crashes, increases, often making the roadways less safe. In general, drivers choose their speed based on what they think is safe and reasonable for the conditions present. An unreasonable posted speed gets little consideration from drivers. They determine "safe and reasonable" from a variety of factors, including:

- Road geometry—roadway characteristics such as lane width, shoulder width, sight distance, curves, and hills
- Land use, including frequency of driveways and cross streets
- Traffic volume and prevailing speed
- Presence of pedestrians, bikes, and parked cars
- Visual clutter such as billboards and commercial buildings
- Weather and road conditions
- Vehicle type and characteristics
- Driver capability, attitudes and habit
- Public attitudes
- Enforcement
- Speed zoning

A new alternative for managing vehicle speeds is called "traffic calming." This emphasizes physical changes to local streets—making them appear narrower or more restricted, for example—so drivers will voluntarily choose lower "safe and comfortable" speeds.

## Philosophy

Prevailing speed—the one which most drivers choose—is a major consideration in setting speed limits. Wisconsin's statutes recognize this in declaring that "no person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions..." [246.57(2) Wisc. Stats.]

Engineers recommend setting limits at the 85% percentile speed, where 85% of the freely flowing traffic travels at or below that speed. They also emphasize considering the road's design speed in setting speed limits. This is the highest safe speed for which the road was designed. It takes into account road type, road geometry, and adjacent land use. Research studies show that accident rates go down when speed limits are within 10 mph of the design speed. When the difference is greater, motorists choose a wider variety of speeds. This variance in speed between vehicles, more than the speed itself, results in higher accident rates.

However, the prevailing speed and design speed may be hazardous for pedestrians, bicyclists, and other road users. Modern roads are often over-designed, particularly in residential areas, where they tend to emphasize functions like accommodating fire trucks or street parking. The wide, unobstructed roads that result can unintentionally encourage drivers to drive too fast for the safety of other road users. Simply setting lower speed limits is unlikely to produce the desired results, however, especially without effective enforcement. In these cases, authorities may wish to consider using some traffic calming techniques.

Speeds should be consistent, safe, reasonable, and enforceable. When 85% of drivers voluntarily comply with speed limits, it is possible and reasonable to enforce the limits with the 15% who drive too fast. Unreasonably low limits can promote disrespect for and disregard of other, reasonable posted limits. They also promote a false sense of security among residents and pedestrians who may expect that posting lower limits will change drivers' speed behavior. Unreasonably high limits create unnecessary risks.

## Authority

Power to set speed limits rests with the state. Chapter 346.57 *Speed Restrictions* of the *Wisconsin Statutes* requires drivers to use a speed that is "reasonable and prudent," to exercise "due care," [346.57(2)] and to reduce speed under a variety of conditions such as "going around a curve...passing school children, high-

way construction or maintenance workers...and when special hazard exists..." [346.57(3)].

The *Statutes* give fixed limits for more than a dozen situations depending on the road type, jurisdiction, and land use [346.57 (4) (a-k)]. (See chart.)

Local or state officials have authority to change these limits within the limitations in Chapter 349.11 (summarized in chart). They must conduct an engineering and traffic investigation to determine a reasonable and safe speed limit. The limit must then be legally adopted by the local authority and appropriate signs erected. When properly changed, such limits do not create additional liability. In addition, changes beyond those specified in the statutes are possible in consultation with the state Department of Transportation.

**Speed limits and authority to change**

Fixed limits – Statute 346.57(4)*	Sub- section	Local government authority** – Statute 349.11.3(6) or 349.7
65 MPH – Interstate	(gm)	WisDOT ONLY
55 MPH – STH	(h)	WisDOT ONLY
55 MPH – CTH, town roads	(h)	Lower by 10 MPH
45 MPH – Rustic Roads	(k)	Lower by 15 MPH
35 MPH – town road (1,000 ft. min) with 150 ft. or less driveway spacing	(j)	No changes permitted
25 MPH – Inside corporate limits, residential street (other than outlying district)	(e)	Lower or raise by 10 MPH
35 MPH – Outlying district inside corporate limits (1,000 ft. min., 200 ft. driveway spacing)	(f)	Lower or raise by 10 MPH
35 MPH – Semi-urban outside corp. limits (1,000 ft. min., 200 ft. driveway spacing)	(f)	Lower or raise by 10 MPH
15 MPH – School Zone	(a)	Lower by 10 MPH or raise to speed of adjacent street
15 MPH – School Crossing	(b)	Lower by 10 MPH or raise to speed of adjacent street
15 MPH – Pedestrian safety zone	(c)	No changes permitted
15 MPH – Alley	(d)	Lower by 10 MPH
15 MPH – Public park (within, contiguous or adjacent to)	(j)	Lower by 10 MPH
Construction or maintenance zones as appropriate	(10)	State and local agencies have authority to establish

\* From WisDOT Highway and Transportation Laws and Rules, 1995.

\*\* All speed limit changes should be based on an engineering study.



All limits, whether set by statute or local authority, are only effective and enforceable when official signs have been erected to give adequate warning to highway users. Signs must conform to the specifications in the *Manual on Uniform Traffic Control Devices (MUTCD)* and the *Wisconsin Supplement to the MUTCD*.

Speeds may also be temporarily reduced in work zones where highways are being constructed, reconstructed, maintained or repaired [Ch.349.11(10)]. These changes must be properly posted and are not restricted by the other limitations in Chapter 349.11. Appropriate work zone signing and set up is described in *Workzone Safety: Guidelines for Construction, Maintenance and Utility Operations*.

The local agency that maintains the roadway has jurisdiction for determining the speed limit. In most cases the responsibility is clear. If a roadway segment has joint jurisdiction, such as a road on the border between two cities, then both agencies must agree on the speed limit. Obviously, the speed must be the same in both directions. In cases where the county or state maintains a road within the corporate limits of a city or village, the county or state is responsible for setting the speed limit. Coordination with local officials and law enforcement agencies is essential to set effective speed limits.

## Required studies

Local authorities are required by the statutes to conduct engineering and traffic speed studies to determine a reasonable and prudent speed limit for a section of road or highway. Local law enforcement, the county Traffic Safety Commission, and WisDOT District engineering staff can be very helpful in conducting and interpreting these studies for local municipalities.

Engineering studies should include the following:

1. Measure prevailing speed characteristics and determine the 85<sup>th</sup>-percentile speed and pace speed
2. Evaluate reported accident experience for the past three to five years
3. Review roadside development and culture, and driveway access for conflicts
4. Evaluate sight distances at intersections, horizontal curves, and vertical curves
5. Check the road's geometrics including lane widths, sharp curves, and roadside hazards
6. Consider conflicts with parking practices, and pedestrian and bicycle activity
7. Evaluate pavement surface characteristics and shoulder conditions
8. Determine the current level of enforcement

A speed study is a statistical evaluation of speed characteristics at a specific location. It includes averages, ranges, distribution, and variability of speeds, and confidence levels of the analysis. Spot speed studies should be unbiased, measuring a statistically valid sample of vehicles.

Accurate spot speed measurements are important for setting limits. They should represent free flowing traffic on a clear, dry day. There should be a large enough number of measurements to produce an appropriate level of confidence about the data analysis. Spot speed is the instantaneous speed at one location. This is different from the average speed over a distance. As a general rule, the minimum sample size should never be less than 30 measured spot speeds. On higher volume roads the study should include about 100 cars.

Data can be collected in a variety of ways. Radar or laser speed detection units are commonly available and generally used to measure a sample of every *n*<sup>th</sup> vehicle. Speed can also be measured manually by counting the time it takes every *n*<sup>th</sup> vehicle to travel a measured distance between two points. Automatic data recorders using detector loops and tube counters can produce considerably more information by measuring every vehicle during a given time period and automatically calculating the spot speeds in free flowing traffic. Video and radar speed cameras are also used and can capture a broad variety of data which is preserved for multiple analyses. Once collected, data is then analyzed statistically and presented in tables and graphs.

## Signs

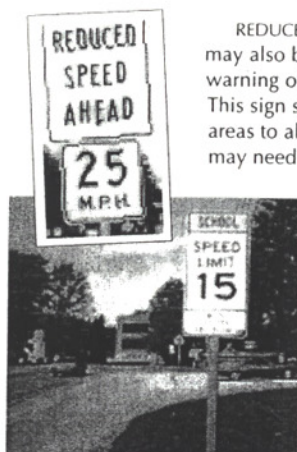
A speed limit is not in effect until the area has been properly signed. Conversely, signs must not be installed until the limit has been approved and officially authorized. Signs are governed by the *Manual on Uniform Traffic Control Devices (MUTCD)*. Two types may be used: one for passenger cars and another for special limits for trucks and buses.

No more than three speed limits should be displayed on any one speed limit sign or assembly. Signs with special limits for trucks or other vehicles should include the word TRUCKS or a similar appropriate message. They can be displayed below the standard message or on a separate plate which should refer to SPEED or MPH.

The standard SPEED LIMIT sign must be 24 by 30 inches. Signs must be located:

- at each point where the speed limit changes
- beyond major intersections
- at other locations where it is necessary to remind motorists of the limit





REDUCED SPEED AHEAD signs may also be used to give advance warning of a lower speed zone. This sign should be used in rural areas to alert motorists when they may need extra time to slow to the

posted limit. It must always be followed by a SPEED LIMIT sign at the beginning of the new zone.

Near schools, the END SCHOOL ZONE sign may be used as an alternate to the SPEED LIMIT sign.

## Enforcement

Enforcement is critical. Without it speed limits are not effective. When it is considerably increased, violations and crashes have been reduced.

Local officials should actively involve enforcement personnel in setting speed limits to ensure they are reasonably enforceable. Enforcement agencies should always be advised when changes have been adopted.

Enforcement requires wide public support. A first step is to ensure that speed limits are publically perceived as reasonable and fair because the voluntary cooperation of most drivers is essential. A second step is vigorous public information and education stressing the safety benefits of the enforcement. This should be a cooperative effort between highway and enforcement officials. It should target specific aspects of the speeding problem such as young drivers, nighttime, school zones, work zones, or specific roads where potential traffic and pedestrian conflicts are high.

Within law enforcement agencies, traffic enforcement doesn't compete well with criminal and drug enforcement. As a result, local highway officials must actively seek adequate agency enforcement. These efforts will be most effective when the safety benefits are made clear and there is strong support from local elected officials.

Aggressive, targeted enforcement, combined with education, has effectively produced better public compliance with traffic laws. The Federal Highway Administration recommends targeting enforcement programs to high crash locations where speeding was a contributing factor and to areas with high traffic volumes.

Long term, low intensity speed enforcement can produce meaningful results, however. Studies indicate that some amount of the enforcement effort (15% is

recommended) should be directed to random locations and times. Stationary, marked patrol vehicles are most effective in creating longer term enforcement benefits.

## Minimum speed limits and slow moving vehicles

Except on Interstate highways, there is no specific minimum speed on Wisconsin highways. However, the statutes prohibit driving a motor vehicle "at a speed so slow as to impede the normal and reasonable movement of traffic, except when necessary for safe operation or to comply with the law." [Section 346.59 Wis. Stats.]

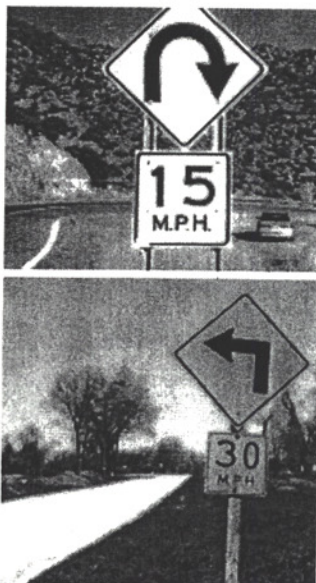
Vehicles which normally travel slower than 25 mph must display slow moving vehicle emblems. [Section 347.245 Wis. Stats.] In addition, the operator of a vehicle moving so slowly that it impedes traffic must yield the roadway to overtaking vehicles, if practicable, when the operator of an overtaking vehicle gives an audible warning. [Section 346.59(2) Wis. Stats.]

## Advisory speed signs

Advisory speed signs are used to tell drivers that a lower speed may be necessary at curves, turns, intersections, and other localized conditions. They add emphasis and specific information to other warning signs, recommending a comfortable and safe speed to drive in these locations. Advisory speeds should not be confused with

enforceable speed limits and they do not imply the maximum operating speed at which skid and rollover occurs.

The advisory speed must be determined by an accepted traffic engineering procedure but no ordinance is required. Signs can be erected by maintenance or sign supervisors and must be in accordance with guidelines in the MUTCD, 2C-35.





As with other traffic signs, advisory speeds should be consistent and reasonable to promote driver respect and compliance. This is not always the case. Research published by the national Transportation Research Board (TRB) found that on the two-lane highways studied, the posted advisory speeds at most curves were well below prevailing traffic speed and also below speeds established using recommended devices and criteria.

One widely used device for establishing advisory speeds on curves is the ball bank indicator. This relatively inexpensive curved level is mounted in an engineer's car. The engineer makes successive trial runs through a curve, taking care to drive parallel to the centerline of the curve, increasing speed by five mph each time. The indicator shows the angle of deflection in degrees. Advisory speeds are set based on average curve speeds for different angles of deflection.



The TRB study reports that the generally accepted criteria, which were established based on tests conducted in the 1930s, produce unrealistically low speeds with modern cars and should be revised upwards. Ballbank readings of 12 degrees above 40 mph, 16 degrees between 30 and 40, and 20 degrees below 30 would better reflect average curve speeds, the authors say.

Ballbank readings tend to fluctuate rather widely during a trial run and can be affected by loose-surfaced roads and vehicle suspension systems. As a result, setting a recommended speed depends to a significant extent on the judgment and experience of the person making the tests. The recommended speed should feel comfortable for the average driver and be lower than the maximum safe speed. It should also be sensible in comparison with prevailing speeds.

## Summary

Establishing and enforcing reasonable and safe speed limits is the responsibility of local officials. This often includes balancing conflicting issues of safety, traffic movement, and community concerns.

Coordination with local law enforcement is vital to effective speed control. Most speed zones should encourage voluntary compliance by using reasonable speed limits. Traffic calming techniques that involve physical and perceptual changes can also be helpful. Enforcement officials should be consulted in determining effective limits and they should work with the community in difficult areas.

The traffic engineering staff of the state Department of Transportation can also be a helpful resource. Since they participate on county Traffic Safety Commissions, this may be an easy way to contact them for assistance.

## References

*Establishing Realistic Speed Limits*, Department of State Police, State of Michigan, 1992, 21 pp.

*Evaluation of Criteria for Setting Advisory Speed on Curves*, Mashrur A. Chowdhury, Davey L. Warren, Howard Bissell, & Sunil Taori, Transportation Research Board Paper No. 980133, Jan. 11-15, 1998, 21 pp.

*Factors Affecting Speed Variance and Its Influence on Accidents*, Nicholas J. Garber & Ravi Gadiraju, Transportation Research Record 1213, Transportation Research Board, 1998, 10 pp.

*Pocket Handbook on Speed Zones*, T.I.C., 1999.

*A Policy on Geometric Design of Highways and Streets*, AASHTO, 1990, pp 62-68.

*Safety Strategies for Rural Roads, Draft Final Report*, DSTI/DOT/RTR/RS8(98)1, Organization for Economic Cooperation and Development, Scientific Expert Group RS8 on "Safety Problems of Rural Roads," October 1998, 131 pp, pp 73-87.

*Spot Speed Studies, Ch.3 of Manual of Transportation Engineering Studies*, Institute of Transportation Engineers, H. Douglas Robertson, Ed., 1994, pp 33-51.

*Speeding and Highway Safety: The U.S. Department of Transportation's Policy and Implementation Strategy*, National Highway Traffic Safety Administration, Federal Highway Administration, November 1996, 4 pp.

*Speed Limits*, Wisconsin Department of Transportation, Division of Highways, pamphlet.

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*Several sample speed limit ordinances are reprinted on the back page of this factsheet.*

## Sample speed limit ordinances

Local boards of elected officials must adopt speed limits in ordinance form. Here are sample ordinances for county and municipal governments. Local ordinances also may include details on forfeitures and law enforcement authority. The ordinance should be reviewed by the agency's attorney.

## Sample amendment to a speed ordinance

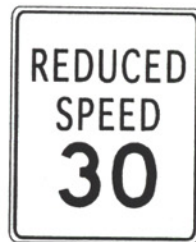
### AMENDING CHAPTER 1 OF THE BADGER COUNTY CODE OF ORDINANCES SPEED LIMIT CHANGES

The County Board of Supervisors of the County of Badger does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Badger County Code of Ordinances.

ARTICLE 2. Section(2)(b)(2) is created to read as follows:

- 1) Chestnut Road, City of Centerton. Twenty-five miles per hour from its intersection with USH 51 to its intersection with Winona Drive.



## "Badger County" traffic ordinance

**SPEED LIMITS.** (1) The provision of sections 346.57 and 346.59 of the Wisconsin Statutes, relating to the maximum and minimum speed of vehicles, are hereby adopted as part of this section as is fully set forth herein, except as specified by section 2 of this ordinance, pursuant to section 349.11(3)(c) of the Wisconsin Statutes.

(2) No vehicle shall exceed the following speed limits on the following county trunk highways:

- (a) County Trunk Highway "A"
  - (1) **Unincorporated Village of Estesville, Town of Terry.** Thirty-five miles per hour from its junction with STH 78, in Estesville, southwesterly 0.35 miles.
  - (2) **City of Covington, Town of York.** Thirty-five miles per hour from its intersection with CTH "N" (Veterans Drive), easterly to a point 0.15 miles east of its intersection with Race Track Road.
- (b) County Trunk Highway "AB"
  - (1) **Town of Finis.** Thirty miles per hour from the bridge over the Yahara River located on a line common to sections 13 and 14, Town of Finis, southwesterly to USH 51.
  - (2) **Chestnut Road, City of Centerton.** Thirty miles per hour from the intersection of USH 51, easterly to Droster Road.

## Sample municipal ordinance

Section 3. **SPEED LIMITS.** (Towns, Cities, and Villages) The [Council or Village Board] hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe and imprudent and modifies such speed limits as follows:

- (1) **SPEED LIMITS INCREASED.** Speed limits are increased as follows upon the following designated streets or portions thereof:

### (a) Outlying Districts

45 miles per hour on \_\_\_\_\_ Avenue  
between \_\_\_\_\_ Street and  
the \_\_\_\_\_ [City or Village] limits;

- (2) **SPEED LIMITS DECREASED.** With the approval of the Wisconsin Department of Transportation, the speed limits are decreased as hereinafter set forth upon the following highways or portions thereof:

### (a) Semi-Urban Districts

25 miles per hour on \_\_\_\_\_ Road between County  
Trunk \_\_\_\_\_ and the \_\_\_\_\_ [City or  
Village] limits;

30 miles per hour on \_\_\_\_\_ Road between  
County Trunk \_\_\_\_\_ and the limits



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**Wisconsin Transportation Bulletin** is a series of fact sheets providing information to local town, municipal and county officials on street and highway design, construction, maintenance, and management. They are produced and distributed by the Wisconsin Transportation Information Center, a project of the University of Wisconsin-Madison Department of Engineering Professional Development, funded as a Local Technical Assistance Center by the Federal Highway Administration, Wisconsin Department of Transportation, and UW-Extension. Copies are available free while supplies last from the Transportation Information Center-LTAP, UW-Madison, Department of Engineering Professional Development, 432 North Lake Street, Madison, WI 53706. Phone: 800/442-4615; fax: 608/263-3160; e-mail: ranum@Engr.Wisc.Edu

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# TRANSPORTATION ELEMENT

## Appendix C-5



The

# WisDOT Connector

Informing Wisconsin on key transportation issues



Fall 2002

## Access Management contact information

WisDOT district office Access Management contacts:

**Madison Transportation District 1**  
Columbia, Dane, Dodge, Grant, Green,  
Iowa, Jefferson, Lafayette, Rock and Sauk  
counties

Adam Clayton  
2101 Wright Street  
Madison, WI 53704-2583  
(608) 242-8009  
adam.clayton@dot.state.wi.us

**Waukesha Transportation District 2**  
Fond du Lac, Kenosha, Milwaukee,  
Ozaukee, Racine, Walworth, Washington  
and Waukesha counties

Susan Voight  
2000 Pewaukee Road  
Waukesha, WI 53187-0798  
(262) 548-8788  
susan.voight@dot.state.wi.us

**Green Bay Transportation District 3**  
Brown, Calumet, Door, Kewaunee,  
Manitowish, Marinette, Menominee,  
Oconto, Outagamie, Shawano,  
Sheboygan and Winnebago counties

David Nielsen  
944 Vandeventer Way  
Green Bay, WI 54324-0080  
(920) 492-0148  
david.nielsen@dot.state.wi.us

**Wisconsin Rapids Transportation District 4**  
Adams, Green Lake, Juneau, Marathon,  
Marquette, Portage, Waupaca, Waushara,  
and Wood counties

Matthew Halada  
1681 Second Avenue South  
Wisconsin Rapids, WI  
54495  
(715) 421-8348  
matt.halada@dot.state.wi.us

**La Crosse Transportation District 5**  
Buffalo, Crawford, Jackson, La Crosse,  
Monroe, Richland, Trempealeau and Vernon  
counties

Peter Strachan  
3550 Mormon Coulee Road  
La Crosse, WI 54601  
(608) 785-9058  
peter.strachan@dot.state.wi.us

**Eau Claire Transportation District 6**  
Chippewa, Clark, Dunn, Eau Claire, Pepin,  
Pierce, St. Croix and Taylor counties

Diane Schermann  
718 W. Clairmont Ave.  
Eau Claire, WI 54701  
(715) 836-3905  
diane.schermann@dot.state.wi.us

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## Access Management – balancing traffic flow and highway access

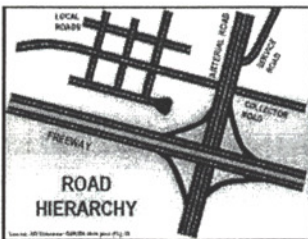


**Access Management:** A process that provides or manages access to land development, while preserving the flow of traffic on the surrounding road system in terms of safety, capacity and speed.

It can be said that highways provide two - sometimes competing - functions. Highways must allow traffic to move smoothly and efficiently through a given area. At the same time, highways must accommodate local traffic and provide access to adjacent property.

However, allowing too many access points along a stretch of highway can create problems for both local and through traffic. That's because access points are also conflict points. Every vehicle that slows to turn off a main highway or enters a main highway from a side street, creates potential hazards for motor vehicle occupants, bikers and pedestrians.

So how do we balance these two competing highway functions? "Access Management" refers to the general concept of balancing the interests of traffic flow and traffic access along our state highway system. This edition of the WisDOT Connector will focus on some of the "driving forces" behind Access Management efforts and will highlight some of the tools that are being utilized to enhance traffic flow, roadway access, and public safety.



Well-planned highway systems enhance safety and traffic flow.

### Cooperation and planning are keys

Highways have different classifications and functions. For example, freeways have very limited access (interchanges) and are designed to move large volumes of traffic quickly and efficiently. A freeway could connect with a county highway, that in turn connects with local streets to access homes, jobs and schools. It's vital that these three highway systems and governmental units - state, county and local - plan and work together to provide the most efficient transportation system possible.

Roadway access that is not well planned often results in congestion, capacity loss, and decreased safety. However, when access locations are planned in conjunction with land use changes and development, a highway can generally accommodate higher traffic volumes without compromising safe and efficient traffic flow.

Access Management efforts can ease traffic congestion and eliminate conflict points that jeopardize safety. At the same time, proper planning can boost economic development and community appearance by facilitating more efficient access to adjacent land development.

### Traffic growth far outpacing highway expansion

It's no secret that the demands on Wisconsin's highway system continue to grow. For example, between 1982 and 1997, total vehicle miles of travel on the State Highway System increased 60%, while the system's total lane mileage increased by only 5%. Meanwhile, over the last 20 years, the number of licensed

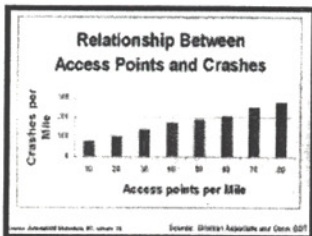
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# Transportation In Focus

drivers in Wisconsin has jumped 26%. The bottom line is that the minimal growth in the size of the State Highway System is lagging far behind the dramatic increases in both drivers and traffic.

Highway expansion, while costly and time consuming, is sometimes the only solution to address significant concerns regarding traffic congestion and motorist safety. Still, one way to ease the need for highway expansion is through maximizing the safe use of our existing highway system. Access Management represents a concerted effort to incorporate planning and design features to make the system work as safely and efficiently as possible.

It should come as no great surprise that when highway access points are allowed to increase, so do the number of traffic crashes. Studies throughout the country have shown that highways with limited or managed access are significantly safer than other roadways.



As highway access points increase, so do the number of traffic crashes

## Access Management goals:

- Reduce traffic crashes and injuries
- Improve traffic flow/maximize efficiency of existing roadways
- Avoid the need for costly and disruptive highway expansion or bypasses
- Plan development with safe and efficient access
- Coordinate state, regional and local plans

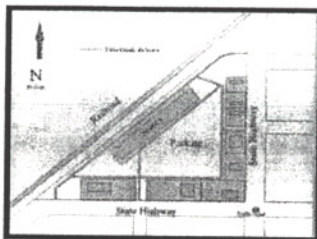
## Access Management benefits

- Less stop and go traffic
- Shorter commute times
- Promotes efficient delivery of business goods and services
- Reduced fuel consumption and pollution
- Preserves public investment in the roadway system

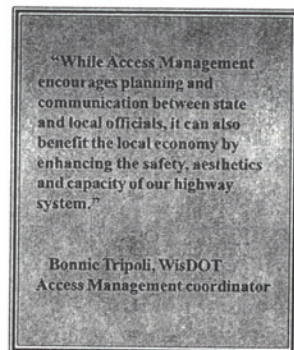
## Tools of Access Management

Successful Access Management efforts involve employing a comprehensive set of strategies or "tools" in order to manage traffic flow and accommodate access to property. The common thread is cooperative planning between state and local governments, developers and the general public. Some of these "tools" include:

**Connectivity** – providing access between adjacent properties in order to minimize the need for drivers to use the highway to reach their destination.

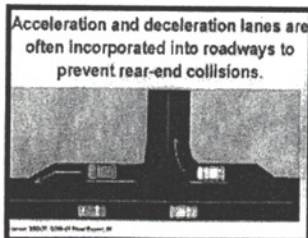


Commercial "connectivity" can mean enhancing traffic circulation within a development to minimize access to surrounding streets.

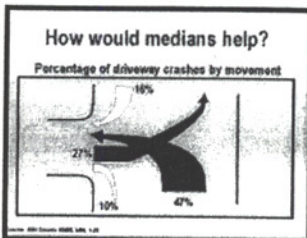


**Joint access** – sharing driveways so that several properties can be served by one driveway. Joint driveways can create more room for parking stalls and also serve to reduce driver confusion. Have you ever been waiting to turn from a driveway and seen a vehicle coming towards you with its signal light on, but been confused about whether they're turning into your driveway, the driveway before you, or the driveway after you? That is an indication of too many closely spaced driveways.

**Turn lanes** – refers to acceleration and deceleration lanes that are often incorporated into roadways to prevent rear-end collisions by providing traffic a separate lane to turn off or merge with traffic.



**Raised medians** – serve to physically separate opposing traffic and can significantly reduce motor vehicle crashes by reducing conflict maneuvers. Most driveway crashes – up to 75% – are a result of motorists turning left into, or out of a driveway.



Medians can reduce conflict maneuvers such as left turns.

## Business and motorist reaction to Access Management

Experience has shown that in general, businesses and motorists have a favorable view of Access Management efforts. For example, people are more likely to patronize a business if they know they can get into and out of a parking lot with relative ease. Shoppers are more likely to return if they can accomplish several errands in a given area without going onto the highway each time. Well-planned development with well thought out traffic access minimizes driveways, maximizes green space, and enhances a community's overall appearance.

An Iowa study showed that 80% of businesses reported neither loss of sales, nor any customer complaints about access to their businesses after an Access Management project. The remaining 20% percent of businesses were mostly highly vehicle dependent such as gas stations and drive-through businesses.

The same Iowa study showed that 90% of motorists surveyed had a favorable opinion of improvements related to Access Management. Most drivers felt the new roadways were safer and more efficient.

## Conclusion

Efforts related to Access Management have been taking place for at least 50 years, so the concept is not necessarily new. Yet with development increasing in Wisconsin and throughout the nation, it's becoming increasingly important for state and local governments to work together in planning development that preserves capacity of the highway system and enhances safety for the motorists who use it. ♦♦♦



## Access Management success stories



Grand Avenue before



Grand Avenue after

### Grand Avenue - Wausau

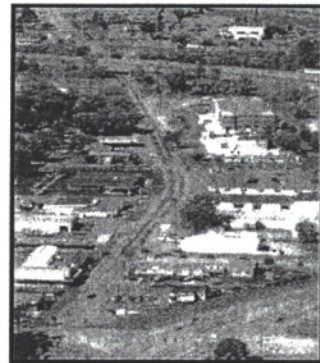
One example of a successful Access Management project can be found in Wisconsin's heartland - the Grand Avenue project (Business US 51) in the cities of Schofield and Wausau in Marathon County. The \$4.2 million project received WisDOT's "Best Urban Design by Consultant" Award in 1999 in recognition of work done by Becher-Hoppe Associates, Inc. of Wausau.

Accident rates along Grand Avenue were between three and five times the state average. The primary type of crash involved rear end collisions, followed by angle collisions. Many of these crashes were attributed to the lack of left or right turn lanes on Grand Avenue and the high density of access points (approximately 40 per mile) along the stretch.

An Access Management plan resulted in 114 access points and 16 side street intersections being decreased to 52 access points and 14 intersecting side streets (54% decrease). The result: following project completion, total annual crashes decreased 37%. An average of 112 crashes occurred along the segment annually between 1990 and 1996. In 1998, 71 crashes were recorded.

Along with an extensive public outreach effort, the project involved reconstruction of approximately 1.4 miles of the four-lane urban section including turn lanes at intersections, wider travel lanes, non-mountable medians, limited access points, plus bicycle and pedestrian accommodations. Two signalized intersections were upgraded while two other signalized intersections were added. Some 10,000 feet of sanitary sewer and water mains were replaced and/or relocated. Construction was staged to keep the road open to traffic during construction. ♦♦♦

Public outreach is a  
key component of  
successful Access  
Management efforts



Stewart Avenue before



Stewart Avenue after

### West Stewart Avenue - Wausau

This project, also designed by Becher-Hoppe Associates, Inc. of Wausau, combined Access Management components with an extensive public outreach process in converting a two-lane rural section to a four-lane urban section. Originally, the entire West Stewart Avenue corridor was virtually one long series of access points. The Access Management plan resulted in approximately 17 access points within the half-mile corridor to serve 27 residential and commercial properties. Five intersecting side streets were closed using cul-de-sacs.

The public involvement process included creation of a mailing list consisting of area business and residential property owners, renters, city, state and local officials, along with bicycle, environmental and other special interest groups. The mailing list was used to invite the public to an informational meeting in May of 1998. At the meeting, some 100 citizens learned more about the draft project scope and a nine-member Citizen's/Business Advisory Committee was created to help develop final recommendations. Over the next 17 weeks, the committee held nine meetings. The audience at each meeting ranged between 20 and 60 persons. In addition, over 25 on-site meetings were held with individual property owners to discuss their concerns.

Transportation needs identified included creation of an Access Management plan to decrease crashes, aesthetic features, accommodating bicycle and pedestrian needs and supporting economic development along the corridor. All concerned parties agreed upon the final compromise project design.

The design included: left and right turn lanes, mountable and non-mountable medians, pavement marking and signing, curb and gutter, bicycle and pedestrian accommodations through a 54-inch curb/gutter section and eight-foot wide sidewalk, storm sewer, three signalized intersections, and placement of utilities underground. Thanks to the cooperative partnership between Becher-Hoppe Associates, Inc., the city of Wausau and WisDOT, the majority of the \$1.9 million project was completed in the year 2000. ♦♦♦

## Access Management contact information

Continued from page 1

### Rhineland Transportation District 7

Florence, Forest, Iron, Langlade,  
Lincoln, Oneida, Price and Vilas  
counties

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Rhineland, WI  
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rseverson@dot.state.wis

### Superior Transportation District 8

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Sawyer and Washburn counties

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### In the next issue: WisDOT's new Web site

After months of planning and preparation, WisDOT recently unveiled its new Web site:

[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov). The new site was designed with the Web visitor in mind - to deliver information and services quickly, consistently and efficiently. In the next issue of the WisDOT Connector, we'll take an in-depth look at the new Web site and how it can serve as a useful "link" in connecting our customers with the transportation information they need.

### How to contact us

The **WisDOT Connector** is a quarterly publication of the Wisconsin Department of Transportation. It is intended to inform the public about key transportation issues and how they affect transportation in Wisconsin.

Thomas E. Carlsen, P.E., Secretary  
Linda Thelke, Director, Office of Public Affairs

Editor/designer: Kathy Hegerfeld

Thanks to our many private and public partners for their contributions towards this issue. Comments and questions about this issue can be directed to Rob Miller at:

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Web: [www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)



Or by mail at:  
Wisconsin Department of  
Transportation  
Office of Public Affairs  
P.O. Box 7910  
Madison, WI 53707-7910

## Trans 233 – the impact of land divisions on the highway system

Trans 233 is a revised version of a Wisconsin Administrative Rule that has been in effect since 1956. The recently revised rule establishes requirements for all land divisions occurring along the state highway system and defines restrictions that must be followed when developing lands along state highways. The Trans 233 rule can be viewed as the statutory authority under which WisDOT works with individuals and local communities to plan development and highway access in ways that enhance traffic flow and roadway safety.

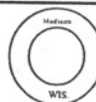
The rule, in effect since February 1, 1999, impacts landowners who wish to divide or combine land parcels adjacent to the state highway system. WisDOT staff can conduct an initial "conceptual review" that takes place as soon as a landowner has a general idea on how they wish to divide their land. This allows developers to receive input on how and where the safest location is for property to access a highway before expending funds on engineering or other items. Once a more formal land division is submitted, WisDOT has 20 days to review it. The fee charged to help cover administrative costs associated with this review is currently \$110.

The rule is designed to evaluate a land division and its impacts upon a highway to protect public safety and the public's investment in the highway system. In general, direct access to the state highway system is not permitted from newly created lots. The Trans 233 evaluation also takes into account: how a development could impact drainage; setback provisions that impact property abutting the state highway; "vision corners" at street and driveway intersections; and potential noise-related issues. In cases where rule provisions cannot be met, landowners may request a special exception.

If a land division is not reviewed and recorded in accordance with the rule, landowners will not receive a driveway or any other permit relating to the highway. At the time of a highway improvement project, WisDOT and other government units may determine if a land division occurred on or after February 1, 1999 (when the rule took effect). If the land division does not conform to the rule's requirements, landowners will be ineligible for compensation for any structures or improvements located within the setback area and acquired by WisDOT. Also, compensation for other property acquired may be lower than expected, and landowners could be liable for drainage.

More information on the Trans 233 rule can be found on the recently re-designed WisDOT Web site at [www.dot.wisconsin.gov/business/rules/trans233.htm](http://www.dot.wisconsin.gov/business/rules/trans233.htm). ♦♦♦

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# TRANSPORTATION ELEMENT

## Appendix C-6

# LOCAL ROADS IMPROVEMENT PROGRAM (LRIP)

Statutory Authority: § 86.31

Admin. Rule: TRANS 206

**Objective:** The Local Roads Improvement Program (LRIP) was established in 1991 to assist local units of governments in improving **seriously deteriorating** county highways, town roads, and municipal streets in cities and villages under the authority of the local unit of government.

**Description:** LRIP is a reimbursement program and pays up to 50% of the total eligible project costs, with the balance matched by the local unit of government. All LRIP projects are locally let and are reimbursed by WisDOT upon project completion.

The program has three basic components that provide funding for road improvements. Counties are eligible for funding under County Highway Improvement component (**CHIP**), towns under Town Road Improvement component (**TRIP**), and cities and villages under Municipal Street Improvement component (**MSIP**).

In addition, three discretionary programs allow towns, counties, and cities and villages to apply for additional funds for high-cost projects. Under these discretionary programs, towns with high cost projects totaling \$100,000 or more in total eligible costs are eligible for the Town Road Discretionary component (**TRIP-D**); counties with high cost projects totaling \$250,000 or more in eligible costs are eligible for the County Road Discretionary component (**CHIP-D**), and cities and villages with high cost projects with total eligible costs of \$250,000 or more are eligible for the Municipal Street Improvement Discretionary component (**MSIP-D**).

**Eligible Projects:** Only work on existing county trunk highways, town roads, and city and village streets, under the authority of the local unit of government, are eligible--no new construction, alleys or parking lots.

*Eligible projects include but are not limited to:*

- Design or Feasibility Studies
- Reconstruction
- Resurfacing
- Bridge Replacement or Rehabilitation
- Asphalt Purchasing

*Ineligible projects include but are not limited to:*

- New Roads
- Seal Coats
- Chip Seals
- Ditch Repairs
- Storm Sewer
- Curb and Gutter
- Crack & Pothole Repair
- Utility Work
- Small Culvert Replacements
- Parking Lots
- Guard rails

**Essential Requirements:**

- All projects **must** be advertised for bids and let to contract.
- All projects must have a design life of ten years.
- Engineering certification is required for all projects costing \$50,000 or more.
- Improvements must be done to appropriate road standards.

**Application Cycle:** LRIP is a biennial program and all funds are distributed the first year of the biennium. Applicants submit project applications for projects meeting the eligibility requirements through the county highway commissioners by November 15 of the odd numbered years.

**Project Selection:** LRIP is managed by BTLR, but it is administered by the local units of government. The County Highway Commissioners serve as the program coordinators and advisors at the county level. They also act as the administrative contacts between the state and the local LRIP recipients in each county.

All LRIP projects are prioritized and selected at the local level by town road committees and municipal street committees for municipalities with populations of less than 20,000. Counties and municipalities with populations of 20,000 or more select their own projects.

- TRIP-D project selections are made by a statewide committee, which consists of six Wisconsin Towns Association district directors and six members at large, appointed by the Secretary of Transportation.
- MSIP-D project selections are made by a statewide advisory committee, consisting of members of the League of Wisconsin Municipalities and the Wisconsin Alliance of Cities, appointed to the committee by the Secretary of Transportation.
- CHIP-D projects are selected by CHIP-D committees established in each of the eight Transportation Districts. The eight district committees are made up of all county highway commissioners within the district.

Selected projects are submitted directly to the BTLR for final approval.

**Funding Level & Type:** LRIP funds do not lapse. Any unused funds from previous biennia are carried over and added to the new statewide funding level in the following biennium. The LRIP budget for the entitlement program is distributed among the program components as follows: 43% to CHIP, 28.5% to TRIP and 28.5% to MSIP. The TRIP-D, CHIP-D, and MSIP-D components receive a direct dollar allocation determined by each biennial budget.

<b>2002-2003 funding:</b>	State Segregated:	\$46,931,400
	Local Matching:	<u>\$46,931,400</u> (minimum)
	Total:	\$93,862,800

# TRANSPORTATION ELEMENT

Appendix  
C-7



# Capital Improvement Programs — Part I

by Michael Chandler

As you know, the comprehensive plan establishes policies for current and future land use throughout a community. However, we often forget that the plan, although an important instrument of public policy, cannot by itself produce change.

Zoning and subdivision regulations are the most familiar "tools" used to implement the plan. Another important implementation tool is the capital improvement program, usually referred to as the CIP.

This column will provide an introduction to the CIP. In the next issue of the PCJ, we will examine the steps in the CIP process with particular emphasis on the role of financial analysis and project review.

## DEFINING THE CIP

The CIP is a management and fiscal planning tool communities can use for financing and constructing needed public improvements. Properly designed, a CIP enables a community to identify its capital needs, rank them by priority, coordinate their scheduling, and determine the best method of paying for them within the community's fiscal capacity.

In most states, localities have the discretion to determine whether they want to prepare a CIP. Usually, the planning commission annually prepares a recommended CIP, and then forwards it to the local governing body for adoption.

Baseline requirements include that the CIP be based on the comprehensive plan and that it schedule capital improvements over a specific number of years (commonly three, five, or six).

Organizationally, CIPs are fairly straightforward documents. Most feature three sections:

The first provides the reader with an overview of the CIP process, and a listing of the benefits a community will derive

from the capital improvements.

The second section presents financial data. It usually includes charts outlining historical revenue and expenditure data, along with projected revenue, expenditure, and debt service.

The third section identifies and describes those projects recommended for funding in the CIP period. It also includes a justification for a project's inclusion in the CIP (usually noting the project's relationship to the comprehensive plan) and how the project is to be financed.

## CAPITAL VERSUS OPERATING EXPENDITURES

CIPs only deal with a community's capital expenditures — not its operating expenditures. Cost and frequency are the primary criteria used to classify whether a project is capital or operating in nature. Both criteria should be determined locally and applied simultaneously to determine if an item is a capital project.

**Cost.** The dollar limit that separates capital from operating projects depends largely on the size of the local budget and on what is considered a "major" expenditure. A commonly used threshold for smaller communities is \$2,500. Expenditures above this amount are considered "capital," and those below it "operating." Some larger localities use \$10,000, or even higher dollar amounts, as the breakpoint.

**Frequency.** A capital project should be non-recurring; that is, it should not occur every year. The Government Finance Officers Association recommends that a capital project should occur no more often than once every three years.

Capital projects that typically fit the cost/frequency criteria cited above include fire engines, bulldozers, landfills, libraries, schools, government buildings, treatment plants, water and sewer lines,

and street construction or reconstruction. Architectural and engineering fees, feasibility studies, land appraisal and acquisition costs, and furnishings are included as capital items. "Gray area" projects often involve vehicle and small equipment purchases, as well as repair and remodeling projects.

## CIP BENEFITS

By requiring a community to balance its capital needs with available financing, a CIP helps foster a sound and stable financing program over a multi-year period.

In addition, using a capital improvement program provides the benefit of:

- Implementing the comprehensive plan's policies by assuring the provision of new facilities and infrastructure improvements that meet the goals and needs of the community.
- Affording the public an opportunity to provide input in the process (and helping to increase public support for the proposed capital improvements).
- Enabling private businesses and citizens to have some assurance as to when public improvements will be undertaken so they can plan more efficiently and effectively.
- Eliminating poorly planned or unnecessary public improvements.
- Helping a community decide what financing techniques and options are needed to pay for capital projects. ♦

Michael Chandler is an Associate Professor and Community Planning Extension Specialist at Virginia Tech in Blacksburg, Virginia. Mike also conducts planning commissioner training programs across the country, and is a frequent speaker at workshops. His column appears in each issue of the PCJ.





# Capital Improvement Programs – Part II

by Michael Chandler

capital improvement program (CIP) can be prepared in any number of ways, take varying amounts of time, and involve a range of participants. As I noted in my last column, state law and local custom will influence the process. In larger localities, the CIP can easily be a year round function. In smaller communities, the CIP may take only one or two months to complete. For most localities, however, a time frame of four to six months will be required.

This column will highlight 10 basic steps in the preparation of a CIP.

1. *Designing the Process.* Before starting work on a CIP, decisions on how the process will be organized should be made. Most communities set up a CIP committee (with representatives from

*To help you better understand what a capital improvement program looks like, portions of the Blacksburg, Virginia, CIP are excerpted on pages 18 and 19.*

the planning, public works, finance, and administrative departments) to design and coordinate the process.

2. *Establish CIP Procedures.* This step is key. Decisions relative to CIP paperwork, schedules, project request forms, and the like are made at this time. If a CIP committee has been appointed, it will coordinate these decisions.

3. *Establish Criteria for Capital Expenditures.* A definition of capital expenditures should be made at the beginning of the CIP process. Keep in mind the cost and frequency criteria I discussed in the last issue of the PCJ.

4. *Inventory Existing Capital Facilities.* A capital facilities inventory lists the fixed (capital) assets owned or leased by the community. Requests for capital projects will also include replacement, expansion, or repair of existing facilities and equipment. Accordingly, the inventory should include the age, condition, and original acquisition cost of each capital item. Sources of inventory information include the comprehensive plan, insurance policies, fixed asset schedules of audit reports, and various public works and housing studies.

5. *Determine Status of Previously Approved Capital Projects.* Information should be gathered on projects completed, as well as on-going projects and projects to be canceled. This information

*continued on page 18*

## Typical Capital Improvement Program Schedule

JULY	CIP instructions and forms sent to all Department and Agency Heads
EARLY SEPTEMBER	CIP submissions due
MID/LATE SEPTEMBER	CIP submissions reviewed
EARLY OCTOBER	Meetings with Department and Agency Heads to clarify project submissions
MID/LATE OCTOBER	Chief Administrative Officer formulates proposed CIP (note: in some communities the Planning Dept. is responsible for this).
EARLY NOVEMBER	Proposed CIP forwarded to Planning Commission (note: in some communities the CIP also goes to the Governing Body at the same time)
LATE NOVEMBER	Planning Commission and Governing Body work session on proposed CIP
EARLY DECEMBER	Planning Commission holds public hearing on proposed CIP, and forwards CIP to Governing Body with its recommendations
EARLY JANUARY	Governing Body holds public hearing on proposed CIP
LATE JANUARY	Governing Body adopts CIP

This article starts on page 20

## Capital Improvement Programs

aids in monitoring the CIP and capital budget; it also helps in updating the CIP and preparing the new capital budget.

6. **Prepare Project Requests.** Project requests should be based upon a set of guidelines, and be submitted by the various municipal (or county) departments on a standard project request form. The engineering, financial, or planning staff is usually responsible for providing assistance to the other municipal departments in completing project request forms.

7. **Perform the Financial Analysis.** The purpose of the financial analysis is to estimate how much money is needed for general operations over the life of the CIP, and how much is available to fund approved capital projects. To do this, revenues and expenditures for the preceding five years are analyzed and patterns identified. In like fashion, revenue projections for the next five years are made. Net cash flow (the amount of money remaining after operating expenditures are subtracted from operating revenues) is estimated and, in turn, used to finance capital projects.

8. **Review the Proposed CIP.** Project requests are examined to see that they are complete, accurate, and in conformance with the CIP guidelines. This review also assesses proposed projects as to their feasibility, pricing, and consistency with the comprehensive plan.

9. **Adopt the CIP.** Before adopting the

## SUBMITTED AND RECOMMENDED CAPITAL IMPROVEMENT PROGRAM Fiscal Years 1997/98 - 2001/2002

(TABLE 15)

Project	FY 1997/98		FY 1998/99		FY 1999/00		FY 2000/01		FY 2001/02	
	Submitted	Recommended	Submitted	Recommended	Submitted	Recommended	Submitted	Recommended	Submitted	Recommended
<b>Fire/Rescue Equipment</b>			\$735,000		\$215,000		\$40,000		\$150,000	\$279,572
South Main Street Fire Station										
Traffic Light Priority System	\$135,000				\$215,000	\$0	\$40,000	\$0	\$1,470,000	
Subtotal	\$265,000	\$130,000	\$735,000		\$215,000		\$40,000		\$1,470,000	
<b>Infrastructure Maintenance &amp; Replacement</b>										
Bridge Replacement	\$32,000	\$32,000			\$13,580	\$31,564			\$19,929	\$19,929
Curb, Gutter, & Sidewalk Replacement	\$24,560	\$24,560	\$17,084		\$31,390		\$31,390		\$31,390	
Groundwater Quality Monitoring	\$31,390		\$31,390		\$30,000				\$22,949	
Screen Drain Construction	\$80,500	\$80,500	\$295,000	\$284,304		\$295,000	\$295,000	\$148,794	\$227,949	
Screen Repairing	\$295,000	\$295,000	\$70,000		\$70,000		\$70,000		\$295,000	\$295,000
Tree Trimming/Cut-of-Ways	\$70,000	\$70,000	\$70,000		\$70,000		\$70,000		\$70,000	
Subtotal	\$533,450	\$502,060	\$434,374		\$429,970	\$396,564	\$690,651	\$443,794	\$644,308	\$314,927
<b>Parks and Recreation</b>										
Bicentennial Celebration	\$10,000		\$30,000		\$35,000					
Lyric Theatre Renovation		\$25,000								
Roller Hockey Rink	\$40,000									
Van Conversion	\$12,000		\$30,000		\$15,000		\$0		\$0	\$0
Subtotal	\$62,000	\$25,000	\$60,000		\$50,000		\$0		\$0	\$0
<b>Property Services</b>										\$95,813
Annual Holding Area	\$15,111									
Armored Parking Deck	\$37,574		\$327,538							
Data Center Renovation	\$15,000				\$12,150		\$12,150		\$12,150	
Documents Imaging	\$12,150		\$12,150							
Facility Management Automation	\$11,838									
Fire Alarm Systems	\$18,000		\$10,000		\$22,435		\$10,083	\$42,428	\$18,928	\$18,928
Fleet Management Automation	\$10,000		\$10,000		\$10,000		\$10,000		\$10,000	
Subtotal	\$111,673	\$21,150	\$38,245		\$35,170		\$34,450		\$90,572	
<b>Greenway System Construction</b>										
Major Engineering Services	\$30,000									
Network/Internet Integration	\$16,000		\$10,000		\$10,000		\$10,000		\$10,000	
Power Conditioning and Protection	\$10,000									
Public Works Facility Land Acquisition	\$59,607		\$24,840							
Road Replacements	\$12,000									
Sign Automation	\$22,048									
South Main Street Slope Retention	\$33,600	\$33,600			\$105,074		\$35,000		\$208,518	
Stormwater Management Ponds	\$9,781	\$9,781	\$5,175		\$5,516		\$5,516		\$5,516	
Street Lighting	\$10,579		\$11,000		\$11,442		\$12,000		\$12,000	
Urban Forest Renovation	\$490,948	\$214,638	\$467,864		\$24,840	\$261,587	\$0	\$160,134	\$78,247	\$368,484
Subtotal	\$642,855	\$264,024	\$528,484		\$286,857		\$160,134		\$266,283	

CIP, the planning commission and governing body will hold public hearings.

10. **Monitor the CIP.** Once adopted, the planning commission and/or governing body should monitor the CIP — at least on a quarterly basis — relative to individual project status and performance.

In the Summer issue of the PCJ, I will conclude this series on the basics of capital improvement programs with a closer look at the role of financial analysis and review. ♦

Michael Chandler is an Associate Professor and Community Planning Extension Specialist at Virginia Tech in Blacksburg, Virginia. Chandler also conducts planning commissioner training programs across the country, and is a frequent speaker at workshops. His column appears in each issue of the Planning Commissioners Journal.





## BLACKSBURG CAPITAL IMPROVEMENT PROGRAM

### PROJECT DETAIL SHEET

**Department:** Town Manager's Office  
**Project Title:** Lyric Theatre Renovation  
**Project Location:** College Avenue  
**Project Status:** New  
**Project Accomplished with:**  
     % Town Forces      100% Private Contract

**Relationship to Mission and Values:** The effort to "Bring Back the Lyric" reflects the partnership that the Town has with the community. This effort also reflects the value of "An open, accessible government where citizen involvement, individually and collectively, is vital".

**Relationship to Town Council Strategic Goals:** This project relates to the Strategic Goals of Retail Business Retention and Development. Attendance at Lyric events brings significant traffic to Downtown, adding to retail and restaurant business. In addition, renovation efforts for the Lyric are planned to be completed in concert with the Bicentennial Celebration, another Town Council Strategic Goal.

**Relationship to Comprehensive Plan Five-Year Action Strategy:** Supports Programs Action Strategy 2 "Continue Town-business liaison efforts to encourage retention and vitality of existing business." (Economic Development Objective A).

#### Planned Financing of Project:

Source of Funds	Total Project Estimate	Prior Allocation	1997/98	1998/99	1999/00
General Fund	\$25,000		\$25,000		
<b>Total</b>	<b>\$25,000</b>		<b>\$25,000</b>		

**Description and Justification:** The Lyric Council is a private, non-profit, tax-exempt Corporation, is the leader in the collaborative community effort to Bring Back the Lyric. The Lyric Council seeks to promote and encourage the use and development of the Lyric Theatre, and to enhance community awareness and appreciation of the arts through programs, entertainment, and/or education produced at the Lyric.

To best serve the community and enhance retail development in Blacksburg, the Lyric Council is initiating a \$500,000 fundraising campaign for renovations of the theatre. Major renovation is planned for the summer of 1997.

Funds and donated materials and labor are being sought from the community for the renovation.



## BLACKSBURG CAPITAL IMPROVEMENT PROGRAM

### PROJECT DETAIL SHEET

**Department:** Planning and Engineering  
**Project Title:** Greenway System Construction  
**Project Location:** Townwide  
**Project Status:** In Progress  
**Project Accomplished with:**  
     % Town Forces      % Private Contract

**Relationship to Mission and Values:** This project supports the Values of: "Promoting a superior quality of life", and "A community renowned for its beauty and cleanliness".

**Relationship to Town Council Strategic Goals:** Not related to Town Council Strategic Goals.

**Relationship to Comprehensive Plan Five-Year Action Strategy:** Supports Projects Action Strategies 34 "Establish the greenway system in a manner which minimizes the potential impacts of flooding and erosion. Establish and follow construction standards for the greenway system" (Natural Environment Obj. D, E), 55 "Construct the Huckleberry Trail extension from the Library to the Community Center as a greenway demonstration project for the Town Bicentennial in 1998" (Greenways Obj. A), and 31 "Coordinate development of the greenway system with area stormwater management as part of a regional stormwater management program" (Natural Environment Obj. D).

#### Planned Financing of Project:

Source of Funds	Total Project Estimate	Prior Allocation	1997/98	1998/99	1999/00
General Fund	\$207,956		\$32,500		
DCR Grant	\$91,576		\$48,141		
Town's In-Kind Services	\$204,131		\$145,152		
<b>Total</b>	<b>\$503,663</b>		<b>\$225,793</b>		

**Description and Justification:** This project involves the gradual construction of the Townwide Greenway System. The Greenway System will serve as recreational facilities and provide scenic viewing areas. The Greenway priorities include: 1) Bicentennial Greenway - from terminus of Huckleberry Trail at Library through downtown to campus; 2) End of Bicentennial Greenway to Community Center (in conjunction with stormwater management pond); 3) South Main Street; 4) Tom's Creek Greenway; and 5) Stroubles Creek/Herthwood Greenway. In addition, bike racks for locations Downtown will be purchased as a part of the Bicentennial Greenway project.



# Capital Improvement Programs – Part III

by Michael Chandler

In my last column, I outlined ten steps in the preparation of a capital improvement program (CIP). Although each step in the process is important, special consideration must be given to step seven (financial analysis) and step eight (CIP review process), for they constitute the very heart of the process.

## FINANCIAL ANALYSIS

The major fiscal consideration in developing a CIP is deciding how to pay for proposed projects. In most localities the fiscal analysis will cover revenues and expenditures over an eleven year period including: the current budget year; the five preceding fiscal years; and five fiscal years into the future. The analysis will typically include the following steps:

1. *Organize the Data.* Pertinent financial data for the years to be analyzed must be gathered. Audit reports, past budgets, and the current budget will provide essential information.

2. *Analyze the Data.* Data about the past five years of revenue collection and expenditures is analyzed to obtain trends in revenue collections and expenditures.

3. *Make the Five Year Projections.* The trends identified in the preceding step, combined with reasonable expectations about future events, are used to make the five-year revenue and expenditure projections. Assumptions used in making the projections should be explicitly stated. As a rule, projections tend to be conservative and do not rely on possible changes in tax rates.

4. *Determine "Net Cash Flow."* This is done by subtracting operating expenditures from operating revenues.

5. *Determine "Net New Capital Financing Required."* This is done by subtracting the estimated cost of proposed capital projects from the projected "net cash

flow" to determine the amount of "net new money" needed to finance the CIP.

6. *Analyze Alternative Financing Services.* If the capital project costs exceed the "net cash flow" available, alternative funding sources must be identified. These may include:

- **Bonded Indebtedness.** Typically money raised either from revenue bonds (which are financed by user charges) or general obligation bonds (which are amortized by local tax revenues, such as property tax assessments).

- **Tax Rates.** Money obtained by raising taxes.

- **Unappropriated or Unreserved Fund Balance.** Money from operations that accumulates when revenues exceed expenditures.

- **Capital Reserves.** Money specifically set aside for future capital projects.

- **User Fees and Charges.** Fees charged for specific services or commodities (such as admission fees for use of a municipal swimming pool or garbage collection fees).

- **State or Federal Grants.** Often used to match some portion of specific capital projects.

## CIP REVIEW PROCESS

The review and evaluation of proposed CIP projects should be structured and thorough. In most communities, the CIP program committee or coordinator will review each project to determine its scope, purpose, feasibility, and relationship to the criteria and guidelines outlined in the project request form (see step six in the CIP process, discussed in my last column).

During this phase of the review process, each project should be reviewed individually and not be judged relative to other proposals. Projects can fail this initial screening because some important piece of information about the project is

missing. Typically, the person or department who prepared the project request is then asked to resubmit the request with additional information.

It is important to note that projects passing this initial review will not necessarily be included in the proposed CIP. Factors such as need, funding limitations, and compatibility with the comprehensive plan will influence the final selection process. In many smaller communities, a simple three-tier evaluation system that ranks each project as *urgent*, *necessary*, or *desirable* has proven effective in determining fiscal priorities. Larger communities often use more complex scoring or rating criteria. Projects not scheduled for funding by the CIP are known as deferrals, and are usually listed in the CIP under such a heading.

Management expert Peter Drucker has observed that the measure of a plan's value is a function of the financial support it receives. The CIP, by providing a structured look at the community's needs and its financial resources, can provide citizens and decision-makers with a tool to help ensure that the actions the community wants to accomplish — as identified in the comprehensive plan — receive the funding they need. ♦

Michael Chandler is an Associate Professor and Community Planning Extension Specialist at Virginia Tech in Blacksburg, Virginia. He also conducts planning commissioner training programs across the country, and is a frequent speaker at workshops. This concludes his three-part series on capital improvement programs. In the next issue of the PCJ, Chandler will discuss developing a community "planning academy."



# AGRICULTURAL, NATURAL, AND CULTURAL ELEMENT

Appendix  
E-1



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Appendix E-1

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**Dry Cliff (Exposed Cliff of Curtis' community classification)**

With dry vertical bedrock exposures, thin-soiled, very dry communities occur on many different rock types, which are thus quite varied in species composition. Scattered pines, oaks, or shrubs often occur. However, the most characteristic plants are often the ferns such as common polypody (*Polypodium vulgare*) and rusty woodsia (*Woodsia ilvensis*). The following herbs are also common, such as: columbine (*Aquilegia canadensis*), harebell (*Campanula rotundifolia*), pale corydalis (*Corydalis sempervirens*), juneberry (*Amelanchier spp.*), bush-honeysuckle (*Diervilla lonicera*), and rock spikemoss (*Selaginella rupestris*), and fringe bindweed (*Polygonum cilinode*).

**Dry Prairie**

This grassland community occurs on dry, often loess-derived soils, usually on steep south- or west-facing slopes or at the summits of river bluffs with sandstone or dolomite near the surface. Short to medium-sized prairie grasses such as little bluestem (*Schizachyrium scoparium*), side-oats grama (*Bouteloua curtipendula*), hairy grama (*B. hirsuta*), and prairie dropseed (*Sporobolus heterolepis*), are the dominants in this community, along with the larger big bluestem (*Andropogon gerardii*). Common shrubs and forbs include lead plant (*Amorpha canescens*), silky aster (*Aster sericeus*), flowering spurge (*Euphorbia corollata*), purple prairie-clover (*Petalostemum purpureum*), cylindrical blazing-star (*Liatris cylindracea*), and gray goldenrod (*Solidago nemoralis*).

**Dry-Mesic Prairie**

This grassland community occurs on slightly less droughty xeric sites than Dry Prairie and has many of the same dominant grasses, but taller species such as big bluestem (*Andropogon gerardii*) and Indian-grass (*Sorghastrum nutans*) dominate and are commoner than little bluestem (*A. scoparius*). Needle grass (*Stipa spartea*) may also be present. The forb-herb component is more diverse than in Dry Prairies, including many species that occur in both Dry and Mesic Prairies.

**Emergent Aquatic**

These open, marsh, lake, riverine and estuarine communities with permanent standing water are dominated by robust emergent macrophytes, in pure stands of single species or in various mixtures. Dominants include are often species of cattails (*Typha spp.*), bulrushes (particularly *Scirpus acutus*, *S. fluviatilis*, and *S. validus*), bur-reeds (*Sparganium spp.*), giant reed (*Phragmites australis*), pickerel-weed (*Pontederia cordata*), water-plantains (*Alisma spp.*), arrowheads (*Sagittaria spp.*), and the larger species of spikerush such as (*Eleocharis smallii*).

**Floodplain Forest**

(Replaces in part the **Southern Wet** and **Southern Wet-Mesic Forests** of Curtis)

This is a lowland hardwood forest community that occurs along large rivers, usually stream order 3 or higher, that flood periodically. The best development occurs along large southern rivers in southern Wisconsin, but this community is also found in the northern Wisconsin. Canopy dominants may include silver maple (*Acer saccharinum*), river birch (*Betula nigra*), green ash (*Fraxinus pennsylvanica*), hackberry (*Celtis occidentalis*), swamp white oak (*Quercus bicolor*), and cottonwood (*Populus deltoides*). Buttonbush (*Cephalanthus occidentalis*) is a locally dominant shrub and may form dense thickets on the margins of oxbow lakes, sloughs, and ponds within the forest. Nettles (*Laportea canadensis* and *Urtica dioica*), sedges, ostrich fern (*Matteuccia struthiopteris*), and gray-headed coneflower (*Rudbeckia laciniata*) are important understory herbs, and lianas such as Virginia creepers (*Parthenocissus spp.*), grapes (*Vitis spp.*), Canada moonseed (*Menispermum canadense*), and poison-ivy (*Toxicodendron radicans*), are often common. Among the striking and characteristic herbs of this community are green-headed coneflower (*Rudbeckia laciniata*), cardinal flower (*Lobelia cardinalis*), green dragon (*Arisaema dracontium*), and false dragonhead (*Physostegia virginiana*).

**Forested Seep**

These are shaded seepage areas with active spring discharges in (usually) hardwood forests that may host a number of uncommon to rare species. The oversotry dominant is frequently black ash (*Fraxinus nigra*), but yellow birch (*Betula allegheniensis*), American elm (*Ulmus americanan*), and many other tree species maybe present including conifers such as hemlock (*Tsuga Canadensis*) or white pine (*Pinus strobes*). Undersotry species include skunk cabbage (*Symplocarpus foetidus*), water-pennywort (*Hydrocotyle americanan*), marsh blue violet (*Viola cucullata*), swamp saxifrage (*Saxifraga pennsylvanica*), golden saxifrage (*Chyososplenium americanum*), golden ragwort (*Sececio aureus*), silvery spleenwort (*Athyrium thelypteroides*), and the rare

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sedeges (*Carex scabrata* and *C. prasina*). Most documented occurrences are in the Driftless area, or locally along major rivers flanked by steep bluffs.

**Ephemeral Pond**

These ponds are depressions with pockets of impeded drainage (usually in forest landscapes), which hold water for a period of time following snowmelt but typically dry out by mid-summer. Common aquatic plants of these habitats include yellow water crowfoot (*Ranunculus flabellaris*), mermaid weed (*Proserpinaca palustris*), Canada bluejoint grass (*Calamagrostis canadensis*), floating manna grass (*Glyceria septentrionalis*), spotted cowbane (*Cicuta maculata*), smartweeds (*Polygonum spp.*), orange jewelweed (*Impatiens capensis*), and sedges. Ephemeral ponds provide critical breeding habitat for certain invertebrates, as well as for many amphibians such as frogs and salamanders.

**Shrub-Carr**

This primarily Southern wetland community is usually dominated by tall shrubs such as red-osier dogwood (*Cornus stolonifera*), but meadow-sweet (*Spiraea alba*), and various willows (*Salix discolor*, *S. bebbiana*, and *S. gracilis*) are frequently also important. Canada grass bluejoint grass (*Calamagrostis canadensis*) is often very common. Other herbs Associates are similar to those found in Alder Thickets and tussock-type Sedge Meadows. This type is common and widespread in southern Wisconsin but also occurs in the north.

**Southern Sedge Meadow**

Widespread in southern Wisconsin, this open wetland community is most typically a tussock marsh dominated by tussock sedge (*Carex stricta*) and Canada bluejoint grass (*Calamagrostis canadensis*). Common associates are water-horehound (*Lycopus uniflorus*), panicled aster (*Aster simplex*), blue flag (*Iris virginica*), Canada goldenrod (*Solidago canadensis*), spotted joe-pye-weed (*Eupatorium maculatum*), broad-leaved common cattail (*Typha latifolia*), and swamp milkweed (*Asclepias incarnata*). Reed canary grass (*Phalaris arundinacea*) may be dominant in grazed and/or ditched stands. Ditched stands can succeed quickly to Shrub-Carr.

**Wet-Mesic Prairie**

This herbaceous grassland community is dominated by tall grasses including big bluestem (*Andropogon gerardii*), Canada bluejoint grass (*Calamagrostis canadensis*), cordgrass (*Spartina pectinata*), and Canada wild-rye (*Elymus canadensis*). The forb component is diverse and includes azure aster (*Aster oolentangiensis*), shooting-star (*Dodecatheon meadia*), sawtooth sunflower (*Helianthus grosseserratus*), prairie blazing-star (*Liatris pycnostachya*), prairie phlox (*Phlox pilosa*), prairie coneflower (*Ratibida pinnata*), prairie docks (*Silphium integrifolium* and *S. terebinthinaceum*), late and stiff goldenrods (*Solidago gigantea* and *S. rigida*), and culver's-root (*Veronicastrum virginicum*).

**Hemlock Relict**

These are isolated hemlock (*Tsuga canadensis*) stands occurring in deep, moist ravines or on cool, north- or east-facing slopes in southwestern Wisconsin. Associated trees include white pine (*Pinus strobus*) and yellow birch (*Betula allegheniensis*). The groundlayer includes herbaceous species with northern affinities such as shining clubmoss (*Lycopodium lucidulum*), bluebead lily (*Clintonia borealis*), Canada mayflower (*Maianthemum canadense*), woodferns (*Dryopteris spp.*), and mountain maple (*Acer spicatum*). Cambrian sandstone cliffs are usually nearby and often prominent.

**Mesic Prairie**

This grassland community occurs on rich, moist, well-drained sites. The dominant plant is the tall grass, big bluestem (*Andropogon gerardii*). The grasses little bluestem (*Andropogon scoparius*), indian grass (*Sorghastrum nutans*), porcupine grass (*Stipa spartea*), prairie dropseed (*Sporobolus heterolepis*), tall switchgrass (*Panicum virgatum*), and switch grass (*Bouteloua curtipendula*) are also frequent. The forb layer is diverse in the number, size, and physiognomy of the species. Common taxa include the prairie docks (*Silphium spp.*), lead plant (*Amorpha canescens*), heath and smooth asters (*Aster ericoides* and *A. laevis*), sand coreopsis (*Coreopsis palmata*), prairie sunflower (*Helianthus laetiflorus*), rattlesnake-master (*Eryngium yuccifolium*), flowering spurge (*Euphorbia corollata*), beebalm (*Monarda fistulosa*), prairie coneflower (*Ratibida pinnata*), and spiderwort (*Tradescantia ohioensis*).

**Moist Cliff (Shaded Cliff of the Curtis community classification)**

This "micro-community" occurs on shaded (by trees or the cliff itself because of aspect), moist to seeping mossy, vertical exposures of various rock types, most commonly sandstone and dolomite. Common species

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are columbine (*Aquilegia canadensis*), the fragile ferns (*Cystopteris bulbifera* and *C. fragilis*), wood ferns (*Dryopteris* spp.), polypody (*Polypodium vulgare*), rattlesnake root (*Prenanthes alba*), and wild sarsaparilla (*Aralia nudicaulis*). The rare flora of these cliffs vary markedly in different parts of the state; Driftless Area cliffs might have northern monkshood (*Aconitum noveboracense*), those on Lake Superior, butterwort (*Pinguicula vulgaris*), or those in Door County, green spleenwort (*Asplenium viride*).

**Oak Opening**

As defined by Curtis, this is an oak-dominated savanna community in which there is a less than 50% tree canopy. Historically, oak openings occurred on wet-mesic to dry sites. The few extant remnants are mostly on drier sites; the mesic and wet-mesic openings are almost totally destroyed by conversion to agricultural or residential uses, and by the encroachment of other woody plants due to fire suppression. Bur, white, and black oaks (*Quercus macrocarpa*, *Q. alba* and *Q. velutina*) are dominant in mature stands as large, open-grown trees with distinctive limb architecture. Shagbark hickory (*Carya ovata*) is sometimes present. American hazelnut (*Corylus americana*) is a common shrub, and while the herb layer is similar to those found in oak forests and dry prairies, with many of the same grasses and forbs present, there are some plants and animals that reach their optimal abundance in the "openings".

**Pine Barrens**

This savanna community is characterized by scattered small jack pines (*Pinus banksiana*), or less commonly, red pines (*P. resinosa*), often sometimes mixed with scrubby Hill's and bur oaks (*Quercus ellipsoidalis* and *Q. macrocarpa*), interspersed with openings in which shrubs (such as hazelnuts (*Corylus* spp.) and prairie willow (*Salix humilis*)) and herbs dominate. The flora often contains species characteristic of "heaths" such as blueberries (*Vaccinium angustifolium* and *V. myrtilloides*), bearberry (*Arctostaphylos uva-ursi*), American hazelnut (*Corylus americana*), sweet fern (*Comptonia peregrina*), and sand fire cherry (*Prunus pensylvanica*). Also present are dry sand prairie species such as June grass (*Koeleria macrantha*), little bluestem (*Schizachyrium scoparium*), silky and sky-blue asters (*Aster sericeus* and *A. azureus*), lupine (*Lupinus perennis*), blazing stars (*Liatris aspera* and *L. cylindracea*), and western sunflower (*Helianthus occidentalis*). Pines may be infrequent, even absent, in some stands in northern Wisconsin and elsewhere because of past logging, altered fire regimes, and an absence of seed source.

**Pine Relicts**

These isolated stands of white pine (*Pinus strobus*) and red pine (*P. resinosa*) or, less commonly, jack pine (*P. banksiana*), which occur on sandstone outcrops or in thin soils over sandstone in the Driftless Area of southwestern Wisconsin, have historically been referred to as relicts. The understories often contain species with northern affinities such as blueberries (*Vaccinium* spp.), huckleberry (*Gaylussacia baccata*), wintergreen (*Gaultheria procumbens*), pipsissewa (*Chimaphila umbellata*), and partridge berry (*Mitchella repens*), sometimes mixed with herbs typically found in southern Wisconsin's oak forests and prairies.

**Sand Barrens**

Sand Barrens are herbaceous upland communities that are best developed on unstable or semi-stabilized alluvial sands along major rivers such the Mississippi and Wisconsin Rivers. They are partly or perhaps wholly anthropogenic in origin, occurring on sites historically disturbed by plowing or very heavy past grazing. Unvegetated "blow-outs" are characteristic features. Barrens, Dry Prairie and Sand Prairie species such as false-heather (*Hudsonia tomentosa*), bearberry (*Arctostaphylos uva-ursi*), sedges (*Cyperus filiculmis* and *C. schweinitzii*), sand cress (*Arabis lyrata*), three-awn grasses (*Aristida* spp.), rock spikemoss (*Selaginella rupestris*), and the earthstar fungi (*Geaster* spp.) are present in this community. Many exotics are present, and as well as rare disturbance dependent species such as fame flower (*Talinum rugospermum*) occur in some stands.

**Sand Prairie (or Dry Sand Prairie)**

This dry grassland community is composed of little bluestem (*Schizachyrium scoparium*), junegrass (*Koeleria macrantha*), panic grass (*Panicum* spp.), and crab grass (*Digitaria cognata*). Common herbaceous species are western ragweed (*Ambrosia psilostachya*), the sedges (*Carex muhlenbergii* and *C. pensylvanica*), poverty-oat grass (*Danthonia spicata*), flowering spurge (*Euphorbia corollata*), frostweed (*Helianthemum canadense*), common bush-clover (*Lespedeza capitata*), false-heather (*Hudsonia tomentosa*), long-bearded hawkweed (*Hieracium longipilum*), stiff goldenrod (*Solidago rigida*), horsebalm (*Monarda punctata*), and spiderwort (*Tradescantia ohioensis*). It is often the remnant of an Oak Barrens. At least some stands are Barrens remnants now lacking appreciable woody cover, though extensive stands may have occurred historically on broad level terraces along the Mississippi, Wisconsin, Black, and Chippewa Rivers.

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**Southern Dry-Mesic Forest**

Red oak (*Quercus rubra*) is a common dominant tree of this upland forest community type. White oak (*Q. alba*), basswood (*Tilia americana*), sugar and red maples (*Acer saccharum* and *A. rubrum*), and white ash (*Fraxinus americana*) are also important. The herbaceous understory flora is diverse and includes many species listed under Southern Dry Forest, plus jack-in-the-pulpit (*Arisaema triphyllum*), enchanter's-nightshade (*Circaea lutetiana*), large-flowered bellwort (*Uvularia grandiflora*), interrupted fern (*Osmunda claytoniana*), Lady Fern (*Athyrium Filix-femina*), tick trefoils (*Desmodium glutinosum* and *D. nudiflorum*), and hog peanut (*Amphicarpa bracteata*). To the detriment of the oaks, mesophytic tree species are becoming increasingly important under current management practices and fire suppression policies.

**Southern Mesic Forest**

This upland forest community occurs on rich, well-drained soils. The dominant tree species is sugar maple (*Acer saccharum*), but basswood (*Tilia americana*) and (near Lake Michigan) beech (*Fagus grandifolia*) may be co-dominant. Many other trees are found in these forests, including those of the walnut family (*Juglandaceae*). The understory is typically open (sometimes brushy with species of gooseberry (*Ribes* spp.) if there is a past history of grazing) and supports fine spring ephemeral displays. Characteristic herbs are spring beauty (*Claytonia virginica*), trout-lilies (*Erythronium* spp.), trilliums (*Trillium* spp.), violets (*Viola* spp.), bloodroot (*Sanguinaria canadensis*), blue cohosh (*Caulophyllum thalictroides*), mayapple (*Podophyllum peltatum*), and Virginia waterleaf (*Hydrophyllum virginianum*).

# AGRICULTURAL, NATURAL, AND CULTURAL ELEMENT

Appendix  
E-2



**Appendix E-2**

<b>Group</b>	<b>Common</b>	<b>Status</b>	<b>Date Listed</b>
FISH	OZARK MINNOW	THR	1927
FISH	SLENDER MADTOM	END	1976
FROG	BLANCHARD'S CRICKET FROG	END	1997
BIRD	HENSLOW'S SPARROW	THR	1996
BIRD	GRASSHOPPER SPARROW	SC/M	1996
BIRD	UPLAND SANDPIPER	SC/M	1996
MAMMAL	EASTERN PIPISTRELLE (Bat)	SC/N	1948
PLANT	GREAT INDIAN-PLANTAIN	SC	1993
PLANT	AMERICAN FEVER-FEW	THR	1993
PLANT	GLADE MALLOW	SC	1987
PLANT	YELLOW GENTIAN	THR	1898
PLANT	TWINLEAF	SC	1991
COMMUNITY	SOUTHERN DRY-MESIC FOREST	NA	1973

Federal Status Definitions

LE = listed endangered  
 LT = listed threatened  
 LE-LT = listed endangered in part of its range, threatened in another part  
 XN = nonessential experimental population in part of its range  
 LT,PD = listed threatened, proposed for de-listing  
 C = candidate for future listing

Wisconsin Status Definitions

END = endangered  
 THR = threatened  
 SC = special concern  
 SC/P = fully protected  
 SC/N = no laws regulating use, possession, or harvesting  
 SC/H = take regulated by establishment of open closed seasons  
 SC/FL = federally protected as endangered or threatened, but not so designated by WDNR  
 SC/M = fully protected by federal and state laws under Migratory Bird Act

# LAND USE ELEMENT

## Appendix H -1

TOWNSHIP OF MINERAL POINT

## GOOD NEIGHBOR POLICY

The preservation of agricultural opportunities is a strong component of life in the township. Sometimes, conflicts arise between farm and non-farm neighbors. Farming practices, such as tractor road traffic, manure hauling, weed control and night-time fieldwork must be considered a part of living in the country. This “Good Neighbor” policy will strive to minimize conflicts by increasing understanding between farm and non-farm neighbors.

Good communication can go a long way in understanding other points of view. Introduce yourself to your neighbors. Taking a minute to talk about the upcoming planting or harvesting season is not only an ice-breaker, it’s also part of a neighborly tradition that goes back hundreds of years.

### Non-farm residents should:

- understand that farming is a **highly valued component** of life in the township. Farms, farm buildings, croplands, pastures, and the open areas that are an integral part of agricultural operations help create the rural character of the township. Additionally, many farms have stayed in the same family for decades and the preservation of **family farms** and traditions are valuable assets to the township. In most cases, farm operations were in place before rural residential areas. You are choosing to live in an agricultural area, so carefully consider all aspects of rural life before making an investment.
- be **tolerant of farm practices** that may be unfamiliar to you. The hauling and spreading of manure may be unpleasant for a day or two but is an important part of agriculture. For safety, farm equipment must travel more slowly on roadways than your automobile. Be patient when following farm machinery.
- take responsibility for **controlling weeds** on your property. For example, allowing Canadian Thistle to blossom and go to seed can create problems for neighboring landowners.
- understand that “good fences make good neighbors.” It is important to maintain **appropriate fencing** per animal type and coordinate any fence changes with your neighbors. When purchasing real estate, be sure any fencing issues are understood.
- learn more about local farming operations and **support the agricultural community**.

## Farmers should

- be sensitive to the fact that new neighbors may not be familiar with agricultural practices. Use **judgment** when burning fields, spraying crops and dealing with downed cattle. Place a call to the fire department for advice and recommendations on proper burning practices.
- maintain **fences** to prevent the escape of livestock.
- understand that careless farm practices can have a serious effect on **groundwater**, streams and drinking water supplies.
- be sure that **farm equipment** that operates on public roadways has proper running lights, slow-moving-vehicle signs and all other safety equipment.
- understand that **farms exceeding 500 animal units** must be reviewed by the proper governmental authorities, including Iowa County regarding conditional use permits.

1835 - 1870

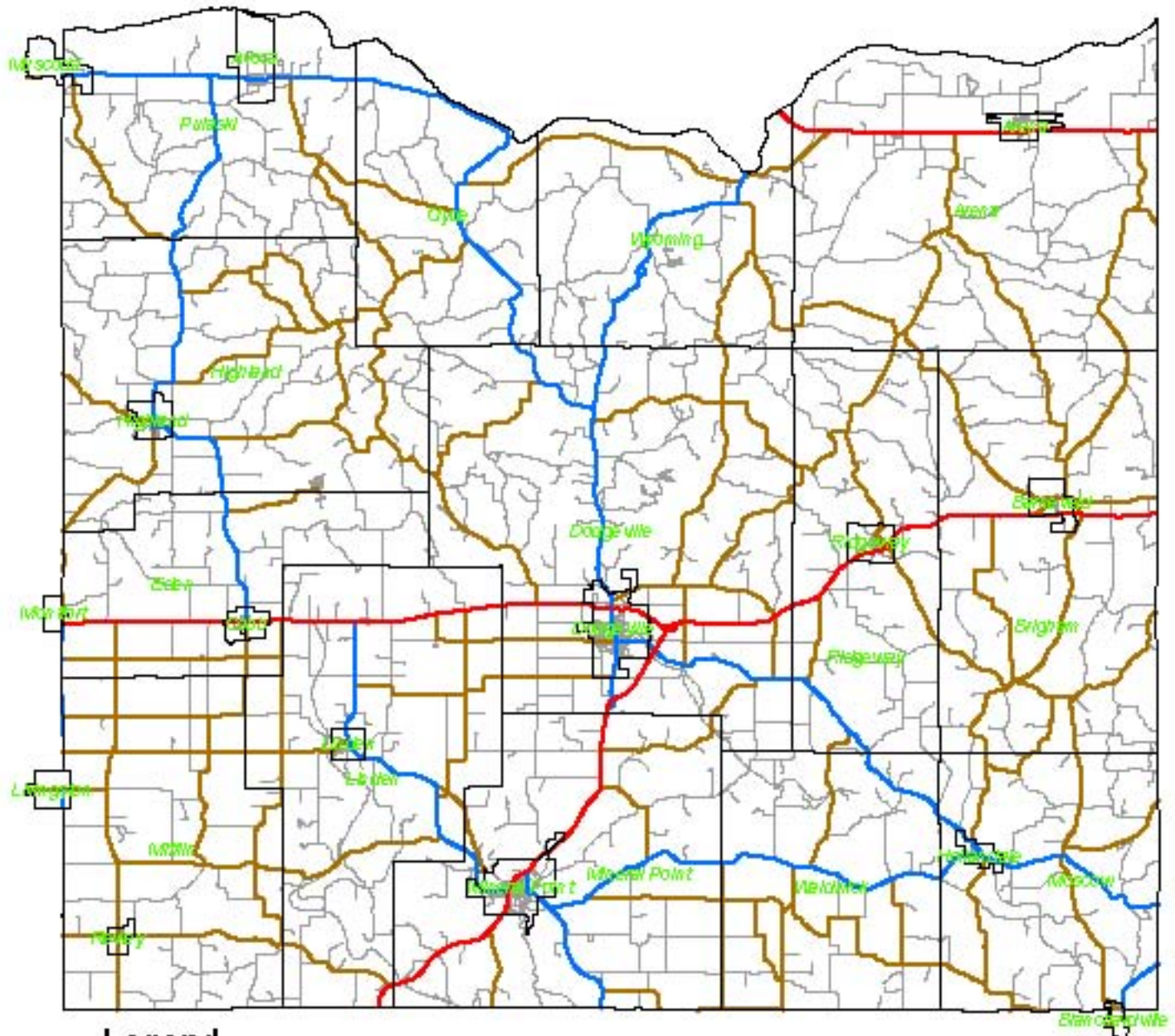




# HIGHWAYS AND TOWN ROADS

- IOWA COUNTY, WISCONSIN -

MAP C.2



## Legend

-  Municipal Boundaries
-  U. S. Highways - USH
-  State Highways - STH
-  County Highways - CTH
-  Minor Roads

1 inch equals 4.25 miles



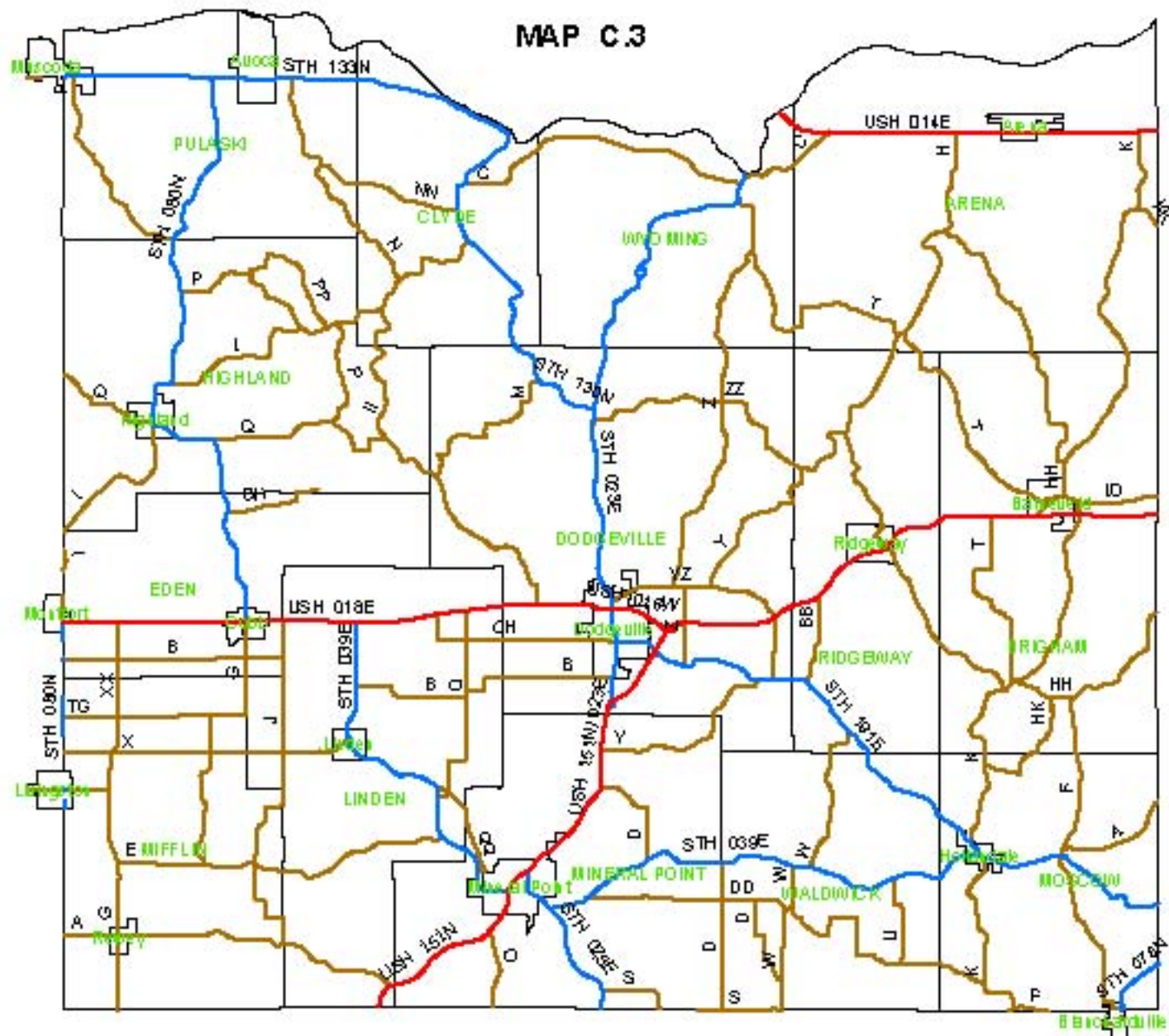
SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
10 Pioneer Tower  
1 University Plaza  
Potosi, WI 53684

July 19, 1984  
M. C. High-quest

# U.S. & STATE HIGHWAYS AND COUNTY HIGHWAYS

- IOWA COUNTY, WISCONSIN -

MAP C.3



## Legend

- Municipal Boundaries
- U. S. Highways - USH
- State Highways - STH
- County Highways - CTH

1 inch equals 4.34 miles



SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
112 Pioneer Tower  
1 University Plaza  
Plymouth, WI 53444  
APR 21, 2004  
6 COLLEGE ST. COMBOS



[illegible]

 PRINCIPAL ARTERIALS  
 MAJOR ARTERIALS  
 MAJOR COLLECTORS  
 MINOR COLLECTORS

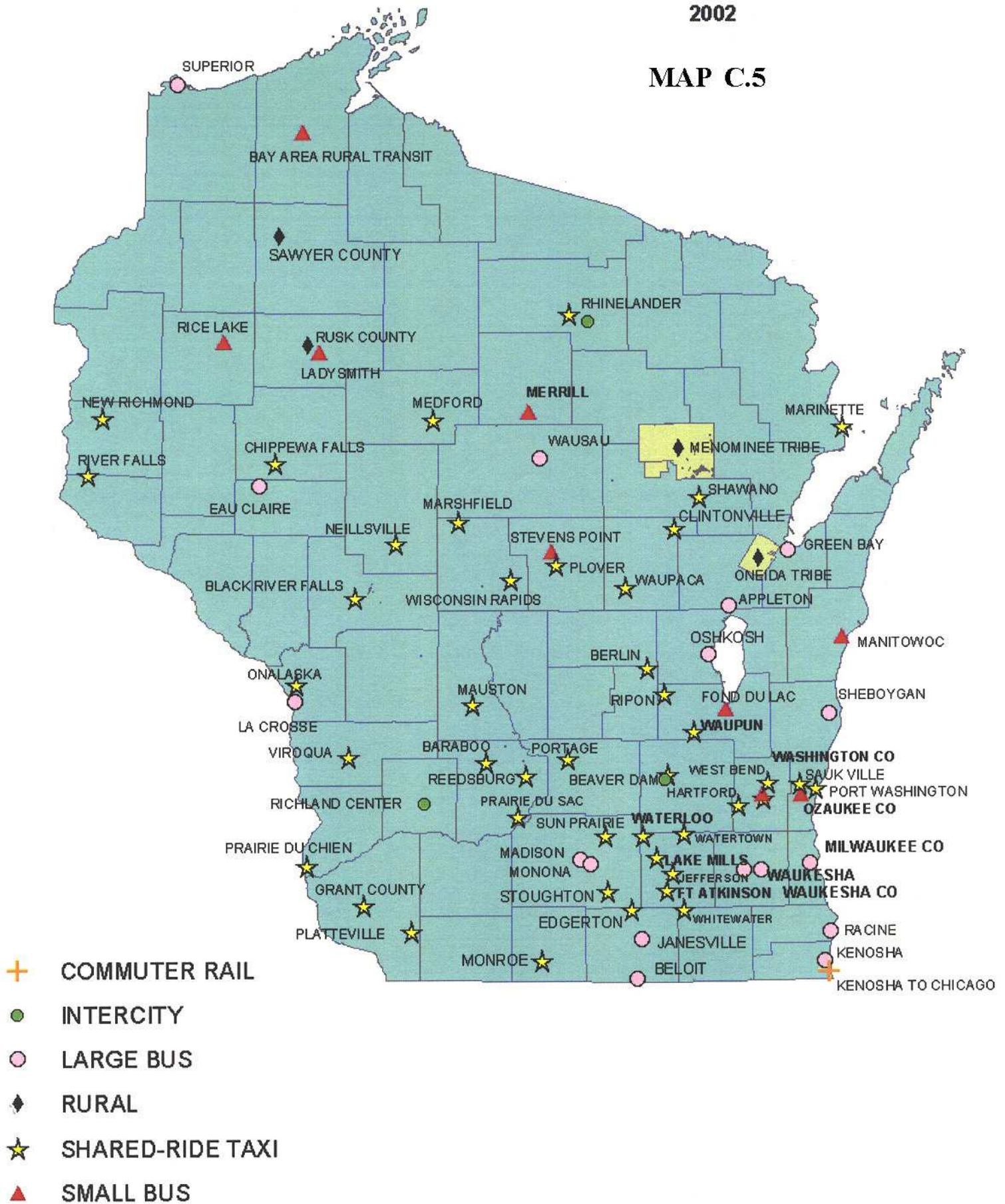


## MAP C.4

# Wisconsin Transit Systems

2002

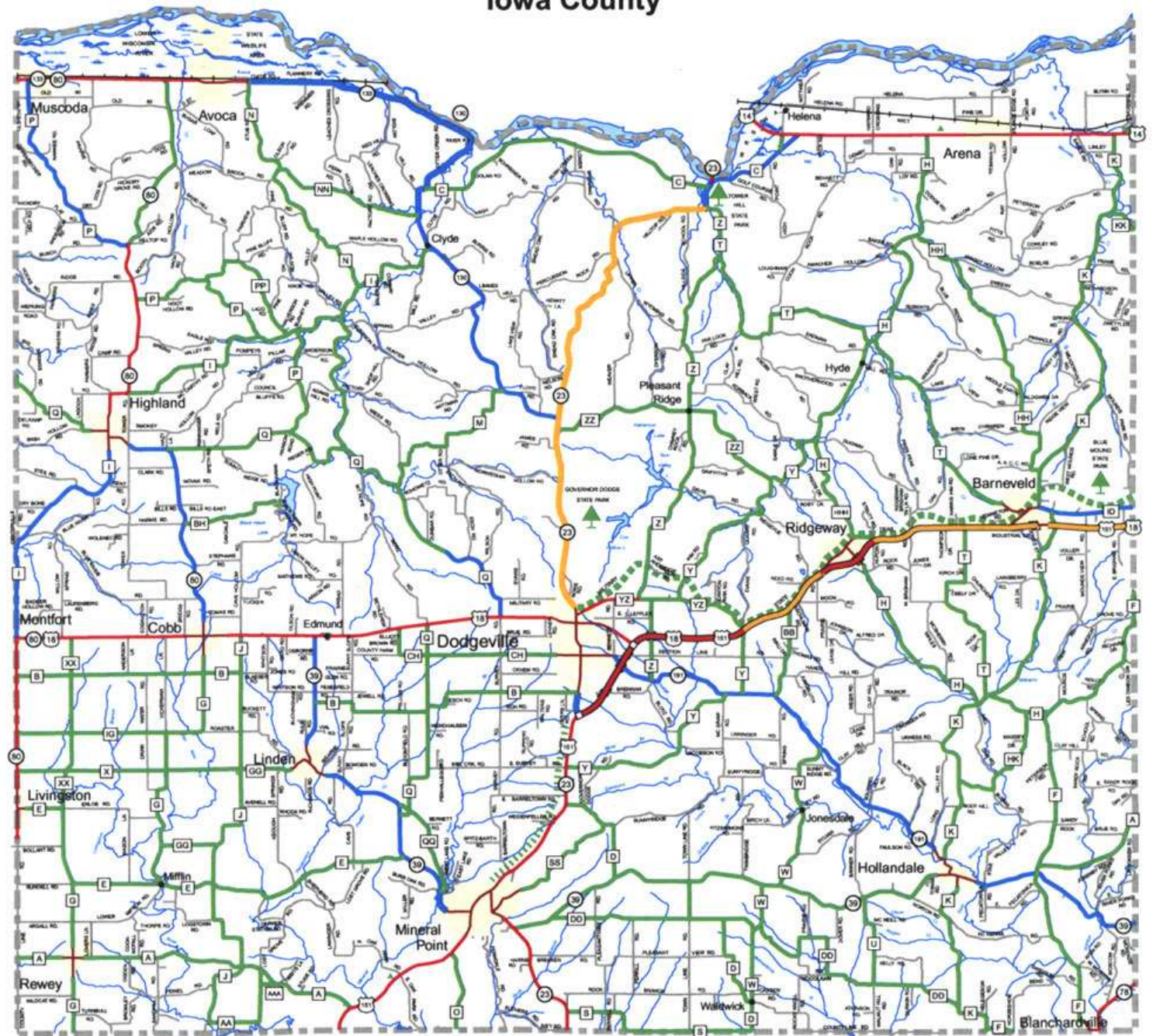
MAP C.5



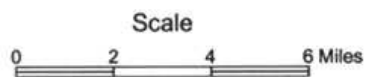


# Bicycling Conditions

## Iowa County



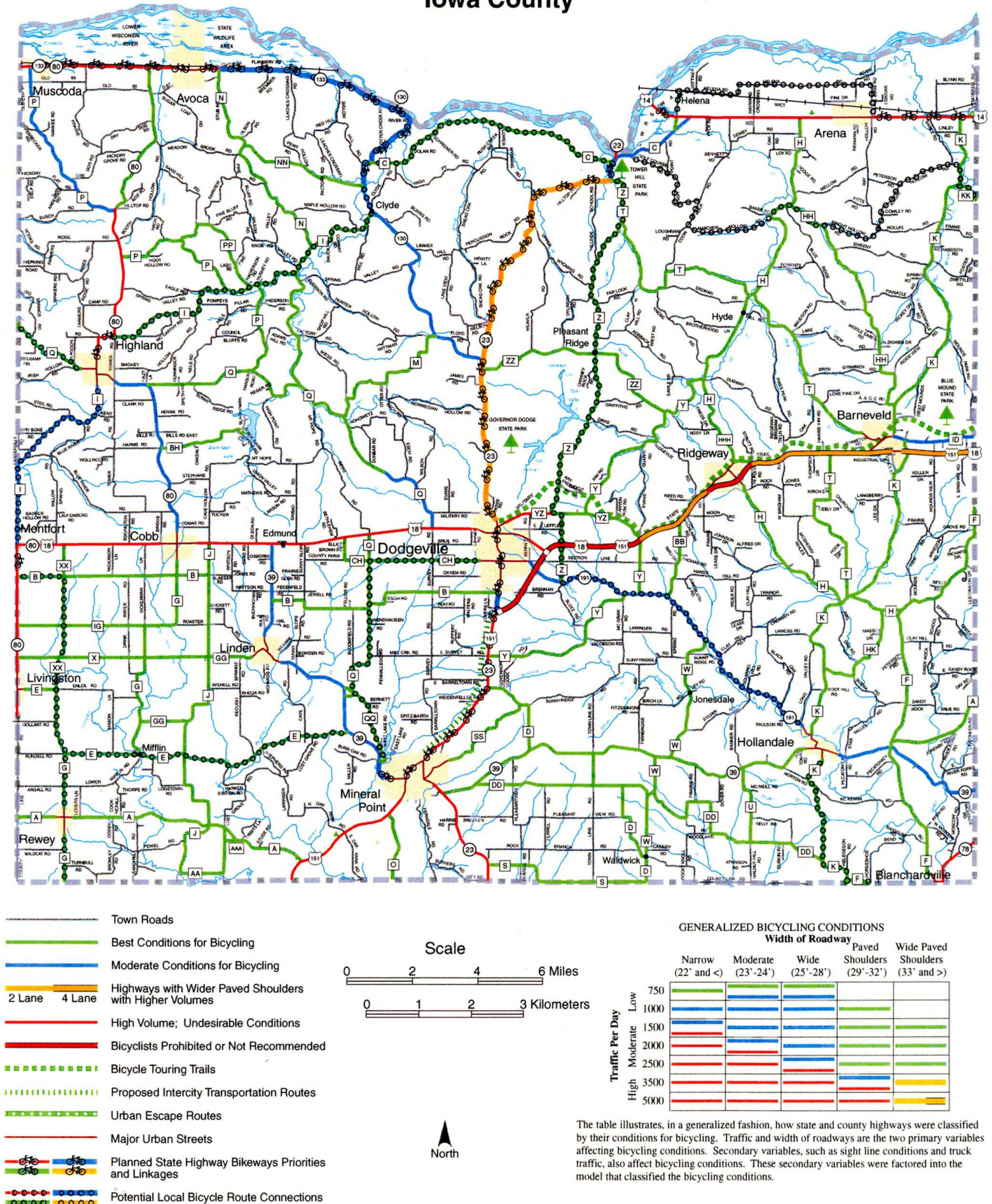
- Town Roads
- Best Conditions for Bicycling
- Moderate Conditions for Bicycling
- Highways with Wider Paved Shoulders with Higher Volumes
- 2 Lane 4 Lane
- High Volume; Undesirable Conditions
- Bicyclists Prohibited or Not Recommended
- Bicycle Touring Trails
- Proposed Intercity Transportation Routes
- Urban Escape Routes
- Major Urban Streets



MAP C.6



# Bicycling Conditions Assessment with Planned State Highway Priority Corridors and Key Linkages Iowa County





# Existing Access Control - District 1



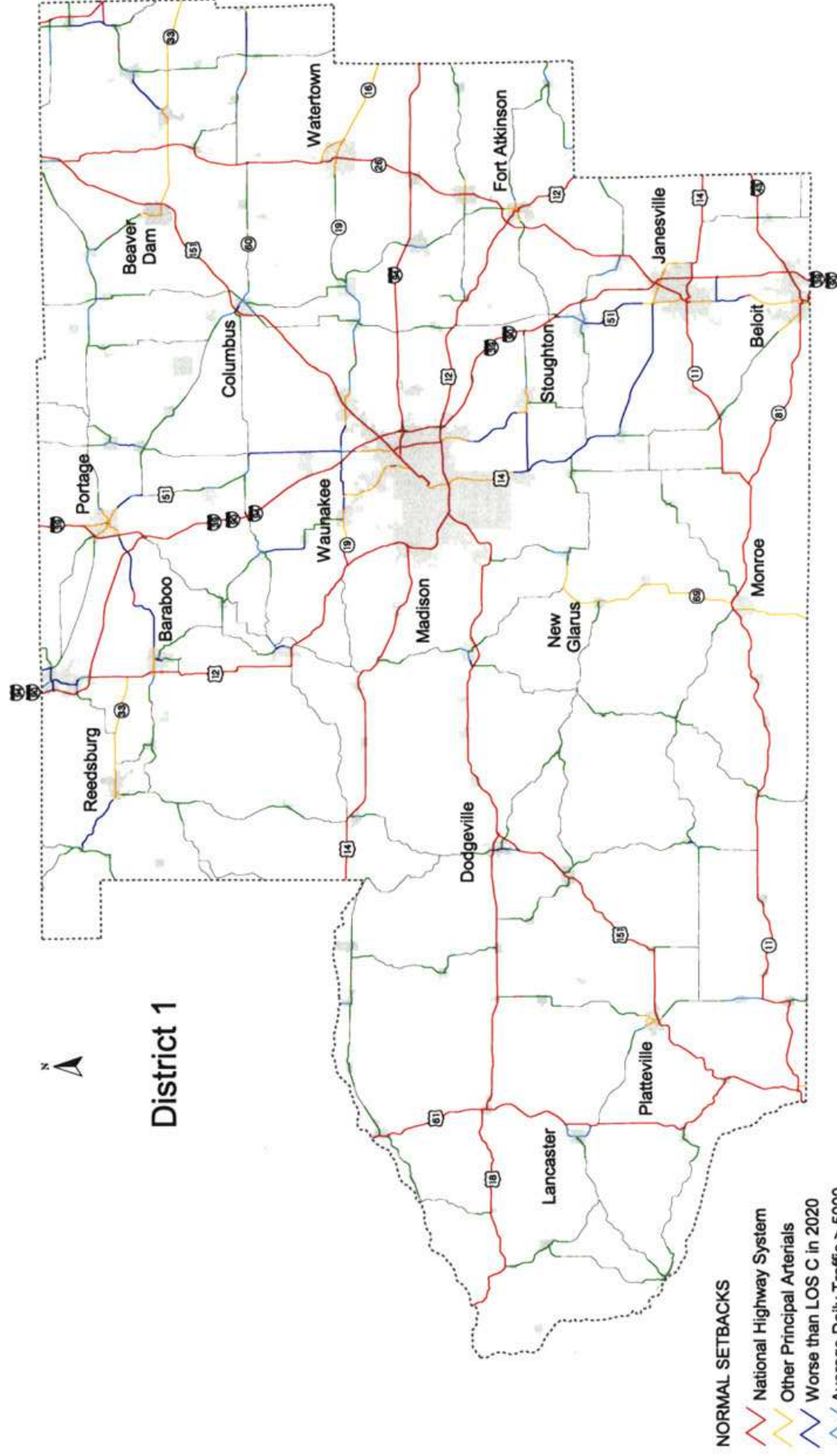
Areas not identified may have limited controls not shown on this map.  
Always verify access controls on parcel specific issues.

30 0 30 60 Miles

MAP C.8

# STATE HIGHWAY SYSTEM SETBACKS

## MAP C.9



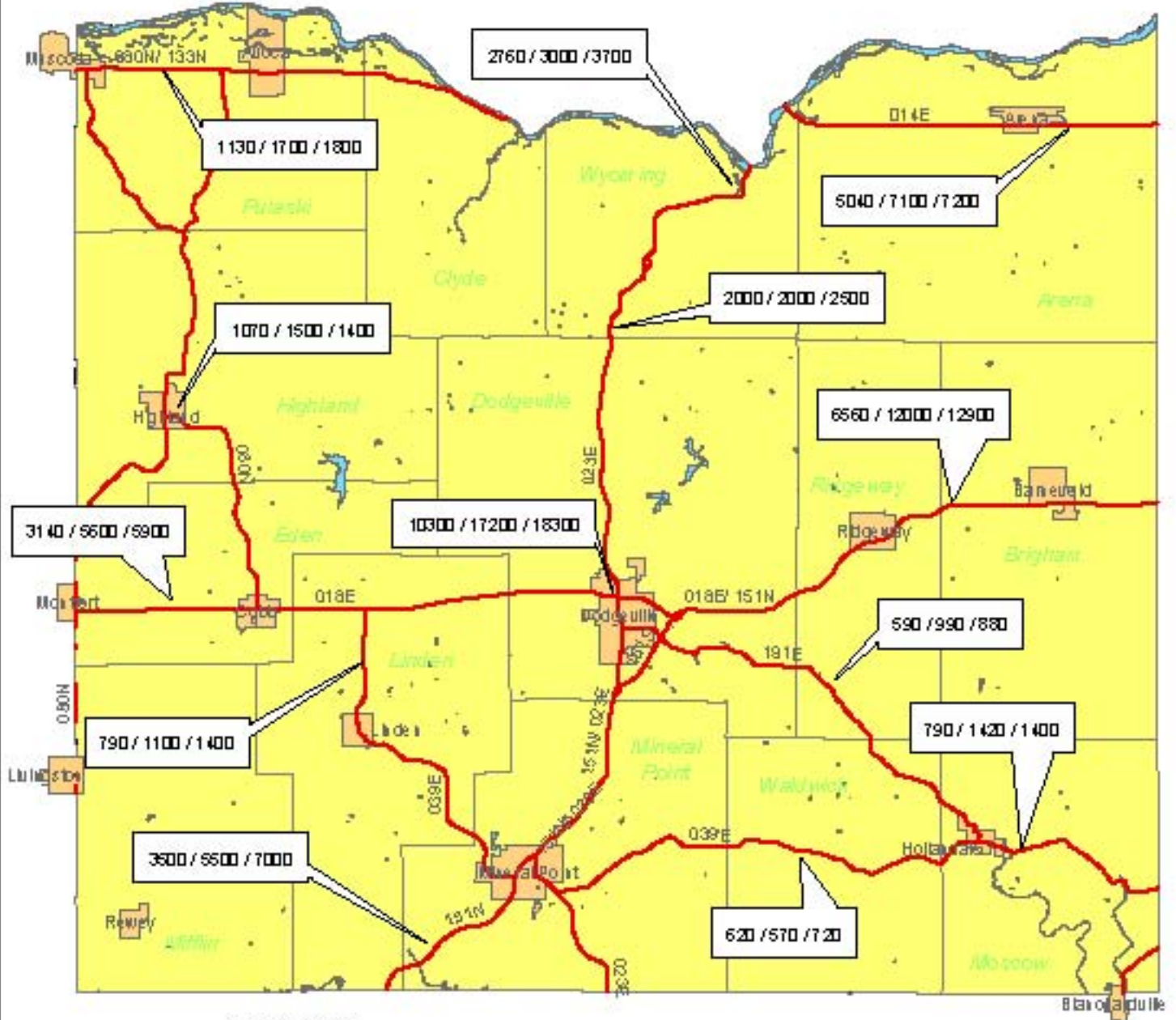
### NORMAL SETBACKS

- National Highway System
- Other Principal Arterials
- Worse than LOS C in 2020
- Average Daily Traffic > 5000
- Cities & villages + 3 Mi or 1.5 mi on either side (3 mi for 1st, 2nd, 3rd class cities; 1.5 mi 4th class cities & villages)
- Gaps filled for continuity
- STH interchanges/intersections with freeways/expressways



# IOWA COUNTY TRAFFIC COUNTS - 1983 / 1995 / 2001 -

MAP C.10



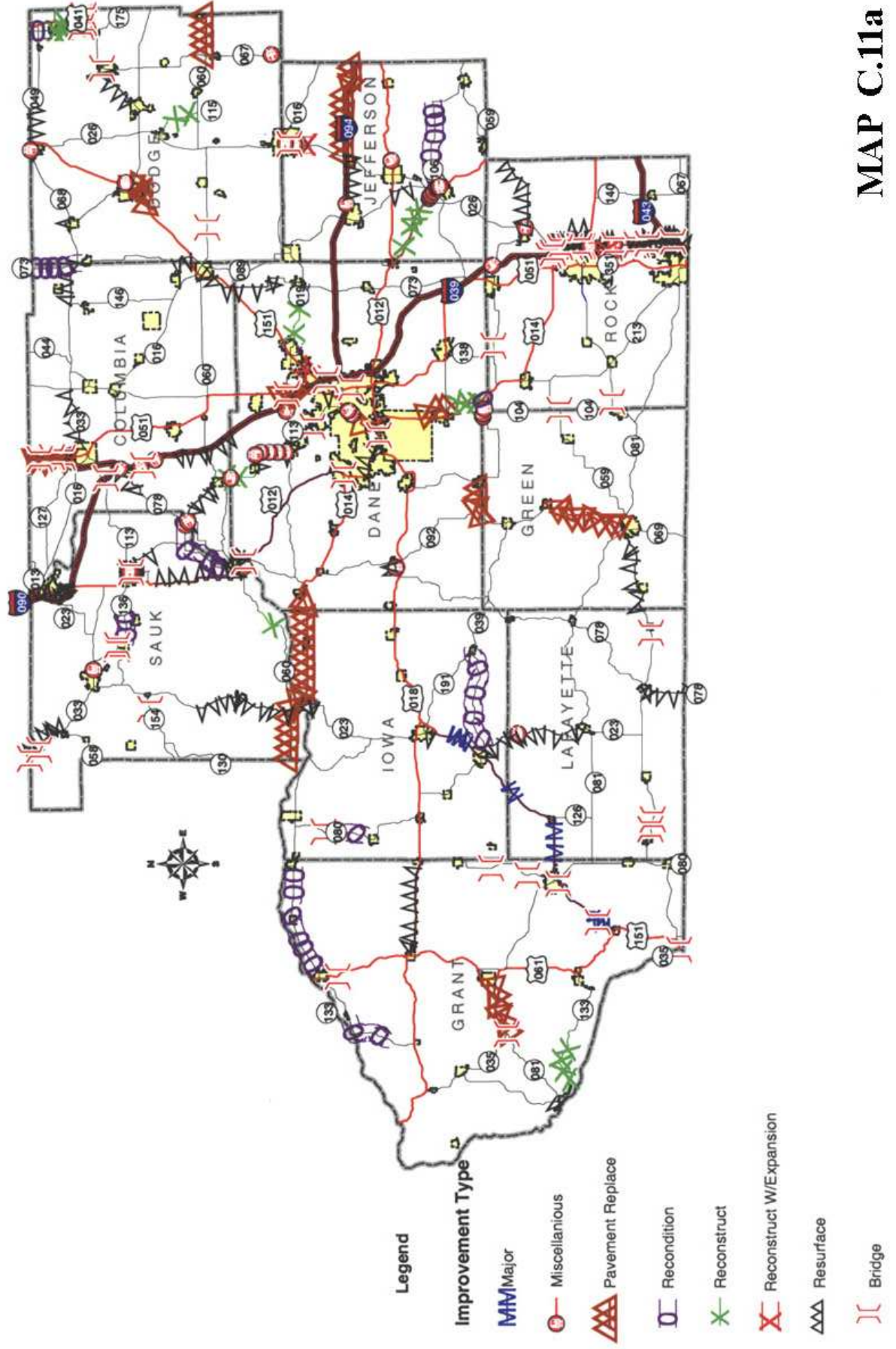
1 inch equals 4.20 miles



SOUTHERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
712 University Avenue  
University Plaza  
Platteville, WI 53589-1313

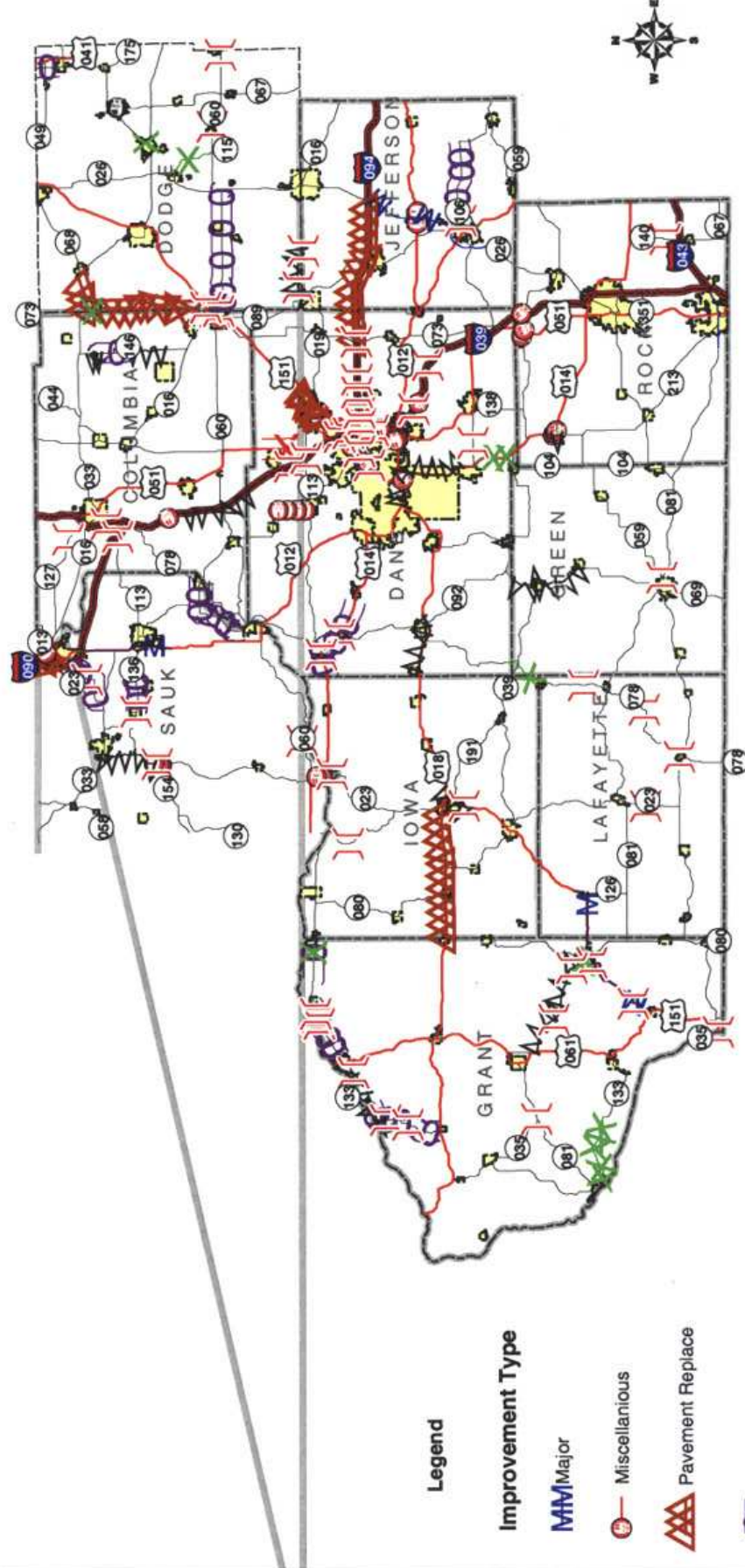
February 8, 2004  
IOWA COUNTY TRAFFIC COUNTS

# District 1 Highway Improvement Program 2002-2004





# District 1 Highway Improvement Program 2005-2007



## Legend

### Improvement Type

**MM** Major

 Miscellaneous

 Pavement Replace

 Recondition

 Reconstruct

 Reconstruct W/Expansion

 Resurface

 Bridge

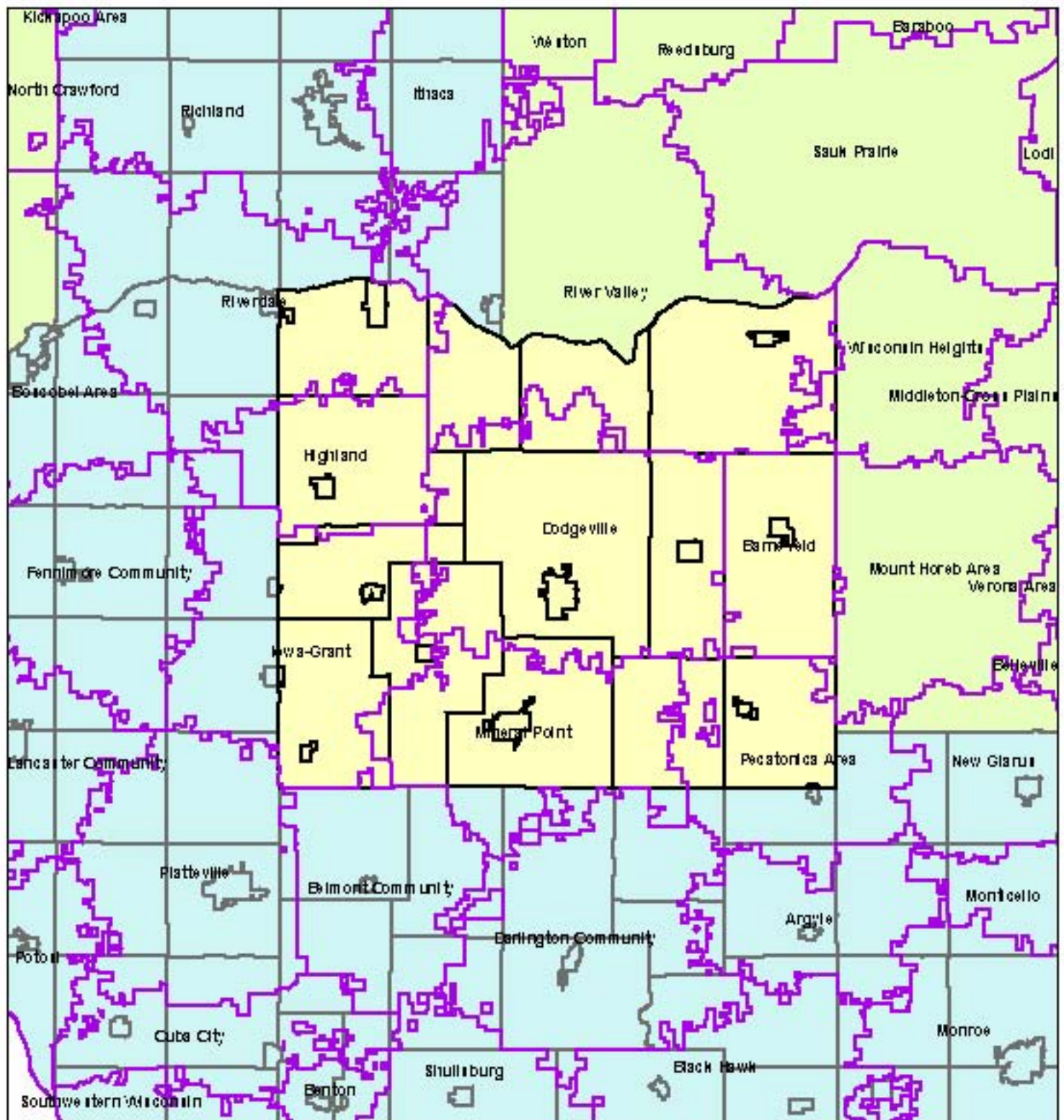
MAP C.11b





# IOWA COUNTY SCHOOL DISTRICTS

## MAP D.2



SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
115 Pioneer Plaza  
1 University Plaza  
Platteville, WI 53589-2123

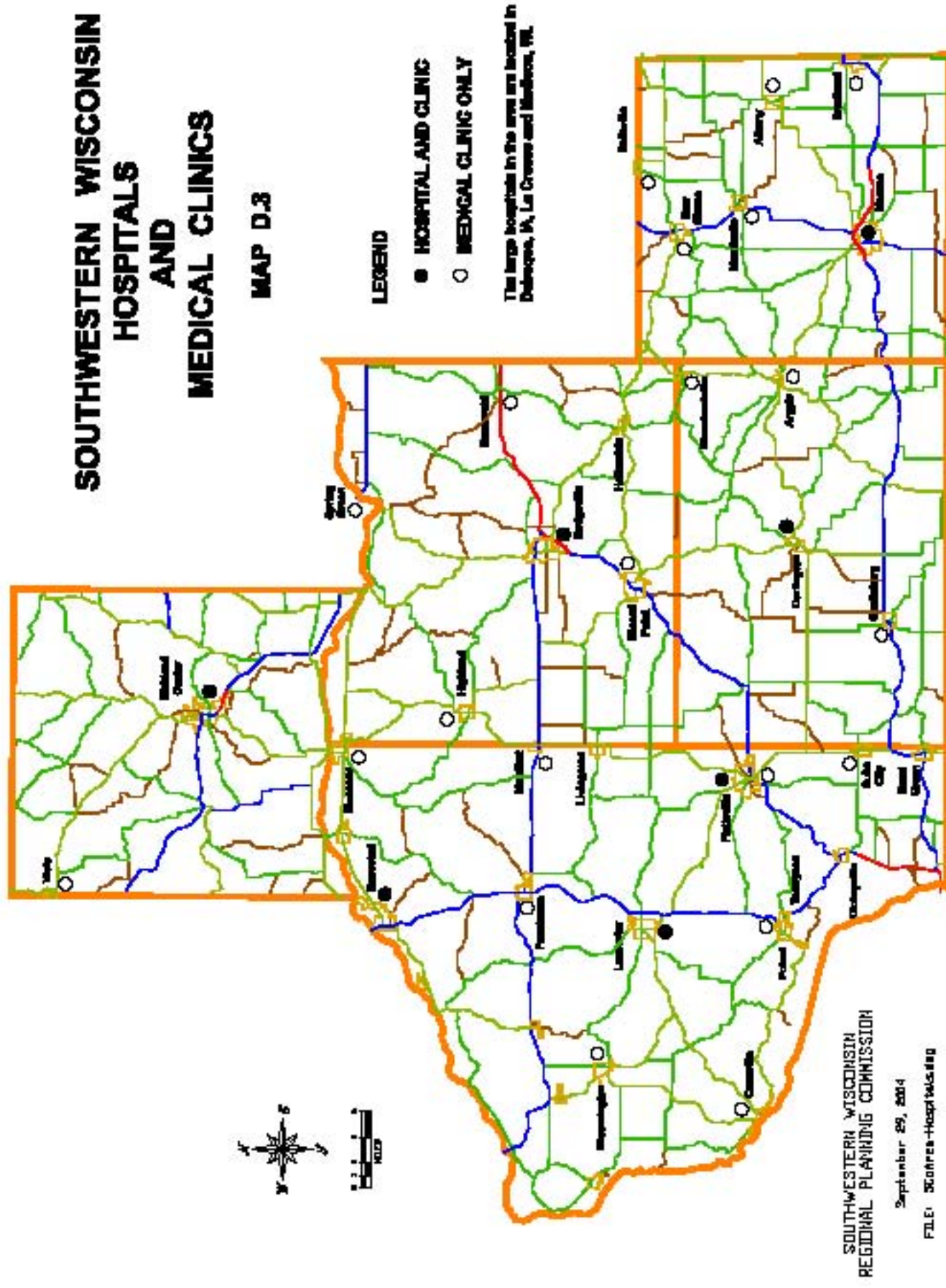
May 12, 2004

1 inch equals 7.42 miles



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**SOUTHWESTERN WISCONSIN  
HOSPITALS  
AND  
MEDICAL CLINICS**

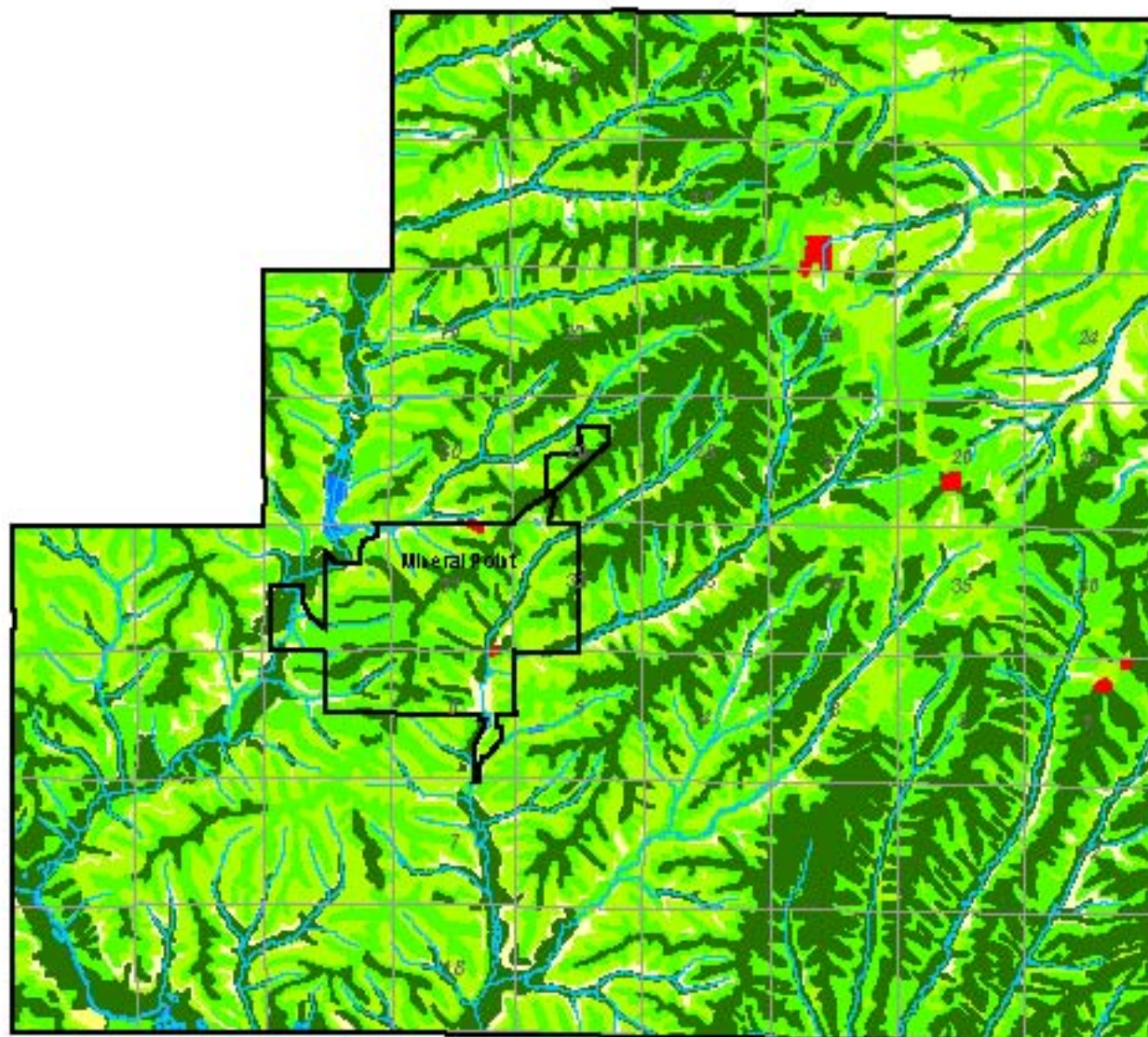
**MAP D-3**



# MINERAL POINT SOIL CLASSIFICATIONS

- IOWA COUNTY, WISCONSIN -

## MAP E.1



SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
113 Pioneer Tower  
University Plaza  
Potosi, WI 53903-1133

July 10, 2009

### Legend

Municipal Boundary	Other Soils
Sections	Quaternies
Prime Soils	Mine Pits
State Soils	Rivers And Lakes
Local Soils	

1 inch equals 1.41 miles



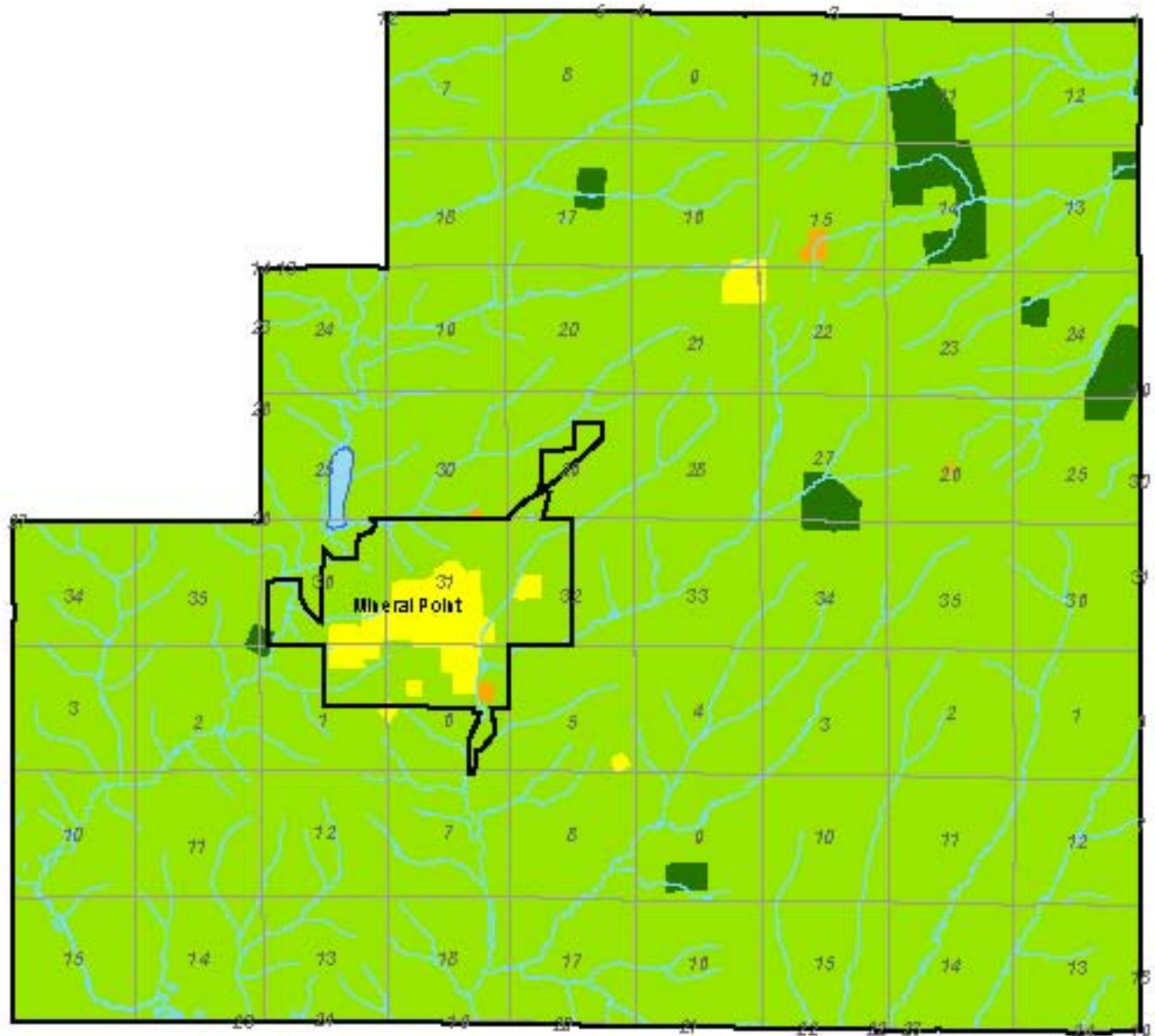
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# TOWN OF MINERAL POINT LAND COVER

- IOWA COUNTY, WISCONSIN -

MAP E.2



SOUTHERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
119 Pioneer Drive  
University Plaza  
Rafleville, WI 53593

October 21, 2009

## Legend

- |                    |                      |
|--------------------|----------------------|
| Municipal Boundary | Lakes/Rivers/Streams |
| Sections           | Urban Development    |
| Agriculture        | Wetland              |
| Barren             |                      |
| Forest             |                      |

1 inch equals 1.25 miles

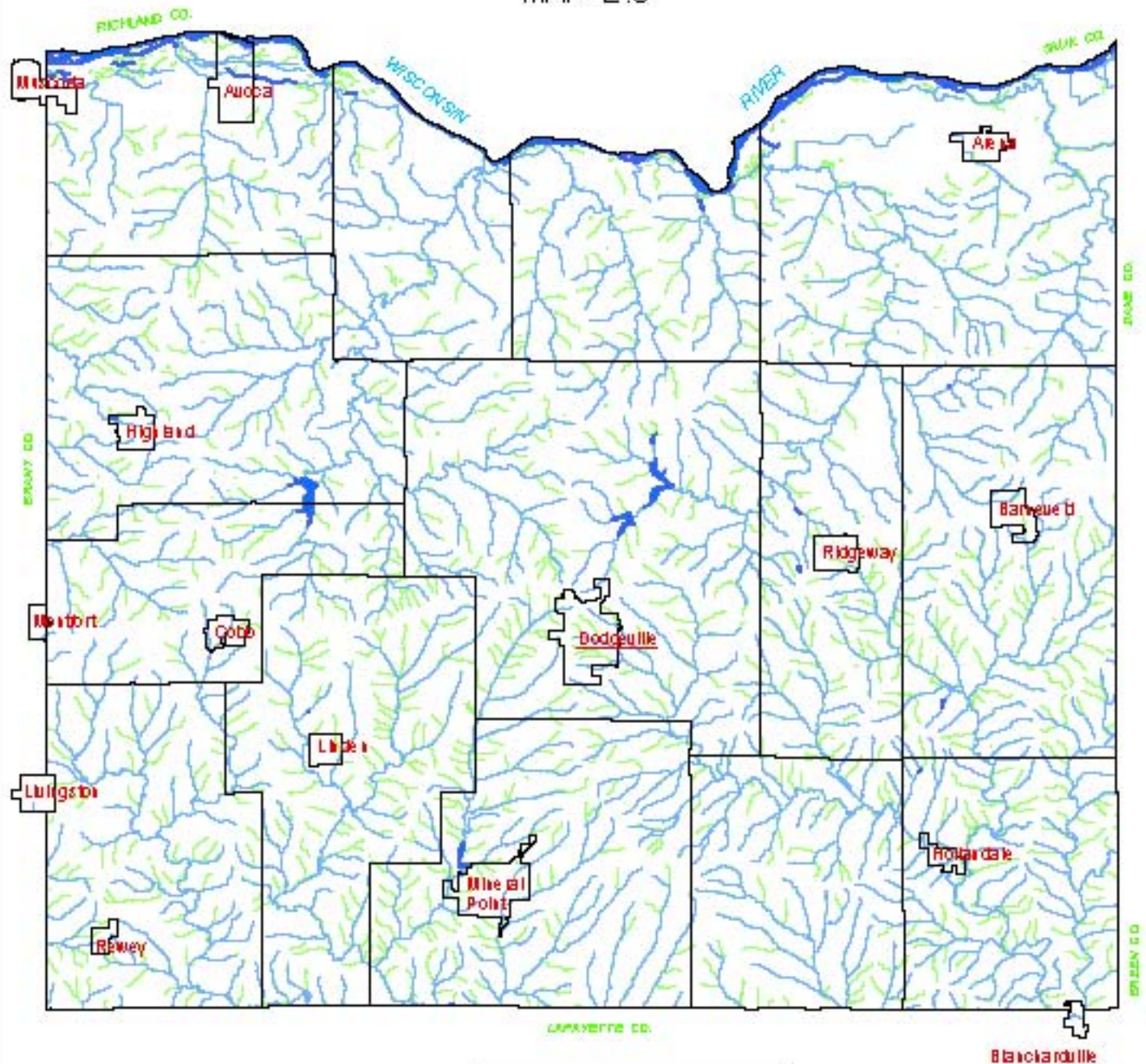


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# SURFACE WATER RESOURCES

- IOWA COUNTY, WISCONSIN -

MAP E.3



## Legend

- Municipal Boundaries
- Lakes / Large Rivers
- Intermittent Streams
- Perennial Streams

1 inch equals 4.24 miles



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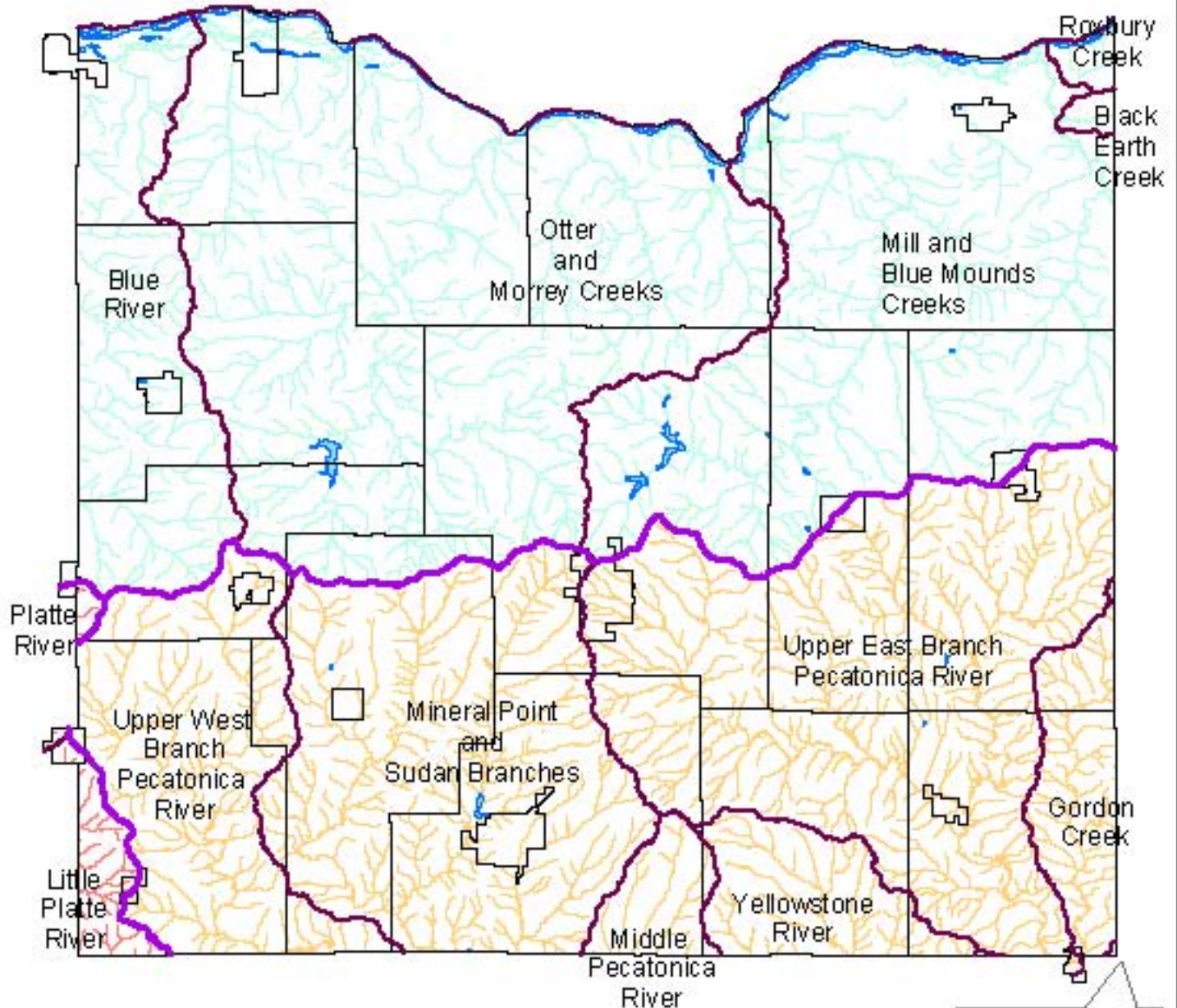
SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
112 Pioneer Drive  
University Place  
Pellville, WI 52873

December 18, 2004



# IOWA COUNTY RIVER BASINS AND WATERSHEDS

## MAP E.4



Lower East Branch  
Pecatonica River

### Legend

- MUNICIPAL BOUNDARY
- LAKES / LARGE RIVERS
- RIVER BASIN BOUNDARY
- WATERSHED BOUNDARY
- LOWER WISCONSIN RIVER BASIN
- SUGAR - PECATONICA RIVER BASIN
- GRANT - PLATTE RIVER BASIN

1 inch equals 4.24 miles



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SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
115 Pioneer Road  
University Place  
Rothsville, WI 53213

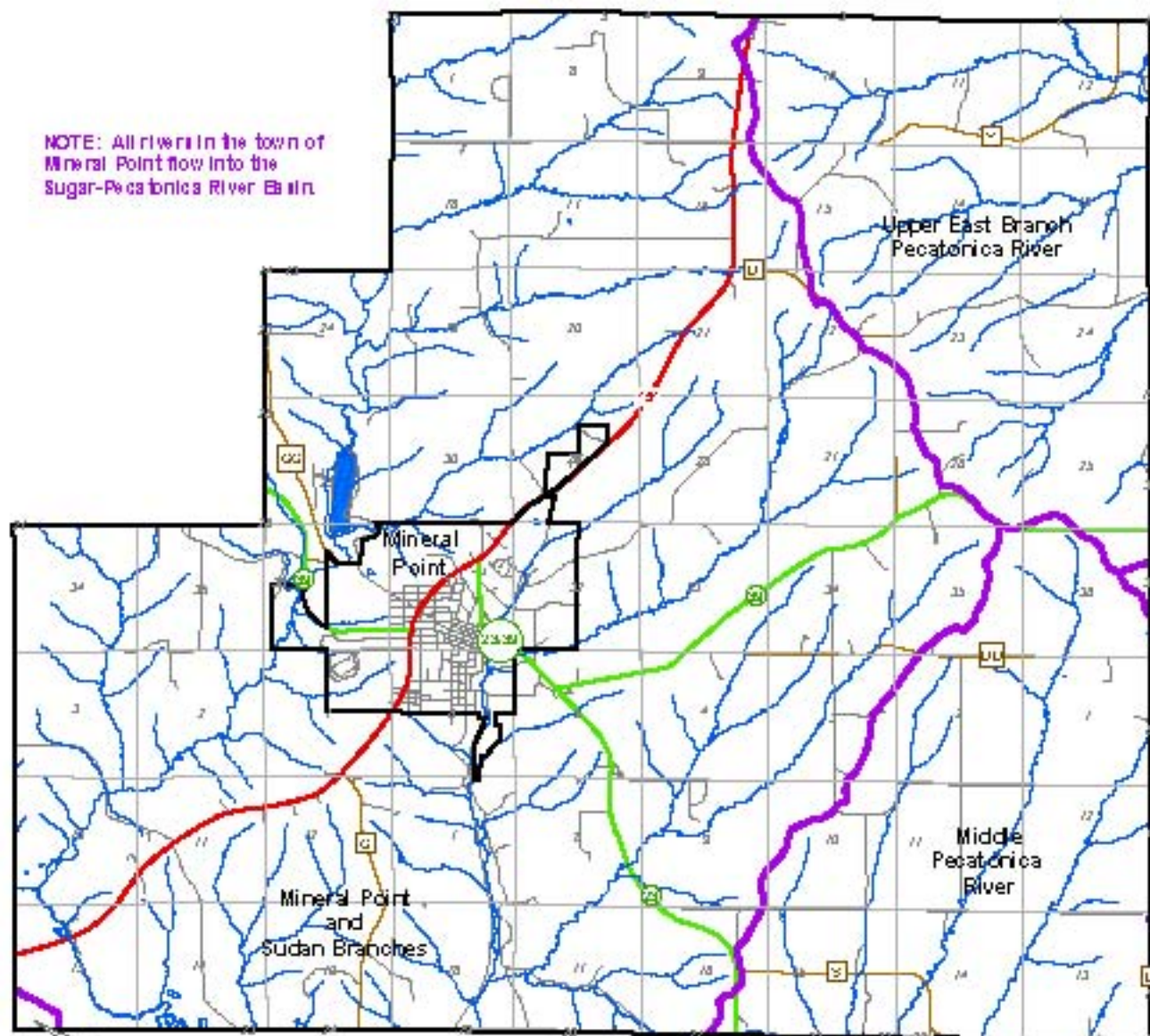
July 3, 2004

# FEMA FLOODPLAIN

## MAP E.5

- TOWN OF MINERAL POINT -  
IOWA COUNTY, WISCONSIN

NOTE: All rivers in the town of Mineral Point flow into the Sugar-Pecatonica River Basin.



Upper West Branch  
Pecatonica River

### Legend

- Municipal Boundary
- Sections
- Roads Federal
- Roads State
- Roads County
- Roads Local
- Watershed Boundaries
- Local Lakes

1 inch equals 1.25 miles



SOUTHEASTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
715 Pioneer Tower  
1 University Plaza  
Pittsville, WI 53073

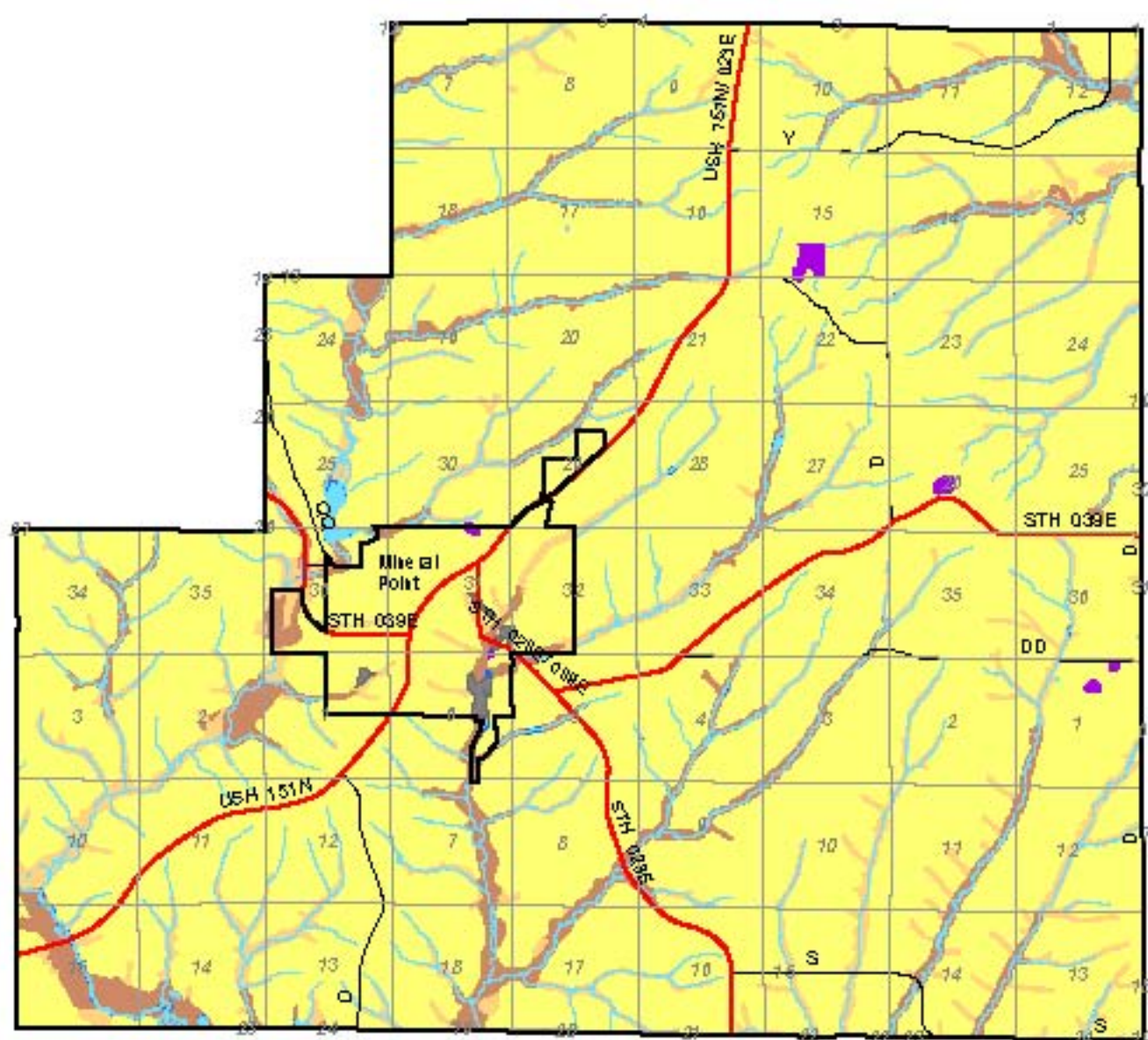
November 9, 2004

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# TOWN OF MINERAL POINT DEPTH TO WATER TABLE

- IOWA COUNTY, WISCONSIN -  
MAP E.6



SOUTHERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
119 Pioneer Tower  
University Plaza  
Pittsville, WI 53593-13

June 2, 2009

## Legend

- Municipal Boundary
- Section
- Major High-way USH-STH
- County High-way-CTR
- More Than 20' To Water Table
- From 2' To 20' To Water Table
- Less Than 2' To Water Table
- Quarry
- Other Features
- River and Lake

1 inch equals 1.25 miles



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to be one. SRRPCC is not responsible for  
any inaccuracies herein contained.

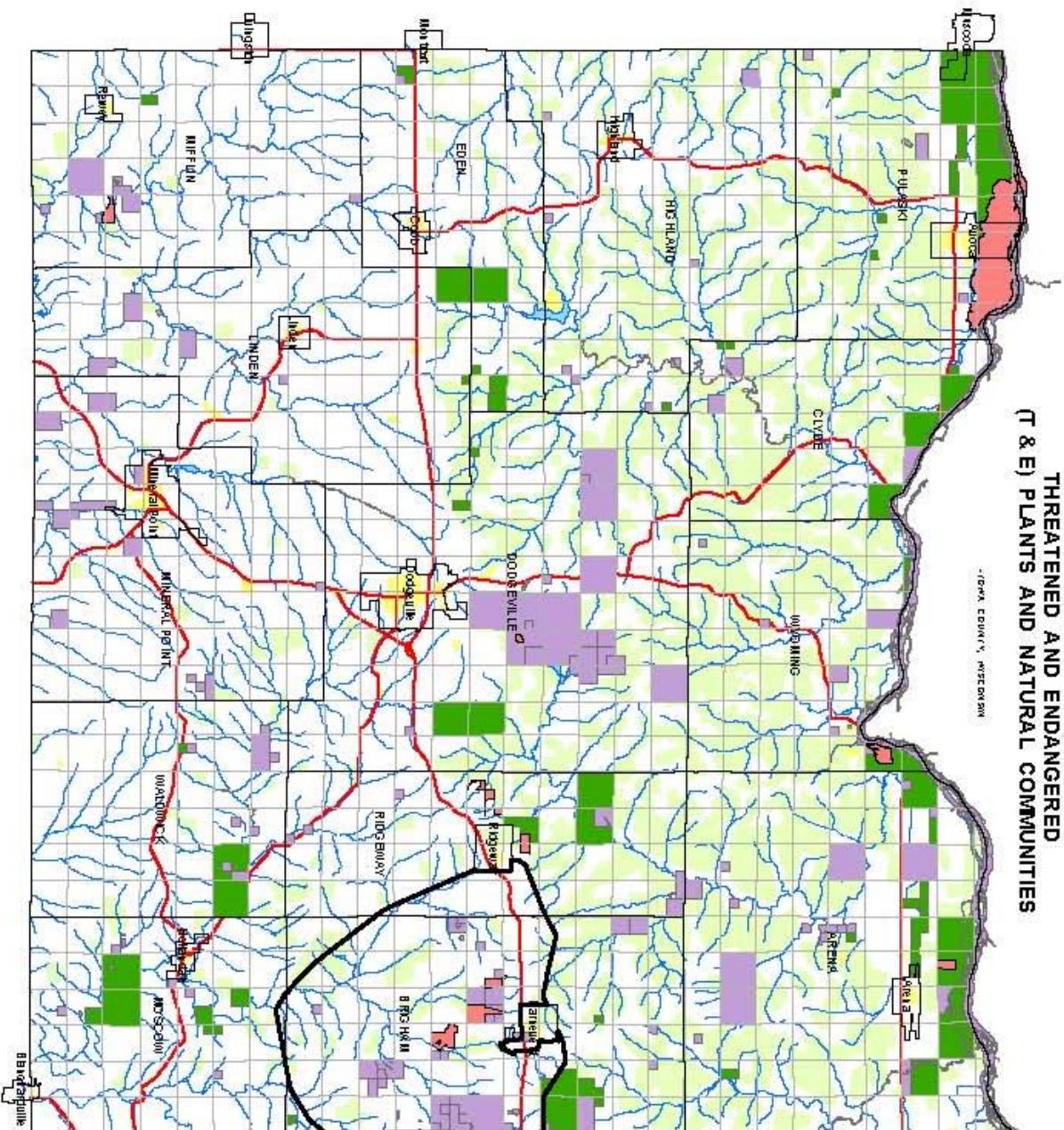






# THREATENED AND ENDANGERED (T & E) PLANTS AND NATURAL COMMUNITIES

© 2004, EDWIN V. WESTERSON



MAP E.7-b

## Legend

- Military Ridge Prairie Heritage Area
- State Natural Areas
- T & E Plants
- T & E Natural Communities
- Forest
- Urban Developed
- Rivers

1 inch equals 3.25 miles



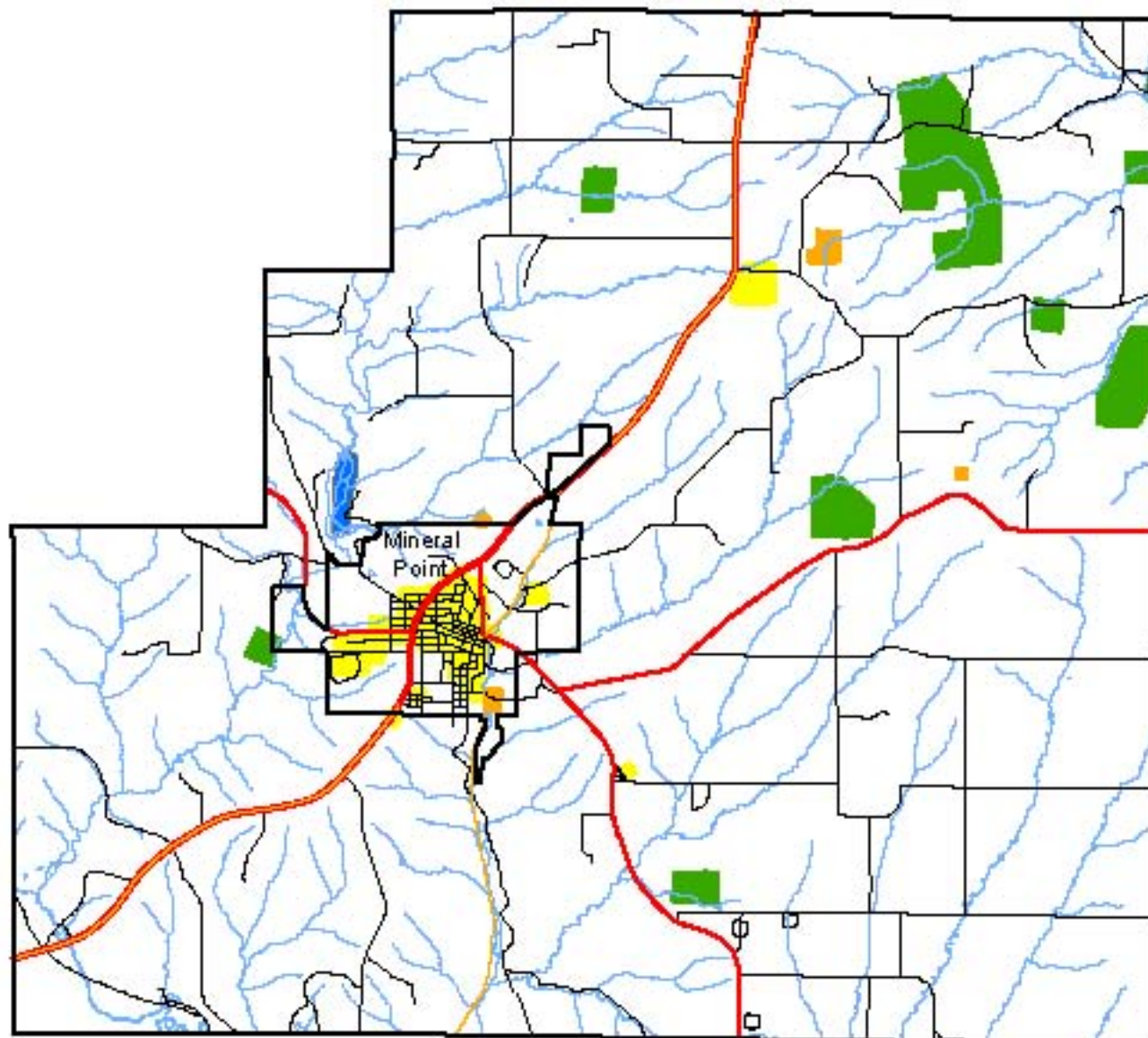
2004 INVENTORY OF THREATENED AND ENDANGERED  
PLANTS AND NATURAL COMMUNITIES  
PULASKI COUNTY, WEST VIRGINIA  
EDWIN V. WESTERSON  
April 7, 2004

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Any use of this map is at the user's risk.

# NATURAL RESOURCES AND ENVIRONMENTAL CORRIDORS

- MINERAL POINT TOWNSHIP -  
- IOWA COUNTY, WISCONSIN -

MAP E.8



SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
113 Pioneer Plaza  
University Plaza  
Port Jervis, NY 12871-3133

October 30, 2002

## Legend

Municipal Boundary	Agriculture
Recreation Trails	Barren
Major Highways	Forest
Minor Roads	Open Water
Rivers	Urban Development



1 inch equals 1.25 miles

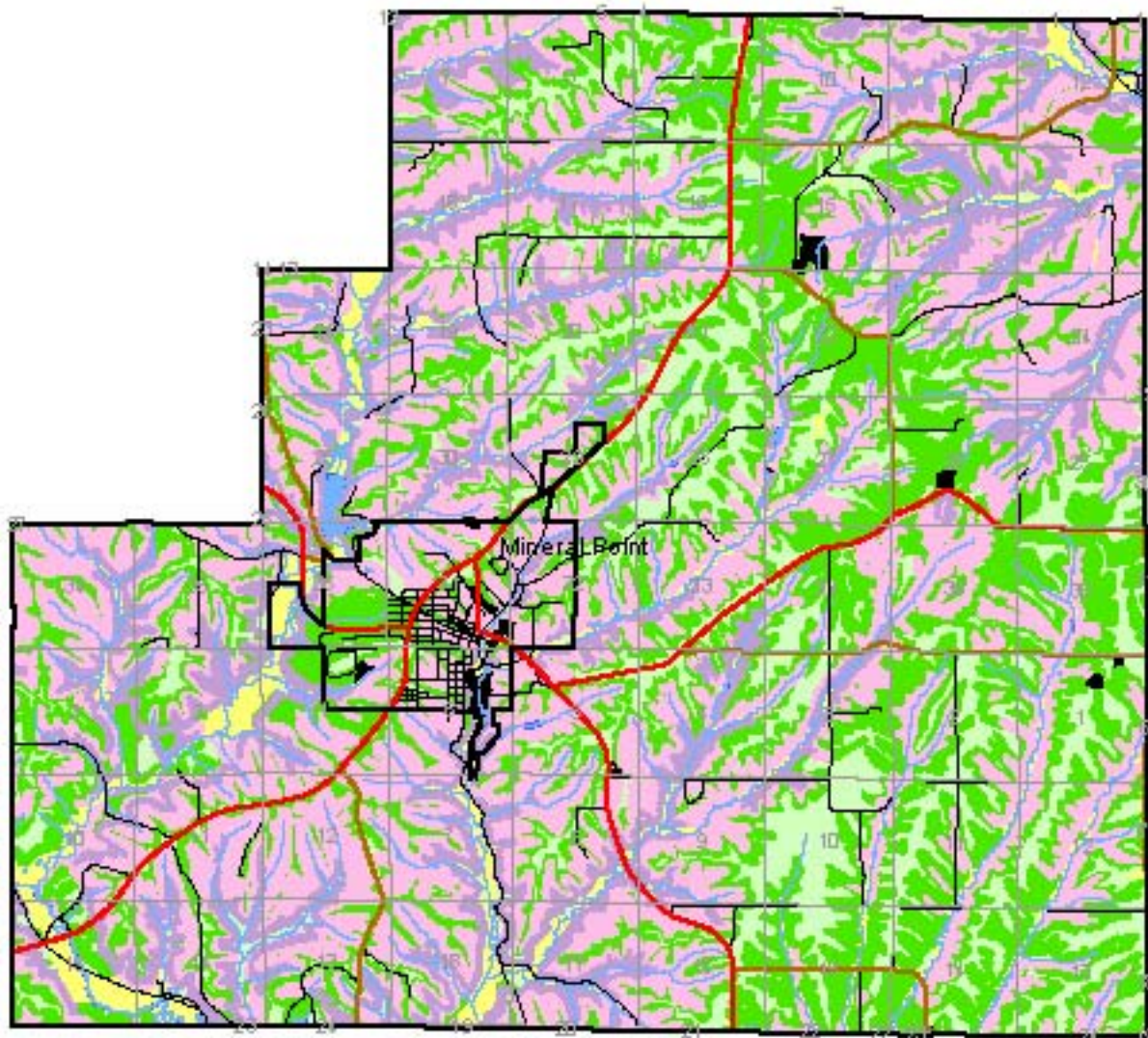
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nor a technical survey and is not intended  
to be one. SWWRPC cannot be responsible for  
any inaccuracies herein contained.



# MINERAL POINT SLOPE LIMITATIONS

- IOWA COUNTY, WISCONSIN -

## MAP E.9



SOUTHEASTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
119 Phoenix Tower  
University Plaza  
Rothsville, WI 53070  
July 17, 2009

### Legend

- Municipal Boundary
- Sections
- US Highways - USH
- State Highways - SH
- County Highways - CH
- Local Roads/Drives
- 0% - 2% Slope
- 2% - 8% Slope
- 8% - 12% Slope
- 12% - 20% Slope
- Greater Than 20% Slope
- Other Features
- Rivers And Lakes

1 inch equals 1.47 miles

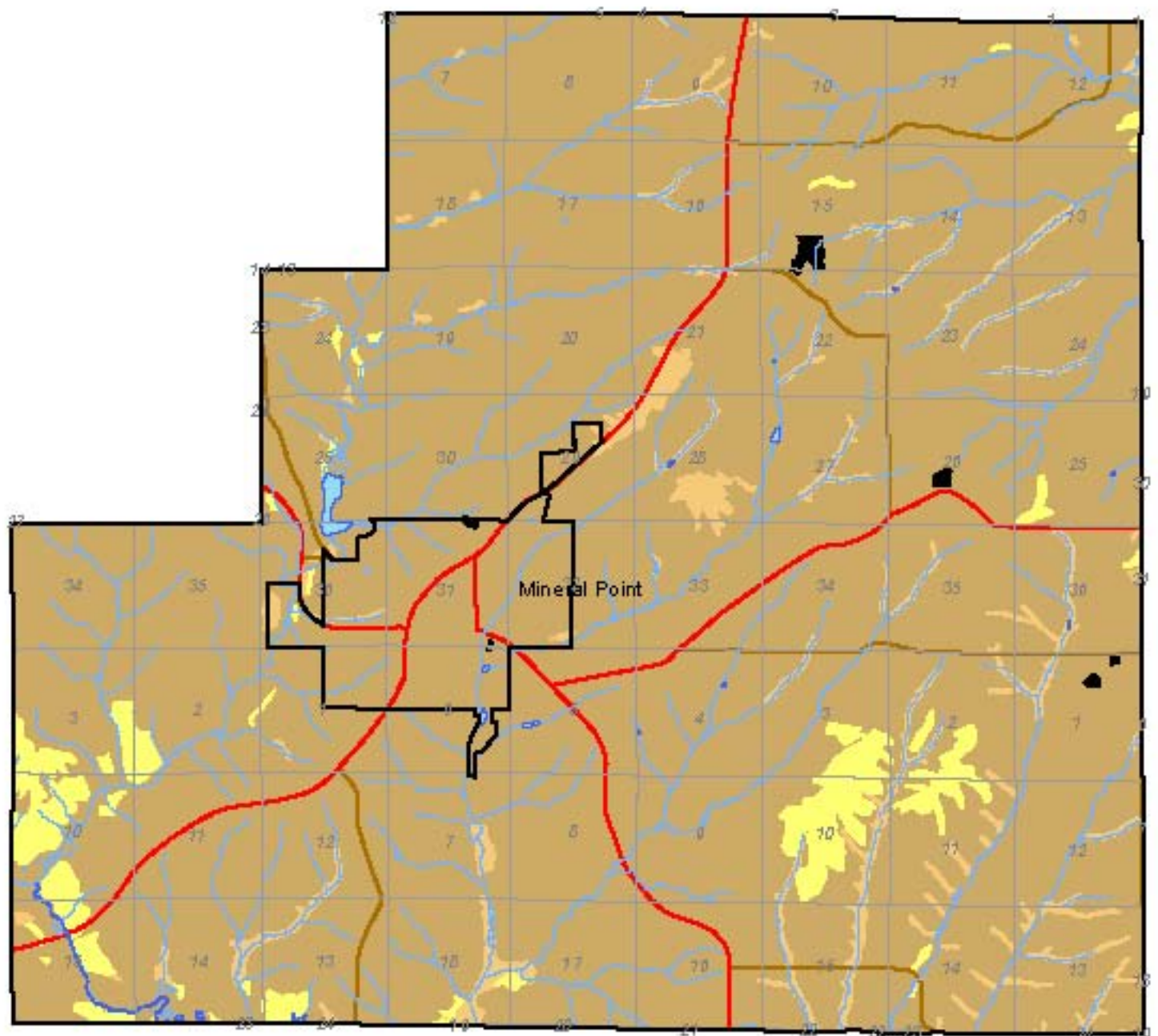


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# MINERAL POINT SEPTIC LIMITATIONS

- IOWA COUNTY, WISCONSIN -

## MAP E.10



SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
115 Pioneer Tower  
University Plaza  
Platteville, WI 53589-1133

August 25, 2009

### Legend

- |                      |                           |
|----------------------|---------------------------|
| Municipal Boundary   | Slight Soil Limitations   |
| Sections             | Moderate Soil Limitations |
| US Highways - USH    | Severe Soil Limitations   |
| State Highways - SH  | Other Features            |
| County Highways - CH | Open Water                |

1 inch equals 1.22 miles



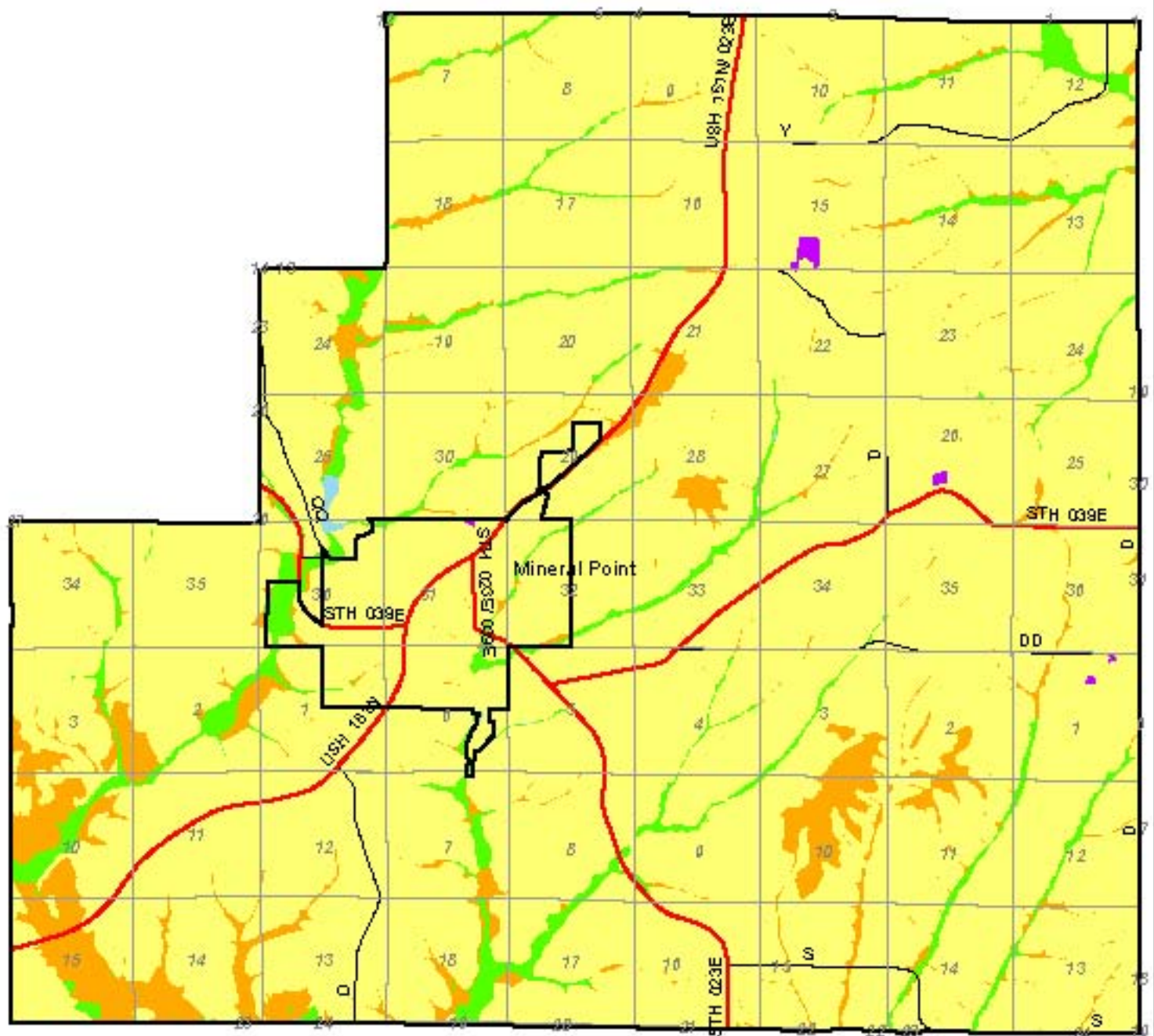
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# TOWN OF MINERAL POINT DEPTH TO BEDROCK

- IOWA COUNTY, WISCONSIN -

## MAP E.11



SEWRPC  
SOUTHEASTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
115 Pioneer Tower  
1 University Plaza  
Palmville, WI 53013

August 4, 2009

### Legend

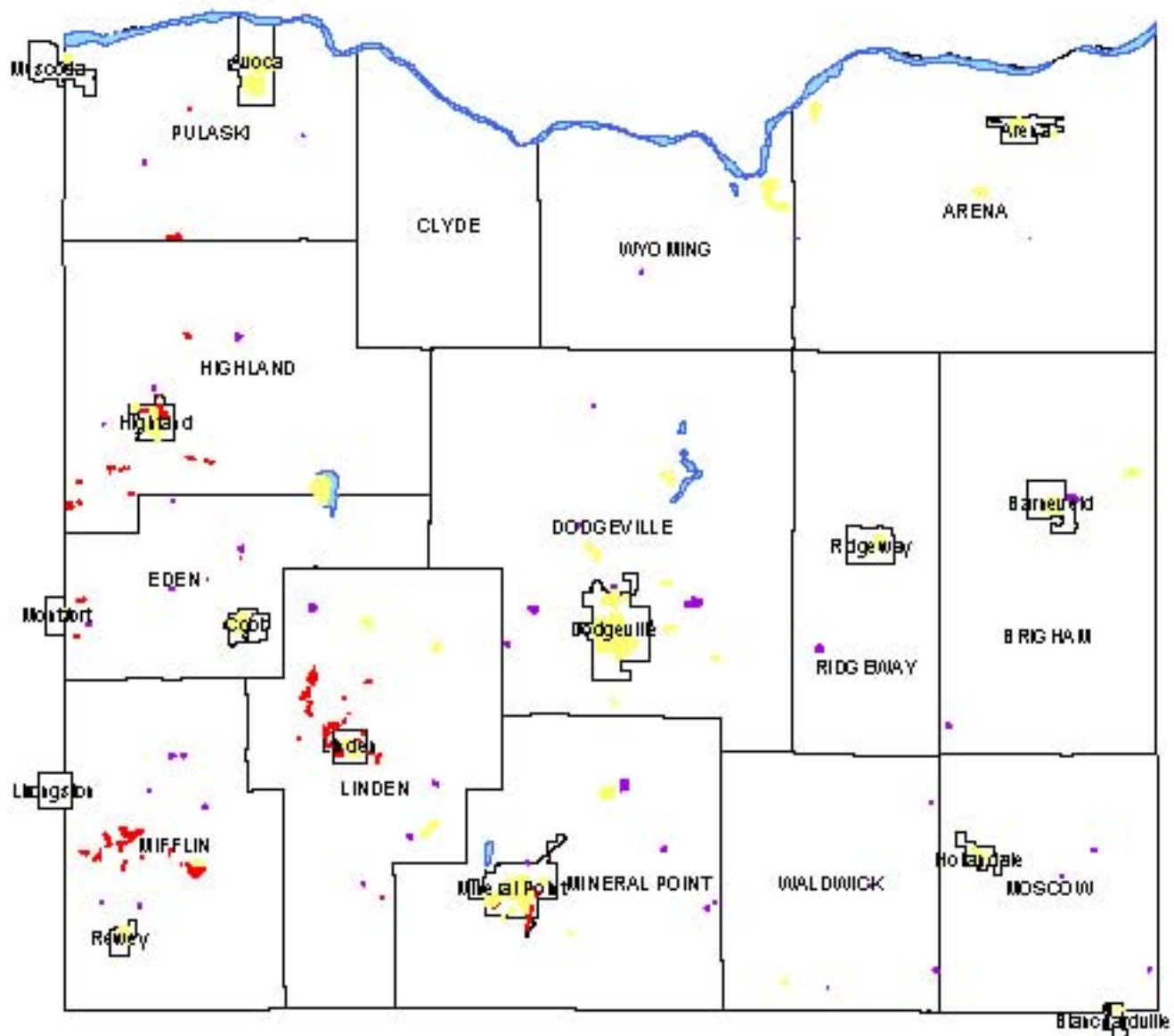
- Municipal Boundary
- Sections
- Major Highways
- County Highways
- Less Than 4 Feet to Bedrock
- From 4 to 20 Feet to Bedrock
- More Than 20 Feet to Bedrock
- Quakes
- Other Features
- Open Water

1 inch equals 1.20 miles



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- IOWA COUNTY, WISCONSIN -

**MAP E.12**

### Legend

-  Municipal Boundary  
 Developed/Urban  
 Mines  
 Quarries  
 Open Water

<sup>1</sup> Each sample is 4.55 ml in 3.

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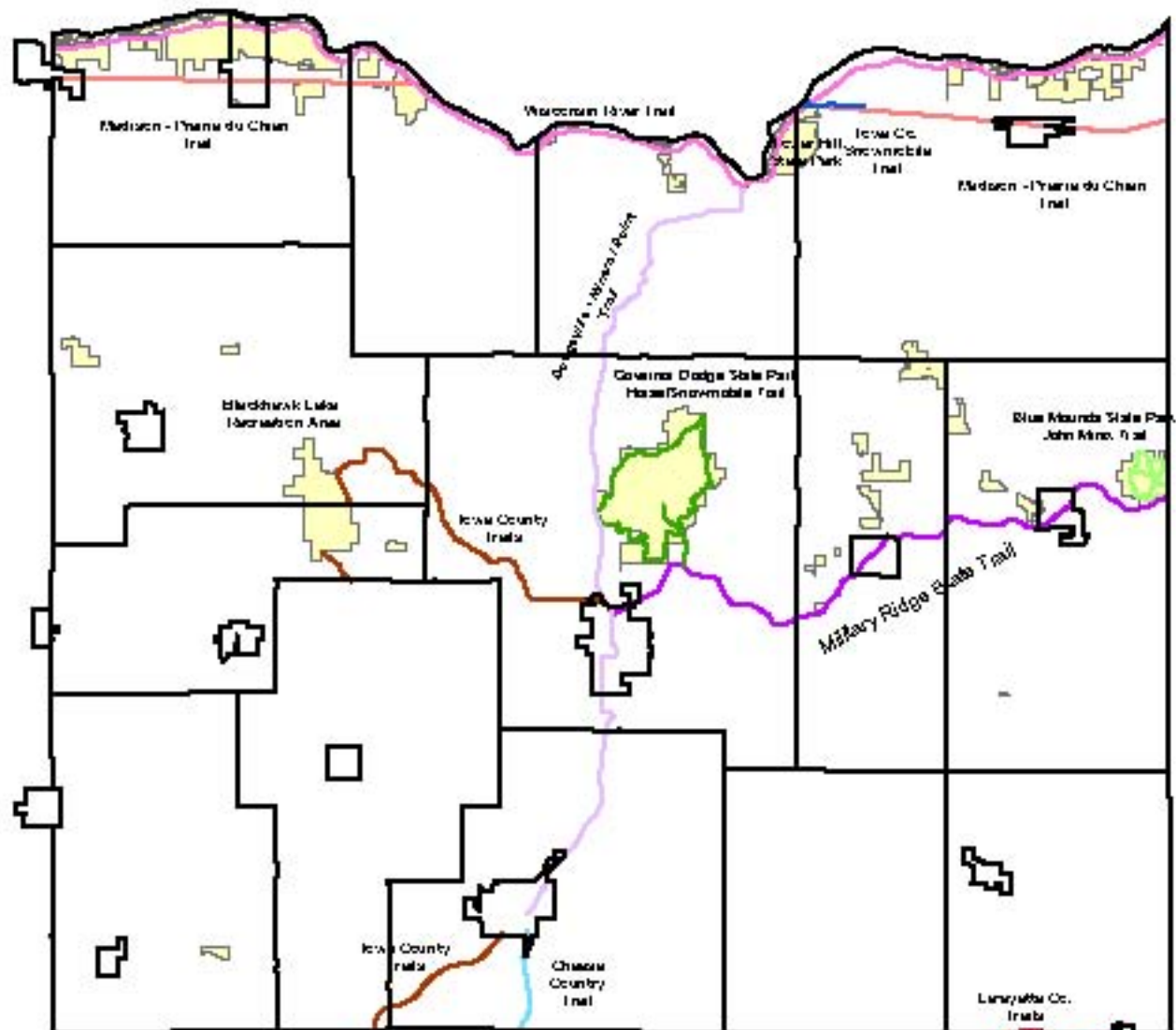


SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
112 Pioneer Tower  
1 University Plaza  
Pellville, WI 52213

Description: 18, 2012

# IOWA COUNTY RECREATIONAL TRAILS AND PARKS

## MAP E.13



### Legend

- Blue Mounds State Park - John Minix Trail
- Cheese Country Trail - Railroad Corridor
- Gov Dodge State Park - Horse-Snowmobile Trail
- Iowa County Snowmobile Trails
- Military Ridge State Trail - Railroad Corridor
- Dodgeville-Mineral Point Trail - Road Corridor
- Iowa County Trails - Road Routes - Planned
- Lafayette County Trails - Road Routes - Planned
- Madison-Prairie du Chien Trail - Road Corridor - Planned
- Wisconsin River Trail - River Corridor - Planned
- Iowa County Parks

1 inch equals 4.75 miles



SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
112 Phoenix Tower  
1 University Plaza  
Pellville, WI 52623

February 28, 2004

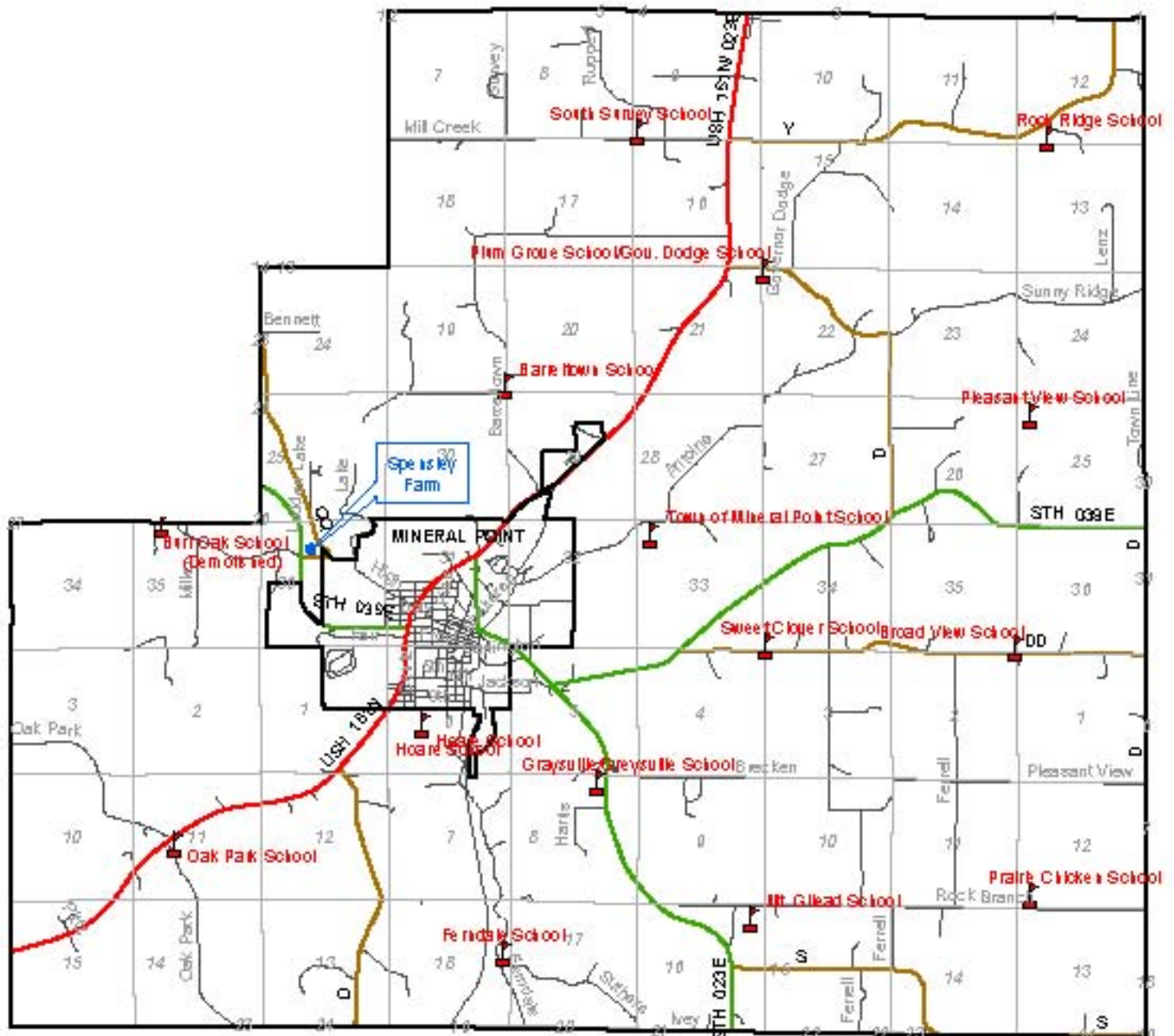
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# RURAL SCHOOLS AND HISTORIC PLACES

- TOWN OF MINERAL POINT -  
- IOWA COUNTY, WISCONSIN -

MAP E.14



SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
119 Pioneer Tower  
University Plaza  
Rothsville, WI 53010

December 22, 2004

## Legend

- Municipal Boundary
- Sections
- US Highways - USH
- State Highways - STH
- County Highways - CTH
- Local Road Drive
- Historical School

1 inch equals 1.22 miles



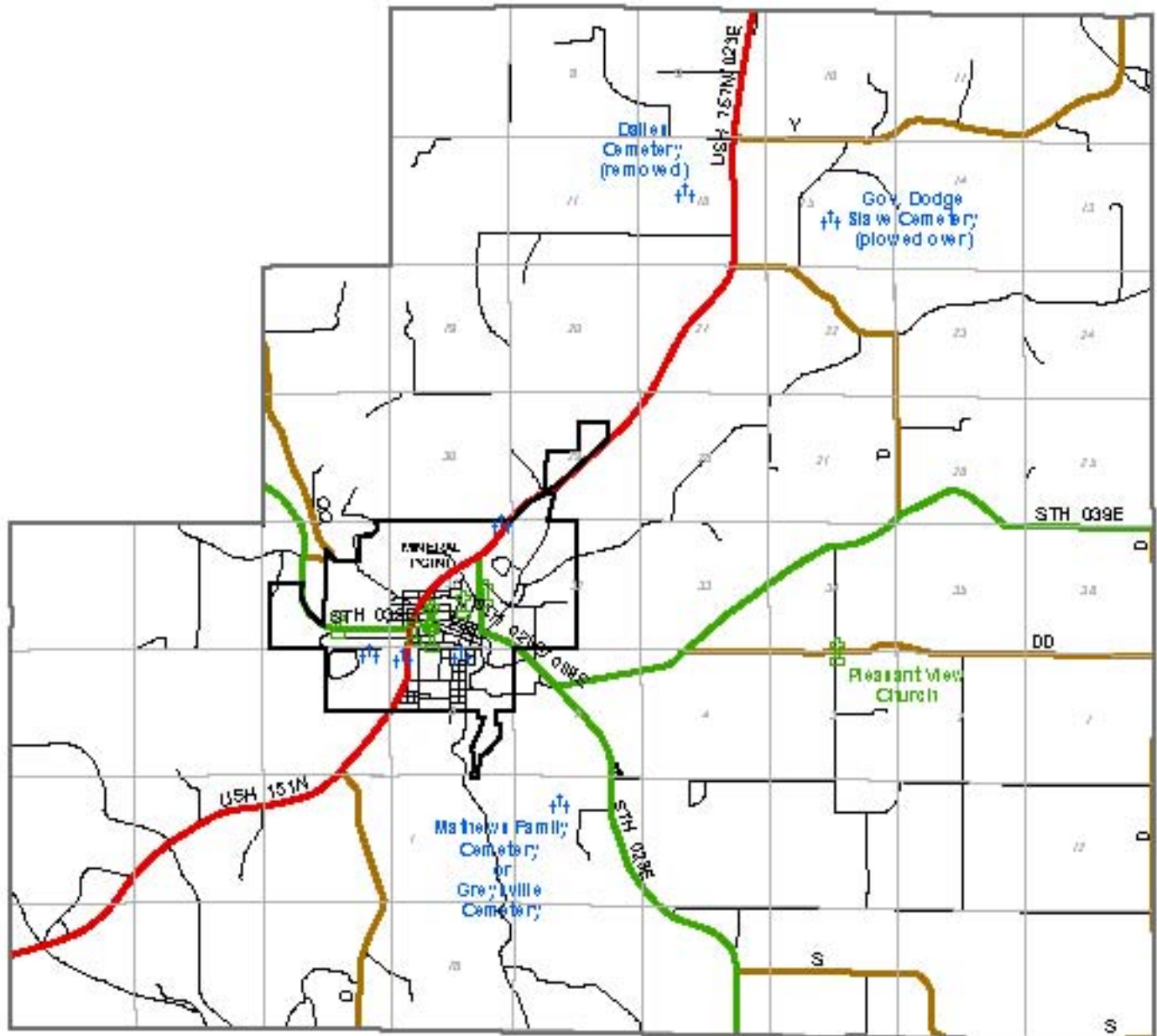
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# CEMETERY AND CHURCH LOCATIONS

- TOWN OF MINERAL POINT -  
- IOWA COUNTY, WISCONSIN -

MAP E.15



SOUTHWESTERN WISCONSIN  
REGIONAL PLANNING COMMISSION  
119 Pioneer Tower  
University Plaza  
Racineville, WI 53003

June 12, 2004

## Legend

- Municipal Boundary
- Sections
- US Highways - USH
- State Highways - STH
- County Highways - CTH
- Local Road/Dikes
- †† Historical Cemetery
- †† Historical Church

1 inch equals 1.25 miles












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# LAND USE MAP H.1

## TOWN OF MINERAL POINT

- IOWA COUNTY, WISCONSIN -

### LEGEND

	Residential Area		Agriculture / Open Space
	Commercial Area		Historic Resource Area
	Industrial Area		Scenic Resource Area
	Public Facilities		Trailer Park
	Conservancy / Recreation		

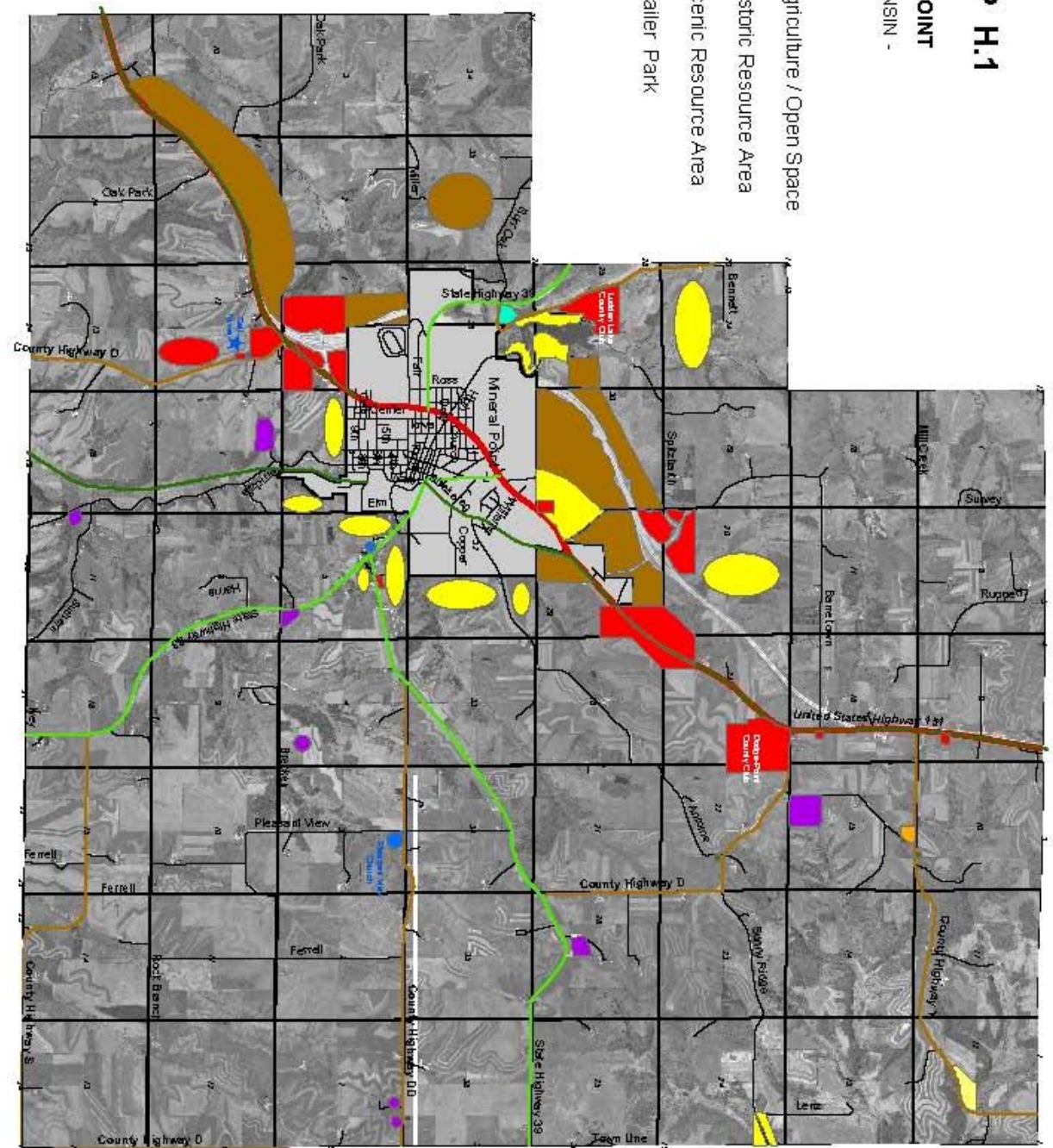
1 inch equals 0.25 miles



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TOWN OF MINERAL POINT, WISCONSIN  
PLANNING DEPARTMENT  
111 Main Street  
Mineral Point, WI 53401  
November 1, 2019



# ISSUES AND OPPORTUNITIES ELEMENT

Appendix  
A-1

**Appendix A-1****QUALITY OF LIFE**

1. What are the three most important reasons for you and your family to live in Iowa County? (Because of three selections per person the totals will be greater than 100%.)

a. Agriculture	27%
b. Appearance of homes	4%
c. Community services	1%
d. Cost of home	10%
e. Historical significance	7%
f. Low crime rate	32%
g. Natural beauty	44%
h. Near family and friends	46%
i. Near job or employment opportunities	25%
j. Property taxes	4%
k. Quality neighborhoods	8%
l. Quality schools	10%
m. Recreational opportunities	10%
n. Small town atmosphere	51%

**COMMUNITY FACILITIES AND SERVICES**

3. Please rate each of the following services excellent (E), good (G), fair (F), or poor (P). Choose "not applicable" (NA) if the item does not pertain to you or you are not sure about an item. "NR" means No Response

	<b>E</b>	<b>G</b>	<b>F</b>	<b>P</b>	<b>NA</b>	<b>NR</b>
a. Ambulance service	64%	29%	3%	0%	4%	1%
b. Fire protection	65%	28%	1%	1%	4%	1%
c. Garbage collection	36%	44%	10%	2%	5%	2%
d. Municipal water supply	14%	28%	7%	1%	41%	8%
e. Park and recreation facilities	34%	48%	7%	2%	7%	1%
f. Police protection	25%	56%	12%	4%	1%	2%
g. Public library	36%	42%	13%	4%	3%	2%
h. Public schools system	24%	50%	15%	1%	7%	1%
i. Recycling program	10%	61%	16%	4%	7%	4%
j. Sanitary sewer service	8%	30%	7%	1%	46%	7%
k. Snow removal	19%	53%	16%	4%	7%	1%
l. Storm water management	7%	29%	16%	4%	36%	8%
m. Street and road maintenance	10%	48%	29%	10%	4%	0%



**Appendix A-1****NATURAL AND CULTURAL RESOURCES**

4. The following questions ask your opinion about the importance of natural and cultural resources in your community. How important is it to protect the following?

(Your responses are Essential (E), Very Important (VI), Important (I), Not Important (NI), Not Applicable (NA) and No Response (NR).)

	<b>E</b>	<b>VI</b>	<b>I</b>	<b>NI</b>	<b>NA</b>	<b>NR</b>
a. Air quality	51%	29%	12%	1%	1%	5%
b. Farmland	43%	30%	19%	4%	0%	4%
c. Forested lands	38%	33%	20%	3%	1%	5%
d. Groundwater	59%	27%	10%	1%	0%	4%
e. Historic and cultural sites	18%	25%	41%	7%	3%	5%
f. Open space	27%	26%	33%	5%	1%	7%
g. Rivers and streams	47%	33%	13%	2%	0%	4%
h. Rural character	30%	28%	30%	4%	1%	7%
i. Scenic views and undeveloped hills/bluffs	33%	25%	27%	9%	1%	5%
j. Wetlands	32%	19%	31%	10%	2%	6%
k. Wildlife habitat	34%	24%	29%	7%	1%	4%

**HOUSING**

Housing is an important part of how a community grows. We would like your opinion about the development of housing in your community.

Your choices are: Strongly Agree (SA), Agree (A), Disagree (D), Strongly Disagree (SD), No Opinion (NO), and No Response (NR).

5. Your local jurisdiction should focus on improving existing housing quality.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
13%	36%	19%	5%	13%	13%

6. The following types of housing are needed:

a. Single family housing

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
15%	30%	17%	6%	24%	9%

b. Duplexes (2 units)

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
4%	29%	21%	7%	27%	13%

c. Apartments (3 or more)

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
2%	25%	23%	10%	27%	12%

7. Affordable housing is needed in your local jurisdiction.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
17%	39%	16%	6%	16%	7%

**Appendix A-1**

8. Elderly housing is needed in your local jurisdiction.

SA	A	D	SD	NO	NR
11%	44%	13%	5%	21%	5%

9. Starter (first time buyer) homes are needed in your local jurisdiction.

SA	A	D	SD	NO	NR
15%	36%	19%	7%	19%	6%

10. Would you prefer housing built in a traditional design (option A) or a cluster design (option B)?

Option A (traditional design)	21%
Option B (cluster design)	59%
No response	20%

**AGRICULTURE AND LAND USE**

The following questions are asking for your opinion about agriculture and land use in Iowa County.

Your choices are: Strongly Agree (SA), Agree (A), Disagree (D), Strongly Disagree (SD), No Opinion (NO), and No Response (NR).

11. Productive agricultural land should be allowed to be used for:

a. Agricultural use

SA	A	D	SD	NO	NR
67%	24%	1%	0%	2%	6%

b. Residential use

SA	A	D	SD	NO	NR
7%	36%	21%	19%	4%	12%

c. Commercial use

SA	A	D	SD	NO	NR
2%	21%	33%	24%	5%	13%

d. Any use

SA	A	D	SD	NO	NR
6%	5%	23%	41%	10%	15%

---

**Appendix A-1**


---

12. Large scale farms (500 or more animal units) should be allowed to expand:

a. Anywhere in Iowa County

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
7%	17%	25%	33%	3%	14%

b. Nowhere in Iowa County

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
21%	10%	31%	13%	7%	19%

c. Outside a 2 mile radius of incorporated areas

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
16%	30%	11%	18%	6%	19%

13. Landowners should be allowed to develop land any way they want.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
14%	20%	36%	22%	3%	4%

14. The visual impacts (view of the landscape) of development are an important consideration when evaluating proposed development.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
30%	47%	7%	4%	4%	8%

15. It is important to require driveways that will meet standards for providing emergency services.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
29%	48%	10%	4%	4%	5%

16. There should be a minimum lot size on residential development in rural areas.

<b>SA</b>	<b>A</b>	<b>D</b>	<b>SD</b>	<b>NO</b>	<b>NR</b>
28%	36%	13%	12%	5%	5%

17. In your opinion what should be the minimum lot size for rural residential development?

Less than 1 acre	12%
One to 5 acres	45%
5 to 10 acres	10%
11 to 40 acres	7%
40 or more acres	13%
No limitation	4%
No response	8%

**Appendix A-1****TRANSPORTATION**

Your choices are: Strongly Agree (SA), Agree (A), Disagree (D), Strongly Disagree (SD), No Opinion (NO), and No Response (NR).

18. The overall road network (roads, streets, and highways) in Iowa County meets the needs of its citizens.

SA	A	D	SD	NO	NR
17%	72%	4%	2%	0%	5%

19. The condition of local roads and streets in your community is adequate for intended uses.

SA	A	D	SD	NO	NR
15%	58%	16%	4%	1%	7%

20. Biking and walking are important modes of transportation in your community.

SA	A	D	SD	NO	NR
7%	30%	35%	12%	9%	7%

21. There should be more biking and walking lanes along public roadways.

SA	A	D	SD	NO	NR
10%	20%	34%	21%	9%	6%

22. Rate the following in your local jurisdiction.

Your choices are Excellent (E), Good (G), Fair (F), Poor (P), Not Applicable (NA), and No Response (NR).

	E	G	F	P	NA	NR
a. Roads	13%	64%	13%	5%	0%	5%
b. Sidewalks	3%	32%	20%	4%	33%	7%
c. Bike trails	8%	29%	16%	5%	30%	13%
d. Airports	12%	41%	13%	4%	24%	7%
e. Bus service	1%	2%	7%	17%	61%	13%
f. Shared ride van services	0%	7%	14%	14%	54%	11%
g. Railroads	1%	1%	3%	12%	73%	10%

**COMMUNICATION**

23. Check the two most effective ways your local jurisdiction could provide smart growth information to its landowners and residents. (Because more than one response was asked for the totals will be more than 100%.)

a. Direct mailings	64%
b. Newspaper articles	42%
c. Radio	15%
d. Newsletters	33%
e. Public meetings	30%
f. Internet	30%



**Appendix A-1****ECONOMIC DEVELOPMENT**

The following questions are asking about how you view economic development in your local community.

(Your choices are: Strongly Agree (SA), Agree (A), Disagree (D), Strongly Disagree (SD), No Opinion (NO), and No Response (NR).)

24. Commercial or industrial buildings and activities involving truck traffic and manufacturing should be located:

a. In an existing city or village

SA	A	D	SD	NO	NR
23%	34%	15%	4%	2%	21%

b. Near a city or village

SA	A	D	SD	NO	NR
17%	49%	8%	4%	2%	20%

c. Anywhere in Iowa County

SA	A	D	SD	NO	NR
10%	10%	27%	34%	1%	17%

25. Iowa County should work to coordinate efforts to actively recruit new businesses and industry.

SA	A	D	SD	NO	NR
47%	33%	7%	1%	1%	10%

26. All Iowa County communities should provide at least some land with infrastructure (water, sewer, access, etc.) for industrial and commercial uses either owned publicly or privately.

SA	A	D	SD	NO	NR
24%	39%	13%	11%	6%	8%

27. Development at the edge of cities and villages should be required to have municipal water and sewer services.

SA	A	D	SD	NO	NR
23%	39%	18%	3%	7%	10%

28. Iowa County jurisdictions should pursue the following energy alternatives as a form of economic development.

	SA	A	D	SD	NO	NR
a. Ethanol plants	19%	22%	18%	9%	19%	13%
b. Solar energy	27%	38%	10%	2%	11%	13%
c. Wind energy	39%	41%	4%	2%	6%	9%

**Appendix A-1**

29. Rate the importance of the following.

Your choices are Essential (E), Very Important (VI), Important (I), Not Important (NI), No Opinion (NO), and No Response (NR).

	<b>E</b>	<b>VI</b>	<b>I</b>	<b>NI</b>	<b>NO</b>	<b>NR</b>
a. Agricultural related businesses	48%	25%	17%	4%	0%	6%
b. Commercial and retail development	21%	37%	33%	4%	0%	5%
c. Downtown development – main street	25%	30%	35%	3%	1%	7%
d. Home based businesses	7%	24%	36%	19%	4%	10%
e. Industrial and manufacturing development	22%	26%	39%	7%	1%	6%
f. Tourism and recreation	25%	27%	35%	5%	1%	6%

**DEMOGRAPHICS**

Please tell us some things about you:

1. Gender	
Male	52%
Female	36%
No response	12%
2. Age	
18 to 24	1%
25 to 34	5%
35 to 44	21%
45 to 54	27%
55 to 64	23%
65 and older	22%
No response	1%

3. Employment status	
a. Employed full time	41%
b. Employed part time	10%
c. Unemployed	0%
d. Self-employed	24%
e. Retired	18%
f. Other	6%
g. No response	1%

4. Place of residence	
a. Own	93%
b. Rent	1%
c. Other	0%
d. No response	6%

**Appendix A-1**

5. Number of adults (over 18) in household	
a. None	7%
b. One	13%
c. Two	73%
d. Three	6%
e. Four	0%
f. Five or more	0%
g. No response	1%

6. Number of children (under 18) in household	
a. None	54%
b. One	16%
c. Two	11%
d. Three	7%
e. Four	1%
f. Five or more	0%
g. No response	10%

7. Income range	
a. Less than \$15,000	5%
b. \$15,000 to \$24,999	12%
c. \$25,000 to \$49,999	29%
d. \$50,000 to \$74,999	21%
e. \$75,000 to \$99,999	10%
f. \$100,000 or more	14%
g. No response	9%

8. How long have you lived in Iowa County?	
a. Less than 1 year	1%
b. 1 to 4 years	4%
c. 5 to 9 years	7%
d. 10 to 24 years	21%
e. 25 years or more	64%
f. No response	3%

9. How many acres of land do you own in Iowa County?	
a. Less than 1 acre	21%
b. 1 to 10 acres	33%
c. 11 to 100 acres	21%
d. 100 acres or more	22%
e. No response	4%

**END OF SUMMARY**

# ISSUES AND OPPORTUNITIES ELEMENT

Appendix  
A-2



**City of Mineral Point  
Town of Mineral Point  
Town of Waldwick**  
*Community Vision Plan*  
  
*Iowa County*

**A Summary of Public Input  
December 2002**

★ ★ ★ ★ ★ ★ ★ ★ ★

On Tuesday December 3 the City of Mineral Point, Town of Mineral Point and the Town of Waldwick participated in a community-visioning program called: ***“Community Vision: Looking to the Future.”*** This visioning exercise took place at the Alliant Building in Mineral Point. Paul Ohlrogge of the UW-Extension Office, Amy Knox of Regional Planning and Mary Jenkins of Regional Planning facilitated this program.

Community’s today face any number of pressing concerns, including requests for rezoning, demands for affordable housing or the loss of a major employer. Unfortunately, decisions about these issues are frequently made in the absence of a real vision of how the residents want their communities to look in the future.

Planning for a community’s future can be a difficult, time consuming and costly job. Residents are often more concerned about daily tasks rather than think about a vision. Residents want good schools, decent jobs, safe and clean environments and safe neighborhoods in which to live. Without a vision, however, communities limit their ability to make decisions about these issues – somewhat like driving across the country without a roadmap.

Who should determine a community’s future, other than its residents? Should it be a consultant hired to develop a plan, a state or federal agency making decisions on highways or wetlands preservation, or a private developer constructing a shopping mall or a residential subdivision? All these could have a large impact on a community without input from a broad range of residents. Residents need to participate in and actively envision the future of their communities – or other groups and individuals will determine it for them.

The community-visioning program lasted approximately three hours with good healthy discussions on what folks of these three municipalities envisioned their future to be. The program was broken down into three sections. The first section concentrating on: “Our Current Condition”. The second portion focused on: “Challenges and Opportunities.” The third portion focused on: “The Future.”

What follows is a summary of information gathered during the visioning session on a series of questions posed to the group of citizens in attendance. This information, along with other information gathered from a recent written countywide survey, will be used to assist the Regional Planning Commission in drafting a comprehensive plan for the participating jurisdictions. This visioning session will help guide the future of the participating towns and villages Plan Commissions in their efforts to work towards comprehensive planning.

## **Section 1: Our Current Condition**

The following four questions were asked to the group regarding our current condition:

1. What do you like about living in this area of Iowa County?
2. What are some of the community values?
3. What is unique about your community that is not found anywhere else?

### **What do you like about living in this area of Iowa County?**

- The diversity
- Natural open spaces
- Rural character
- Rolling hills
- Scenic views
- The nice pastures
- Interesting architecture
- Ease of transportation
- No crime
- Sincere people
- Good people
- Good education and health care
- Good parks
- Friendly people
- Good snow removal in the winter
- Family owned dairy farms
- Owner operated businesses
- Quiet
- Like to watch the crops grow
- Outdoor recreation
- Low light pollution
- Prairie and savannah, driftless area
- Mix of people
- Springs and streams
- A lot of wild animals
- Artist community
- Libraries are valued
- Taxes could be worse
- Good roads
- Close to populated areas
- Good parks and recreation

**What are some of the community values?**

- ◆ Watching out for each other
- ◆ Education
- ◆ Hardworking
- ◆ Honesty
- ◆ Trust
- ◆ Freedom
- ◆ Being able to make own decisions
- ◆ Local history
- ◆ Affordable home ownership
- ◆ Open spaces
- ◆ Volunteerism
- ◆ Family farms and agriculture in general
- ◆ Family farm business
- ◆ Clean air and clean water
- ◆ Churches
- ◆ Good neighbors
- ◆ Young people

**What is unique about your community that is not found anywhere else?**

- Native American history
- Highway 39 to Hollandale – beautiful curves
- Orchard Lawn and the Old Opera House
- Hilly Fairgrounds
- Cornish Festival
- Geology of the area
- Lands End
- More five-point intersections than anywhere else
- Cold-water trout streams
- Twinned (Mineral Point) with another city (Redruth in Cornwall)
- More Pasties to eat than anywhere
- New road around Mineral Point
- Historic Buildings and Architecture
- Diverse art community
- Oak savannas exist here
- Not a lot of national chains (Walmarts, K-Marts etc)
- Residential downtown
- Shake Rag – Pendarvis
- Mineral Point was a key settlement in the state of Wisconsin history
- Lead mining history
- Authentic history – no need to create a theme



## **Section 2. Challenges and Opportunities:**

The second portion of the Visioning Program focused on the Challenges and Opportunities facing the Towns of Mineral Point and Waldwick as well as the City of Mineral Point. The following questions were used to facilitate discussion on the upcoming challenges:

1. What are some of the challenges and concerns facing your community?
2. What type of development or redevelopment should occur in this area?
3. What type of development should not occur?

### **What are some of the challenges or concerns facing your community?**

- Keeping it the way it is
- Groundwater quality
- Threat of a mega chain store to move in
- With big chain store we would lose local dollars moving through the community
- Loss of identity
- Budget cuts in local governments
- Property taxes
- Losing industry
- Infrastructure deterioration
- Attract new tax base into the community
- Affordable housing
- Affordable health care and Education
- More and better paying jobs
- Growth down the 151 corridor (no plan for it)
- Lack of vision by the elected officials
- Losing farms and farmers
- Protecting the open spaces
- Fearful of large factory farms
- Fearful of factors that we have no control over i.e. milk prices, tax assessment
- Community schools in the future
- Find tools so farmers can have an out when retiring
- How to cross the barrier as agricultural land lost and population increases
- Water pressure for firefighters in the city
- Infrastructure keeps pace with the growing population
- Growth of the internet shopping
- Providing opportunities for young people
- Land use
- Keep all the churches operating
- Planned housing
- CWD, West Nile, Lymes Disease
- Development that does not cost more than the community can support
- Green space and protected areas
- Park facilities
- Absentee landowners
- Lack of high speed internet access
- Lack of cellular coverage
- Absentee landowners

<p><b><u>What type of development or redevelopment should occur in this area?</u></b></p>	<p><b><u>What type of development should not occur?</u></b></p>
<ul style="list-style-type: none"> <li>• Mixed use in downtown Mineral Point</li> <li>• Business incubator should be explored</li> <li>• Cluster type rural housing</li> <li>• Conservation sub-divisions</li> <li>• Historic district enlarged</li> <li>• Agriculture and small ag operations</li> <li>• Local farmers markets</li> <li>• Commercial development that puts relief on property tax payers and will bring in better paying jobs</li> <li>• Development at increasing tourism</li> <li>• Recreation – hunting, fishing and hiking (keep this preserved, enhanced and accessible without trouble of trespassing)</li> <li>• Build where you want</li> <li>• Explore what other types of development exists if family farms are not economically feasible</li> </ul>	<ul style="list-style-type: none"> <li>• 40 acre rule for building a house</li> <li>• Houses should be on large parcels over 40 acres</li> <li>• Commercial business that costs their communities in terms of infrastructure dollars</li> <li>• Factory farms</li> <li>• Factories in general</li> <li>• Large chain stores</li> <li>• Absentee owners of chain restaurants</li> <li>• Small lot subdivisions in rural areas</li> <li>• Development that threatens water quality</li> <li>• Commercial use of our natural resources (no Perrier)</li> <li>• City of Mineral Point should not lose its uniqueness</li> <li>• Number of access points</li> </ul>

### Section 3. The Future

The final segment of the visioning process was to look ahead at a preferred vision of the future. Visioning is *a process* by which a community envisions the future it wants, and plans how to achieve it. Through public involvement, communities identify their purpose, core values and vision of the future. The following questions were asked to encourage discussion on the community's vision for the future.

1. What words do you want your grandchildren to use to describe your community?
2. What do you want to preserve?
3. What do you want your community to look like in 2022?

#### **What words do you want your grandchildren to use to describe your community?**

- ◆ Clean
- ◆ Safe
- ◆ Gorgeous
- ◆ Quiet
- ◆ Friendly
- ◆ Neighborly
- ◆ Welcoming
- ◆ Abundance of food
- ◆ Farms and farm land
- ◆ Livestock here
- ◆ Timberland
- ◆ Opportunities
- ◆ Optimistic about this place

**What do you want to preserve?**

- Preserve the view-scape of highway 151 – (the first impression)
- Mineral Points uniqueness
- Preserve the hills and valleys of Waldwick
- Preserve habitat for ground nesting birds
- Pastures
- Savanna's
- Safe environment
- Cultural amenities
- Preserve farms (somehow preserve the farms)
- Small businesses
- Timber and forested lands
- Preserve the hills
- Preserve historic outhouses (seriously)
- Preserve the Mineral Point swimming pool on the hill
- Look at our first list why we like it here

**What do you want your community to look like in 2022?**

- Unchanged and how it is now
- Good mix of green space and development
- People will have an understanding of the past
- Mechanisms in place for folks to work out differences
- Clean air and water
- Unified downtown streetscape plan
- Healthy mature trees in Mineral Point
- Iveys Pharmacy still here and in business
- Lands End still here
- Every building in the downtown area has a viable business in it
- Efficient public transportation



# ISSUES AND OPPORTUNITIES ELEMENT

Appendix  
A-3

## **BACKGROUND**

In November of 2001, the Southwestern Wisconsin Regional Planning Commission (SWWRPC) prepared and submitted a Comprehensive Planning Grant Application on behalf of Iowa County and 22 local jurisdictions. In April of 2002, the Comprehensive Planning Grant from the Office of Land Information Services (OLIS) was awarded. The following jurisdictions were included in the grant application:

TOWNS	VILLAGES	CITIES	COUNTY
Arena	Arena	Dodgeville	Iowa
Clyde	Avoca	Mineral Point	
Dodgeville	Blanchardville		
Eden	Highland		
Highland	Hollandale		
Linden	Linden		
Mifflin	Ridgeway		
Mineral Point			
Moscow			
Pulaski			
Ridgeway			
Waldwick			
Wyoming			

As part of the comprehensive planning program, each jurisdiction is required to formally adopt a public participation plan. Each jurisdiction identified above as well as the County, will be adopting their own public participation plan. The public participation plans will share commonalities, but allows each jurisdiction to utilize specific public participation tools that may be best for their particular jurisdiction.

## **INTENT/PURPOSE**

Pursuant to Sec. 66.1001(4)(a), Wisconsin Statutes

*“The governing body of local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every state of the preparation of a comprehensive plan. The written procedures shall be provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments.*

## **ROLES & RESPONSIBILITIES**

Public participation efforts will be a combined effort between the local jurisdictions, SWWRPC, and UW-Extension. SWWRPC will be focusing on public participation efforts that serve the entire county as well as the cluster groups that have been established as part of the Iowa County Comprehensive Planning Process. For example, SWWRPC will be coordinating and distributing the county-wide survey, press releases and meeting notices for the cluster groups, holding county wide open houses, cluster group visioning sessions, etc. Local jurisdictions will be responsible for coordinating specific efforts on their individual local level. For example, each local jurisdiction is responsible for generating and posting local plan commission notices, posting cluster meeting notices, posting and conducting of at least one public hearing, etc.

**OPPORTUNITIES FOR INVOLVEMENT**

The table below outlines a number of ways the public can be involved in the Town of Mineral Point's comprehensive planning process\*.

	<b>PUBLIC AWARENESS</b>	<b>PUBLIC EDUCATION (Increasing Level of Involvement)</b>	<b>PUBLIC INPUT Level of Involvement)</b>	<b>PUBLIC INTERACTION</b>	<b>PUBLIC PARTNERSHIP</b>
<b>PURPOSE</b>	To increase the overall awareness of the comprehensive planning process.	To provide the public with information to assist in understanding the problems, alternatives, and solutions.	To obtain feedback on issues, alternatives, and/or decisions.	To work directly with the public to ensure that concerns are consistently understood and considered.	To place decision making in the hands of the public.
<b>METHODS OF INVOLVEMENT</b>	<ol style="list-style-type: none"> <li><b>1. News Releases</b></li> <li><b>2. Direct Mailings</b> Announcement and update letters included with township bills.</li> <li><b>3. Newspaper Articles</b></li> <li><b>4. Meeting Notices</b> Posting of meeting notices.</li> </ol>	<ol style="list-style-type: none"> <li><b>1. Displays / Exhibits</b> As appropriate</li> <li><b>2. Public Education &amp; Information Meetings</b> Meetings open to the public to improve communication and the overall understanding of the issue.</li> </ol>	<ol style="list-style-type: none"> <li><b>1. Opinion Surveys</b> To gather data.</li> <li><b>2. Public Hearing</b> Provide opportunity for citizens to speak and react to a proposal in a public setting before elected officials.  (Note: A public hearing is the minimal requirement for public participation under the Wisconsin "Smart Growth" Law.)</li> <li><b>3. Visioning</b> Visioning sessions by which citizens can develop a shared image of what they want the township to become.</li> </ol>	<ol style="list-style-type: none"> <li><b>1. Open House</b> Allow citizens to interact with planners and elected officials to obtain feedback.</li> <li><b>2. Focus Groups</b> Focus groups as appropriate to gather information regarding diversified interests as they relate to a particular subject.</li> </ol>	<ol style="list-style-type: none"> <li><b>1. Plan Commission</b> The local plan commission is the official planning body established under State statute and is responsible for comprehensive planning activities as well as advising the Council or Board on land development issues including zoning, subdivision approvals and various tax and business improvement districts.</li> </ol>

\*Note: The Town of Mineral Point reserves the right to modify the steps above and to utilize additional steps, means, and/or methods in order to gain additional public participation or understanding throughout the comprehensive planning process.

# TRANSPORTATION ELEMENT

Appendix  
C-1

## TRANSPORTATION AND THE ENVIRONMENT

### Resource Summary

### June 2004

#### **Archeological Work**

See Smart Growth Cultural Resource Planning Handbook. For copy go to <http://www.wisconsinhistory.org/histbuild/smartgrowth/smart%5Fmanual.html>

#### **De-icing Procedures and Salt Reduction**

See Smart Growth Transportation Planning Handbook. For copy go to <http://www.dot.wisconsin.gov/localgov/docs/planningguide.pdf>

#### **Erosion Control**

See Smart Growth Cultural Resource Planning Handbook. For copy go to <http://www.wisconsinhistory.org/histbuild/smartgrowth/smart%5Fmanual.html>

#### **Noise Monitoring**

##### What Can Be Done to Reduce Highway Noise?

Highway noise is being attacked with a three-part strategy: motor vehicle control, land use control, and highway planning and design. The responsibilities for implementing these strategies must be shared by all levels of government: Federal, State, and local. Often, local officials can most effectively solve specific noise problems in their areas, as demonstrated in the U.S. Environmental Protection Agency's (EPA) Quiet Community and Each Community Helps Others (ECHO) programs. The following two sections briefly describe how traffic noise impacts can be reduced or prevented through efforts to obtain quieter vehicles and efforts to control future development near highways. The remainder of this pamphlet focuses mainly on noise abatement in the Federal-aid highway program.

##### Noise Reduction on Existing Roads

Some noise reduction measures that are possible on existing roads or on roads that are being rebuilt include creating buffer zones, constructing barriers, planting vegetation, installing noise insulation in buildings, and managing traffic. Buffer zones are undeveloped open spaces that border a highway. Buffer zones are created when a highway agency purchases land, or development rights, in addition to the normal right of way, so that future dwellings cannot be constructed close to the highway. This precludes the possibility of constructing dwellings that would otherwise experience an excessive noise level from nearby highway traffic. An additional benefit of buffer zones is that they often improve the roadside appearance. However, because of the tremendous amount of land that must be purchased and because in many cases dwellings already border existing roads, creating buffer zones is often not possible.

(Source: <http://www.fhwa.dot.gov/environment/htnoise.htm>)

**Noise Wall:** It is a specially designed structure built to reduce noise levels created by nearby highway traffic. It is built only after noise impact studies are conducted and certain conditions are met.

(Source: <http://www.virginiadot.org/infoservice/faq-noise-walls.asp>)

**Prairie Restoration** - Prairie restoration is the process of recreating a prairie where one once existed but now is gone. If we take the word *restore* literally, we would try to completely rebuild the prairie plant and animal community with all the species that a particular site used to have. This definition of prairie restoration can include planting a new prairie where the former prairie had been broken and farmed, or it can include improving a degraded prairie, that is, one that was never plowed but lost many plant species due to prior land management practices.

(Source: <http://www.prairieplains.org/prairierestoration2.html>)

#### **Stormwater Management**

See Section E, Agricultural, Natural, and Cultural Resource Element of this plan for information on your jurisdiction's stormwater management strategies.

**Wetland Creation** – designing and building a wetland.

**Wetland Mitigation** – the creation or enhancement of a wetland in exchange for the loss of another wetland due to development.



**Wetland Enhancement** – Most wetland enhancement work includes small structures built to add water or regulate water levels in an existing wetland. Subsurface and surface drains and tiles are plugged. Concrete and earthen structures—usually dikes or embankments—are built to trap water. These practices maintain a predetermined water level in an existing wetland. Adjustable outlets allow the landowner to fluctuate the water level during different seasons. Enhancement also includes planting native wetland vegetation if plant populations need to be supplemented.

(Source: <http://www.ctic.purdue.edu/Core4/Core4Main.html>)

### **Wetland Mitigation and Transportation**

Wetland mitigation is the replacement of wetland functions through the creation or restoration of wetlands. Mitigation is required as a condition of many permits issued under state law (Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended) and federal law (Part 404 of the Clean Water Act). The goal of wetland mitigation is to replace wetland functions that provide public benefits, such as flood storage, water quality protection, fish and wildlife habitat, and groundwater recharge.

(Source: [http://www.michigan.gov/deq/0,1607,7-135-3313\\_3687-10426--00.html](http://www.michigan.gov/deq/0,1607,7-135-3313_3687-10426--00.html))

See also (<http://www.dnr.state.wi.us/org/water/fhp/wetlands/mitigation/index.shtml>) for more information.

Wetland mitigation banking programs implemented by State transportation agencies offer unique opportunities to consolidate, manage, and protect wetlands resources more effectively while maintaining more workable alternatives for transportation and development. Onsite mitigation remains the first and preferable alternative where feasible. However, by moving the location of mitigation away from transportation projects and development centers, mitigation often can be better integrated with supporting ecosystems, more effectively managed, provide more services to society, and allow for better planning of business, commercial, and residential development.

(Source: <http://www.fhwa.dot.gov/environment/wetmtdoe.htm>)

**Wetland Restoration** – putting a degraded wetland back to its original function, water regime, size, biotic diversity, etc. Wetland restoration projects are designed to put the "wet" back into drained wetlands. Once the water has been restored, wetland vegetation can reestablish. Wildlife of all types will then utilize the restored habitat.

Wetland restoration projects are not designed to create deepwater ponds or alter existing natural wetlands.

(Source: <http://www.michigan.gov/deq>)

Other sources:

<http://www.dnr.state.wi.us/org/water/fhp/wetlands/documents/handbook.pdf>

**Wetland Preservation** – protecting current wetlands from development, degradation, pollution, etc.

Sources of information:

<http://northamerican.fws.gov/NAWCA/grants.htm>

<http://www.fsa.usda.gov/pas/publications/facts/html/crepwi01.htm>

<http://wetlands.fws.gov/>

<http://www.wisducks.org/WWA%20Web/>

# TRANSPORTATION ELEMENT

Appendix  
C-2



## Wisconsin Department of Transportation

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**Rustic Roads Board**  
4802 Sheboygan Avenue  
PO Box 7913  
Madison, WI 53707-7913

Telephone: 608/266-0649  
FAX: 608/267-0294  
E-Mail: [jane.carrola@dot.state.wi.us](mailto:jane.carrola@dot.state.wi.us)

Dear Prospective Applicant :

Thank you for your interest in the Wisconsin Rustic Roads program.

The system was created in 1973 by the State Legislature to preserve what remains of Wisconsin's scenic, lightly traveled back roads for the enjoyment of motorists, hikers and bicyclists. Wisconsin is unique in its efforts to preserve these low volume, low function rural roads and since the designation of the first Rustic Road in 1975, the statewide system has grown to include 95 roads in 52 counties totaling over 510 miles.

The Rustic Roads program relies on the initiative of local residents and government to identify candidates for Rustic Road status and to petition to have the routes designated as Rustic Roads by the 10 member Rustic Roads Board. To qualify, the road should be a low volume local access road and should have some outstanding natural or historical features within it. It should have a length of at least two miles and should not be scheduled nor anticipated for major improvements which would alter the road's unique characteristics. Hiking and biking trails may also adjoin Rustic Roads. The program does not encompass the design or redesign of new and existing roads to meet Rustic Road standards.

Local authorities are encouraged to preserve the natural, scenic and historical characteristics along Rustic Roads. Local zoning powers, building setback regulations, access control, sign control and other powers may be used to protect and preserve the character of the Rustic Road (Trans-RR 1.15, Wis. Administrative Code). Once designated, Rustic Roads remain under local jurisdiction and continue to be eligible for state aids.

Each Rustic Road is marked with a unique brown and yellow Rustic Road sign and the speed is limited to 45 MPH or lower. The surface may be dirt, gravel or paved and roadside vegetation can be cut or mowed selectively. No special funding is available for Rustic Roads, however the Department does pay the cost of initial and replacement signing for each designated rustic road.

I have enclosed the following items which will provide you with further back-ground on Wisconsin's Rustic Roads System:

1. Wisconsin Administrative Code, Rules of Transportation Rustic Roads Board;
2. The Wisconsin's Rustic Roads Brochure; and
3. Application materials for Rustic Road designation.

If you should have any further questions about Wisconsin's Rustic Roads program, please do not hesitate to contact me at (608) 266-0649.

Sincerely,

Jane V. Carrola  
Rustic Roads Coordinator

Enclosures



Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

## Chapter Trans-RR 1

### RUSTIC ROADS

Trans-RR 1.01 Definitions.  
 Trans-RR 1.02 Membership of the board.  
 Trans-RR 1.03 Purpose of the board.  
 Trans-RR 1.04 Qualifications for rustic road designation.  
 Trans-RR 1.05 Application procedures.  
 Trans-RR 1.06 Numbering of rustic roads.  
 Trans-RR 1.07 Jurisdiction and authority.  
 Trans-RR 1.08 General maintenance.  
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 Trans-RR 1.17 Advertising sign control.  
 Trans-RR 1.18 Development of county rustic roads plans.  
 Trans-RR 1.19 Withdrawal of rustic roads designation.  
 Trans-RR 1.20 Identification of complementary rustic features.  
 Trans-RR 1.21 State aids.

Note: The Rustic Roads Code, chapters RR 1 to 11 were repealed and a new code, chapter Trans-RR 1 was created effective June 1, 1981.

#### Trans-RR 1.01 Definitions. As used in this chapter:

- (1) "Board" means the rustic roads board of the Wisconsin department of transportation.
- (2) "Department" means the Wisconsin department of transportation.
- (3) "Maintaining authority" means the county or municipality which has jurisdiction over a road.
- (4) "Municipality" means town, city or village.
- (5) "Rustic roads marking signs" means the brown, white and yellow standard statewide rustic road sign approved by the rustic roads board and designed by the department of transportation, the standard brown and yellow placard denoting the numerical identification of the rustic road within the statewide system, the standard brown and yellow placard denoting the length in miles of the rustic road, and all necessary auxiliary signs.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81.

#### Trans-RR 1.02 Membership of the board. [s. 15.465 (2), Stats.] The board of the department is composed of the following members:

- (1) Chairpersons of the senate and assembly standing committees having jurisdiction over transportation matters as determined by the speaker of the assembly and the president of the senate, and
- (2) Eight members appointed by the secretary of transportation for staggered 4-year terms of whom at least 4 members shall be selected from a list of nominees submitted by the Wisconsin county boards association.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81.

#### Trans-RR 1.03 Purpose of the board. [s. 83.42 (1), Stats.] The purpose of the board is to govern the creation and preservation of a system of rustic roads for vehicular, bicycle and pedestrian travel in unhurried, quiet and leisurely enjoyment.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81.

#### Trans-RR 1.04 Qualifications for rustic road designation. (1) A rustic road has outstanding natural features along its borders such as rugged natural terrain, native wildlife and native vegetation, or includes open areas with rustic or agricultural vistas which, singly or in combination, set this road apart from other roads as being something unique and distinct.

(2) A rustic road is a low-volume local use public road which is usable year-round.

(3) A rustic road functions as a local access road, i.e., one which serves the adjacent property owners and those wishing to travel by auto, bicycle or hiking, for purposes of enjoying its rustic features. This would generally preclude designating as a rustic

road any road serving as a collector or arterial as defined in ch. Trans 76.

(4) A rustic road is one not scheduled or anticipated for major improvement which would change its rustic characteristics.

(5) A rustic road preferably has no high density development along it, but the development as exists at the time the road is designated shall be compatible with the surroundings and shall not detract from the rustic, natural, unspoiled character and visual impact of the road area.

(6) A rustic road preferably has a minimum length of 2 miles and, where feasible, provides a completed closure or loop or connects to major highways at both ends of the route.

(7) The land adjacent to the rustic road preferably is zoned compatible with the maintenance or preservation of its rustic character and low density development.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1995, No. 475.

#### Trans-RR 1.05 Application procedures. [ss. 80.39, 83.025 (1), 83.42 (3), Stats.] (1) For a road to be designated a rustic road, a petition from 6 or more resident freeholders of the municipality in which the road is located, or a petition from a majority of the resident freeholders along the road, shall be presented to the governing body of the municipality in which the road is located. The process may also be initiated without petitions by a resolution of the governing body of the municipality in which the road is located. Upon such a petition or resolution, the governing body of the municipality may hold a public hearing on the proposed rustic road designation. If such a hearing is held, it shall be held in accordance with ss. 19.83 and 19.84, Stats., and any applicable local ordinances.

(2) Upon its final approval, the governing body of the municipality shall determine whether a jurisdictional change is desired. If so, the governing body of the municipality shall petition the county highway committee for approval of the rustic road designation and approval of the transfer of jurisdiction of the road to the county. If the county highway committee approves the jurisdictional transfer and the rustic road designation, the county highway committee shall petition the board for its approval. If no transfer of jurisdiction is desired, the governing body of the municipality shall petition directly to the board for its approval of the rustic road designation.

(3) (a) Rustic road designation of a road under county jurisdiction shall follow a procedure similar to the above, whereby initiation of the rustic road designation process shall be by county highway committee resolution, or by a petition from 6 or more resident freeholders of the county, or by a petition from a majority of the resident freeholders along the subject road. The county highway committee may hold a public hearing on the proposed rustic road designation. If such a hearing is held, it shall be held in accordance with ss. 19.83 and 19.84, Stats., and any applicable local ordinances.



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dance with ss. 19.83 and 19.84, Stats., and any applicable local ordinances.

(b) If a transfer of jurisdiction is desired, the governing body of the municipality assuming jurisdiction, as well as the county highway committee, shall approve the transfer and the rustic road designation.

(c) Any change in the designation of a county trunk highway, whether it be transferred to a municipality or changed to an "other road under county jurisdiction," requires the approval of the department. Upon departmental approval, the governing body of the municipality assuming the jurisdiction of the rustic road shall petition the board for approval of the rustic road designation.

(d) If no transfer of jurisdiction is desired, the county highway committee shall petition the board for approval of the rustic road designation.

(4) Before its approval, the board shall provide final review as to the subject road's qualifications for designation. In its review, the board may require photos or slides describing the rustic qualities of the road or a personal inspection by one or more members of the board.

(5) Additionally, before its approval for designation is granted, the board, in accordance with s. 83.42 (5), Stats., shall ensure that a road under joint jurisdiction of 2 or more municipalities, or a municipality and a county, or 2 or more counties, has had the approval of the governing bodies of all affected governmental units having jurisdiction over the subject road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.06 Numbering of rustic roads.** Upon approval by the board of a rustic road designation, the board shall assign a numerical identification to the rustic road that is preceded by the prefix "R." The rustic roads shall be numbered sequentially beginning with R1.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.07 Jurisdiction and authority.** [s. 83.42 (7), Stats.] Upon approval of the board of rustic road designation and except as otherwise provided in these administrative rules, the county highway committee, the municipalities and counties shall have the same authority over rustic roads as they possess over other highways under their jurisdiction—including responsibility for maintenance.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.08 General maintenance.** A rustic road shall receive the level of maintenance necessary for public travel by auto, bicycle or hiking for recreational enjoyment, while still preserving the rustic qualities of the route.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.09 Road bed maintenance.** (1) Rustic roads may be dirt, gravel or hard surface. Necessary improvements may be made in surface to improve safety or drainage or to reduce maintenance problems, but shall not disturb the rustic characteristics for which the road was designated. Drainage and road improvements shall be kept as narrow as possible to retain the rustic charm of the road as well as keeping the driver's speed lower. The improvements shall be kept to a minimum to avoid disturbance of vegetation or unusual scientific or cultural sites which have been designated.

(2) Where it becomes a necessity, dust treatment may be used.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.10 Cross drainage maintenance.** (1) Cross drainage shall be maintained where necessary to prevent damage to the road, possible washouts and other problems which may be detrimental to proper safety.

(2) When bridge replacement is necessary, it is preferable that it be of a design and construction with a rustic appearance such as timber or stone structure.

(3) Repairs to an existing bridge of rustic character shall be made with an effort to preserve the rustic qualities of the structure.

(4) When deemed advisable, the maintaining authority may impose weight limitations on structures on a rustic road in lieu of structure replacement or repair.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.11 Vegetation maintenance.** (1) Where necessary for safety or protection of the traveling public, tree branches and shrubs may be trimmed or whole trees removed. This shall be done with proper tools so as not to leave unsightly scars. Land and forest management may be practiced.

(2) Control of undesirable vegetation shall be accomplished by mowing or selective cutting. However, when herbicides are necessary, they shall be used judiciously and in a prudent manner to avoid unnecessary browning of roadside vegetation.

(3) Mowing shall be performed only as necessary for health, safety and ecological reasons with the aim of encouraging, where appropriate, the growth of prairie flora adjacent to the road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.12 Sign maintenance.** (1) The standard statewide rustic road sign and the numerical identification placard shall be erected at all important public entrance points to a rustic road sign as mutually agreed upon by the maintaining authority and the department. Beneath the standard statewide rustic road sign, affixed to the same sign post, shall be the standard placard denoting the numerical identification of the rustic road within the statewide system of rustic roads.

(2) At each terminus of the rustic road an additional standardized placard denoting the length, in miles, of the rustic road shall be affixed to the post supporting the rustic road sign and placed below both the rustic road sign and the placard denoting the numerical identification of the individual rustic road.

(3) The rustic road marking signs may be placed on existing information or highway identification sign posts but shall not be placed on any regulatory or warning sign posts.

(4) (a) The department, at its own expense, shall furnish and install the initial rustic roads marking signs needed on all officially designated rustic roads.

(b) Each year, at the department's request, the maintaining authority for a rustic road shall inventory all the rustic roads marking signs on its rustic road. The inventory shall be sent to the department and shall state the number of missing or damaged rustic roads marking signs on its rustic road and shall identify the location of those missing or damaged signs that should be replaced. After receiving this inventory, the department, at its own expense, shall furnish and install the needed replacement rustic roads marking signs.

(c) The maintaining authority for a rustic road shall furnish, install and maintain all other guide or warning signs, signals, markings or devices on its rustic road at its own expense.

(5) All informational, regulatory, warning and identification signs shall be erected and maintained as necessary, in accordance with chs. 86 and 349, Stats., and ch. Trans 200.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81; am. (3), r. and recr. (4), Register, February, 1988, No. 386, eff. 3-1-88.

**Trans-RR 1.13 Winter maintenance.** Normal winter maintenance practices shall be continued on any official designated rustic road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.14 Speed limits.** [ss. 346.57 and 349.11, Stats.] (1) The speed limit on all officially designated rustic roads is 45 miles per hour but may be changed by the maintaining au-



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thority. Any increase in the speed limit above 45 miles per hour requires the approval of the department.

(2) Pursuant to s. 346.57 (6), Stats., official signs giving notice of the speed limit shall be posted by the maintaining authority for the speed limit to be in effect.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.15 Land use protection.** (1) Local authorities are encouraged to preserve the natural and scenic characteristics of land along rustic roads. Local zoning powers, building setback regulations, access control, sign control and other powers may be used to protect and preserve the rustic character of the road by discouraging industrial, high density residential and most commercial development and encouraging the development or the continued existence of commercial establishments compatible with a rustic road, such as antique shops, craft shops, rock shops and produce markets.

(2) Upon petition for a zoning change to the county or municipality having authority over zoning, the board shall be notified in order to appear and present testimony at the zoning hearing, if the board deems it necessary.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.16 Utility installation.** (1) All utility companies shall be encouraged to bury electric power and communication lines on private easements where possible. Where it is not possible additional lines may be placed on existing poles or towers, or buried. Any utility installation shall attempt to preserve or restore the rustic quality of the route.

(2) Restoration of the rustic quality shall be required for all utility installation within the right-of-way of a rustic road.

(3) Upon approving a rustic road application, the board shall notify all utility companies providing service in the area of the rustic road as to the official rustic road designation.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.17 Advertising sign control.** Municipalities shall be encouraged to adopt local zoning ordinances restricting off-premise advertising signs and which address the control

of existing signs and the erection of additional signs once a road has been designated a rustic road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.18 Development of county rustic roads plans.** Each county shall be encouraged to inventory its roads for potential candidates for inclusion in the rustic roads system and using this inventory, along with previous inventories of scenic roads, develop a countywide plan of rustic and scenic roads which is compatible with the functional classification plan in the county.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.19 Withdrawal of rustic roads designation.** [s. 83.42 (4), Stats.] (1) A road may be withdrawn from the rustic roads system with approval of the board after petition of the board by the maintaining authority and upon the holding of a public hearing by the maintaining authority for such a removal. The public hearing shall be held in accordance with ss. 19.83 and 19.84, Stats., and all applicable local ordinances.

(2) The board may wish to withdraw rustic road designation for a particular road if the road no longer possesses the rustic character originally qualifying it for designation due to over-development. The board shall have the authority to remove the designation following a public hearing on the removal. The public hearing shall be held in accordance with ss. 19.83 and 19.84, Stats.

(3) The removal of rustic road designation shall cause the jurisdiction of the road to revert to the status held before original designation by the board.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.20 Identification of complementary rustic features.** The maintaining authority is encouraged to identify with roadside markers any historical names, structures, places and events which complement and enhance the rustic character of the road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.21 State aids.** [s. 83.42 (8), Stats.] State aids for each rustic road shall be determined in accordance with the local transportation aids provisions of s. 86.30, Stats.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

# RUSTIC ROAD RESOLUTION

PETITION FROM: (Town Board/County Highway Committee Name)

PETITION DATE

Road Name

ROAD LEGAL DESCRIPTION

**In an effort to preserve Wisconsin's lightly traveled scenic and historic back roads, the Wisconsin Legislature in Section 83.42, Wisconsin Statutes, created a statewide system of Rustic Roads.**

The town board/county highway commission identified above, having jurisdiction over the road described, has resolved that the subject road be designated a Rustic Road.

In accordance with chapter 80, Wisconsin Statutes, a public hearing has been offered or held, regarding the designation of the subject roadway as a Rustic Road.

The subject road meets the guidelines for Rustic Roads established by the Rustic Roads Board.

The subject road is compatible with any adopted plan for potential Rustic and Scenic Roads.

Therefore, be it resolved, that the subject road having met all of the requirements for designating a Rustic Road, we the undersigned, members of the identified town board/county highway committee do hereby request approval of the Rustic Roads Board for designation of the subject road as a Rustic Road.

Respectfully Submitted,

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

# RUSTIC ROAD DESCRIPTION

ROAD LEGAL DESCRIPTION

Road Length (Miles)

Average Daily Traffic (ADT)

Pavement Type

Roadway Functional Classification

Outstanding Historical, Natural or Rustic Features Along Roadway

Roadside Development Potential

Zoning Restrictions In Effect

# RUSTIC ROAD DESIGNATION PETITION

PETITION TO: (Town Board/County Highway Committee Name)

Road Name

ROAD DESCRIPTION

We the undersigned, petition the above identified town board/county highway committee to take the necessary action in having the above identified road designated a Rustic Road by the Wisconsin Department of Transportation Rustic Roads Board.

PETITIONERS' SIGNATURES

ADDRESS

DATE SIGNED

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_



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## New Rustic Roads offer additional scenic opportunities

**January 22, 2004**

Those who enjoy traveling Wisconsin's quiet, scenic backroads can now choose from 98 Rustic Roads to hike, bike or drive. Governor Jim Doyle has announced the addition of one new Rustic Road (R-98 in Burnett County) and the extension of another (R-52 in Washington County). Wisconsin's Rustic Roads network now spans some 541 miles through 53 counties.

"One of the state's oldest and most popular initiatives, the Rustic Roads program supports tourism and economic development by showcasing some of the most picturesque roadways and finest four-season scenery Wisconsin has to offer," Governor Doyle said. "At the same time, the program encourages inter-governmental partnerships since local groups must nominate prospective Rustic Roads and roads accepted into the statewide network remain under local government jurisdiction."

The state's Rustic Roads Board recently voted to add the following routes:

- R-98, Towns of Oakland and Swiss, Burnett County, eight miles. This eight-mile route begins at the junction of WIS 35 and Old 35 near Danbury, proceeds along CCC Road to Hayden Lake Road, forming a loop back to WIS 35. The route passes several lakes, features canopied trees and prairie-like fields, along with abundant wildlife including waterfowl, deer, bear and eagles.
- Extension of R-52, Washington Drive, Town of Trenton, Washington County, one mile. This one-mile route extension along Washington Drive between County Y and Paradise Drive features field stone houses from the 1800's, traditional wood barns and a variety of wildlife.

The Rustic Roads program was established in 1973, with the first road (R-1 in Taylor County) dedicated in 1975. To qualify as a Rustic Road, a route must have outstanding natural features such as rugged terrain, native vegetation, abundant wildlife, open areas or agricultural vistas. Rustic Roads range from under two miles long to 37 miles in length and have speed limits of no more than 45 miles per hour.

The Wisconsin Department of Transportation (WisDOT) and Department of Tourism jointly produce a Rustic Roads guide available by calling the tourism department at (800) 432-8747 (the booklet does not include the most recently

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added routes). Information on the Rustic Roads network is also available on the WisDOT Web site at <http://www.dot.wisconsin.gov/travel/scenic/rusticroads.htm>. The recently-added roads are expected to appear on the Web site in the near future and should be marked with official Rustic Roads signs by the end of this year.

**For more information contact:**

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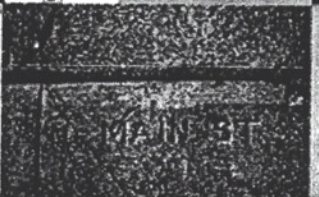
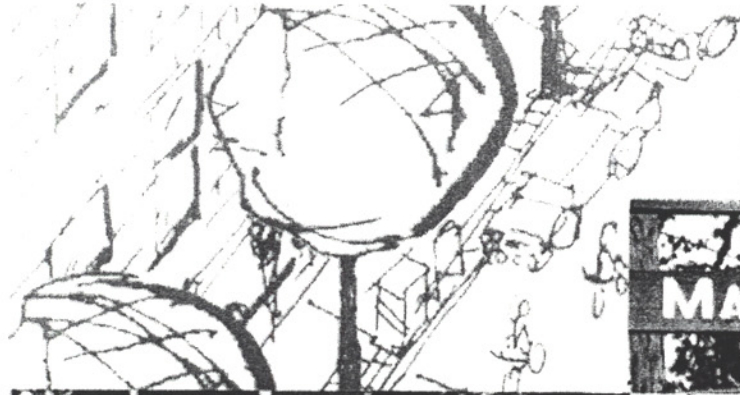
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## **Main Street: when a highway runs through it**

- The Table of Contents and some sections are attached.
- The entire 105 page resource is available as a PDF online at <http://www.lcd.state.or.us/tgm/pub/mainst/MSH.pdf>



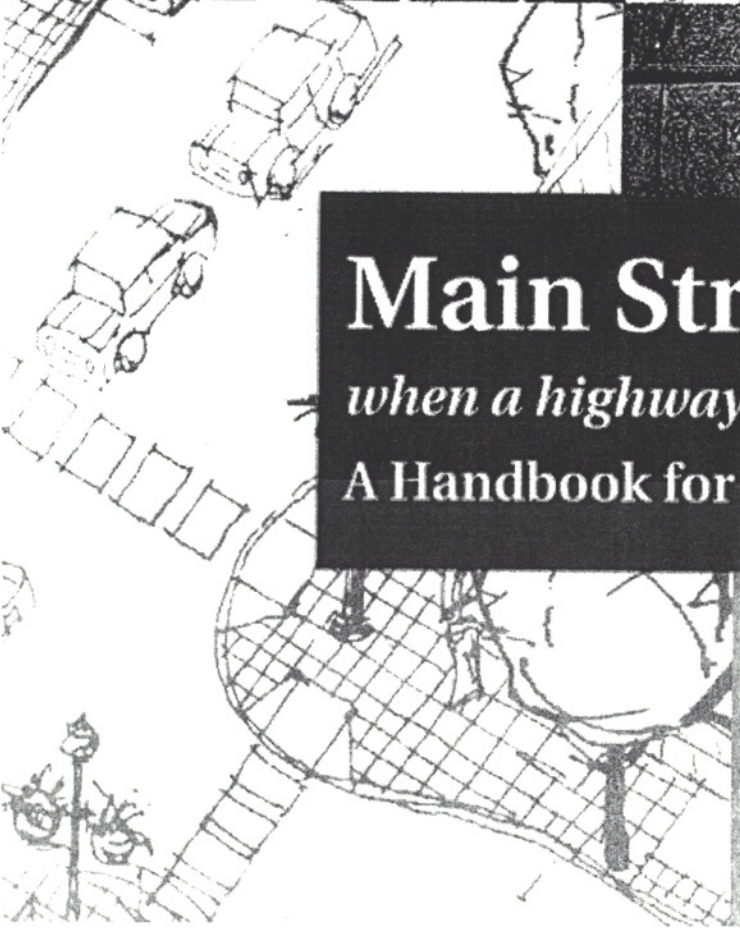


# Main Street...

*when a highway runs through it:*

**A Handbook for Oregon Communities**

November 1999





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## Speed

Speed is one of the most talked about highway issues and most highway design is closely related to it, but it is surprisingly difficult to understand. The differences between posted speed, design speed, and running speed are hard to grasp, especially as they relate to low-speed pedestrian areas. The Basic Rule also complicates the issue.

In a nutshell, the speed of a street segment can be defined as follows:

**Posted speed** — The maximum speed considered prudent to drive considering land use and other factors. Some posted speeds are set by statute and others are set by the State Speed Board.

**Design speed** — The maximum safe speed that can be driven in free-flowing traffic and good weather. The design speed has a direct effect on the cost, safety, and capacity of the roadway.

**Running speed** — The average speed at which most vehicles travel in a given section of highway.

**Basic Rule** — The appropriate speed for the conditions.



**Typical statement:** "Traffic goes too fast through our downtown. How can we slow it down?"

**Possible problems:** Main street looks like a highway and offers little reason to slow down; design speed too high.

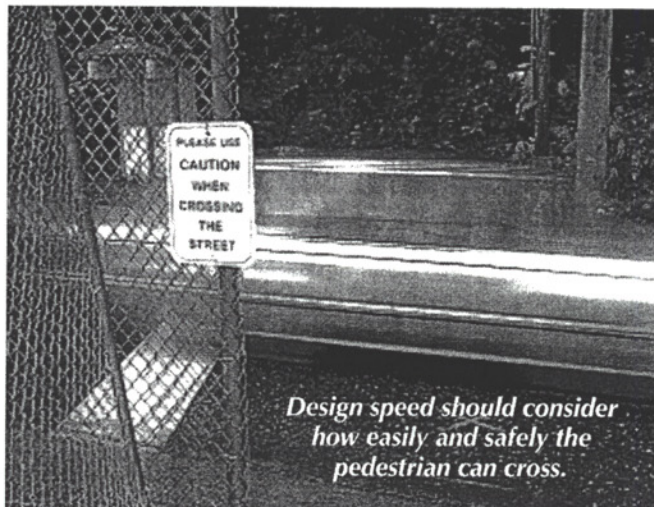
**Potential ingredients:** Various measures to calm traffic and improve appearance of streetscape.



**Typical statement:** "Motorists drive into town like they're still on the open highway."

**Possible problems:** Abrupt change of speed zones with inadequate transition area.

**Potential ingredients:** Extend traffic calming to transition area and create a gateway.



*Design speed should consider how easily and safely the pedestrian can cross.*

When speeds on a highway through town are higher than posted, one reason may be that the street gives few visual clues that drivers should slow down. The design of a highway that is a main street needs to reflect the change in land use, pedestrian activity, and expected motorist behavior. The scene at left is in a downtown on a state highway, although the design looks otherwise.

## SPEED ZONES

State statutes specify the following designated speeds (1997 ORS 811.105):

- alleys ..... 15 mph
- **business districts**, school zones when children are present ..... 20 mph
- residential districts, public parks, ocean shores ..... 25 mph
- rural highways, urban interstate highways, trucks on rural interstate highways ..... 55 mph
- autos on rural interstates ..... 65 mph

A **business district** is a "territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 ft or more on one side, or 300 ft or more on both sides, is occupied by buildings used for business." (1997 ORS 801.170)

**Posted speeds** override these standards, and the **Basic Rule** overrides posted speeds. The Basic Rule means that you must drive the appropriate speed for the conditions. For example, ice or snow might reduce the speed to below the posted limit.

The Oregon Department of Transportation is responsible for establishing **speed zones** on all public roads. Cities and counties may appeal speed zoning recommendations to the **Speed Zone Review Panel**.

Posted speeds different from the statutes are usually determined by an engineering investigation which includes many factors. The **85th percentile speed**, which is the speed at or below which 85 percent of the vehicles are traveling, may be used as a benchmark but with allowances for different cultural, physical and functional factors, including the needs of pedestrians and residents.

*There is more to life than  
increasing its speed.  
—Mahatma Gandhi*

There are several approaches to resolving the speed issue: **slow** the traffic through physical and psychological means, **smooth** out the traffic flow, and create **transition** zones in the streetscape.

## Slow down

Motorists typically drive at a speed they perceive as safe. This is partially related to the road design, especially available or perceived lane width, curves in the road, corner radii, and stopping sight distance. Reducing traffic speeds can also be aided by physical constraints on the roadway such as curb extensions and medians that make the road look narrower. On-street parking and short blocks also help hold down speed by creating "friction."

When it is not appropriate to reduce actual lane or roadway width, on freight routes for instance, a calming effect can be accomplished by creating an illusion of less space through paint on the pavement, or by adding tall trees and street furniture.

See also:

*Pavement Markings*

*Transitions*

*Street Furniture*

in Chapter 4

*If the street is attractive, drivers have a  
reason to slow down.*





## The driver's focus at different speeds.

A low speed allows drivers to be more aware of their surroundings and to have time to react to other highway users.

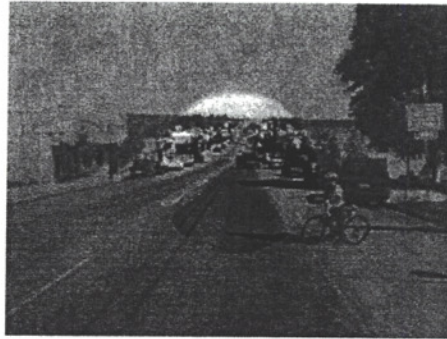
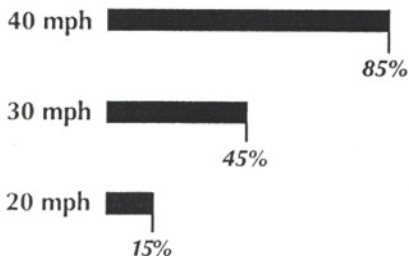
The photos show how a driver's focus changes as their speed increases. The setting is a typical downtown in a small Oregon city. Shops and on-street parking line both sides of this 2-lane couplet. The highway is built to "full standard" because of the ample right-of-way.

At the posted speed of 30 mph, many drivers have a difficult time seeing bicyclists and pedestrians, and stopping distance is nearly twice that of 20 mph.

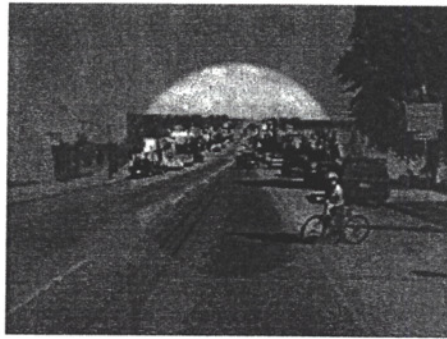
To safely accommodate all users, this highway needs substantial design changes that tell the driver that this is not the open highway it was a few blocks before.

A good start would be wide planting strips with trees to narrow the roadway. A bike lane could be striped. Intersections could be narrowed even further with curb extensions.

When a person is struck by a motor vehicle, they have the following chances of death according to *Killing Speed and Saving Lives*, UK Department of Transportation:



At 40 mph the driver's focus is on the roadway in the distance.



At 30 mph the driver begins to see things at the road edges in the background.



At 20 mph the foreground comes into focus.



At 15 mph the driver easily sees that this is a place where pedestrians and bicyclists are present.

Good design also includes an attractive streetscape that makes drivers want to slow down. In particular, visible outdoor cafés and other sidewalk activities beckon the motorist to enjoy the surroundings.

### **Smooth out**

Speeding and general traffic operation can often be addressed by smoothing out the traffic flow. Slow, steady traffic conditions are safer and can handle more cars than erratic, stop-and-go conditions. There are several proven ways to smooth out traffic:

- Synchronize a series of signals at a low speed with short, fixed-length cycles.
- Shift driveway accesses so that there are fewer than one or two driveways per block; combine driveways or shift them to side streets.
- Convert 4-lane streets to 3 lanes (2 travel lanes with a center turn lane) where there are large numbers of left turns; 3 lanes can work better than 4 because turning cars can wait without blocking a through lane.
- At an intersection close to the beginning of main street, install a modern roundabout (a slow-speed intersection treatment where entering motorists yield to those already in the intersection) to compel drivers to slow down.

### **Transition**

The boundaries of a good downtown are easy to identify. As you travel along a successful main street, the pavement width and sidewalk width, building types, and landscaping change to provide a clear transition into the downtown. This clues the motorist to slow down and expect pedestrians, cars pulling out from parking, and someplace pleasant to stop. There are several ways to reinforce the proper message:

- Add a gateway: make the entrance to the downtown look special with curbs, a landscaped median, fountain, monument marker, a welcome sign, public art, or banners announcing events.

- Add other visual cues that make the driver aware that they are entering an area of intense human activity such as planters, landscaping, ornamental lighting, flags, benches, and other street furniture. These send a clear message that people are present. Strong vertical elements near the curb line such as trees also visually narrow the street.
- Widen the sidewalks and make the highway look narrower. In smaller communities, moving from a rural highway section with shoulders and driveways to an urban section with curbs, sidewalks, and on-street parking is a strong visual cue.
- Construct a modern roundabout with an attractive center island.
- Long-term, encourage redevelopment of off-street parking to bring buildings closer to the street.
- Emphasize access management at the entrances to downtown by adding medians and combining driveways.

These features are not necessarily expensive but do require community vision and commitment. As the city grows, the main street can be expanded into the properly designed transition area.

### **LIABILITY**

At some point in the effort to reduce traffic speeds, someone may question the potential liability of introducing traffic calming onto a highway. This has not proven to be a problem on urban streets. In 1997, the Institute of Transportation Engineers surveyed 68 agencies responsible for about 900 traffic calming projects and found that only 6 lawsuits out of 1,500 filed against these agencies involved traffic calming, and only 2 of the suits were successful.

Experience confirms that the potential benefits of traffic calming far outweigh the potential liability. Lawsuits can be minimized in the same way as other aspects of highway design:

- Clear policy.
- Good process that involves the public and documents the need.
- Appropriate design based on established goals.
- Consideration of users, especially the young, elderly, and disabled.
- Clear and consistent signing and marking.
- Proper maintenance.

If in doubt about a particular project, consult legal counsel and other agencies that have implemented similar designs.

*"Be not afraid of  
going slowly, be  
afraid only of  
standing still."*

*—Chinese proverb*

**See also:**

***Transitions***  
**in Chapter 4**



## On-Street Parking

On-street parking is normal, necessary, and expected in most downtown business areas, including main streets. Parking next to the sidewalk helps establish building orientation to the street, which is so important to main street vitality.

Businesses often insist that parking must be available adjacent to their building, which holds true only when the pedestrian experience is unpleasant. On main street, walking is designed to be positive, and intentionally walking several blocks is presumed to be acceptable and even pleasurable. On-street parking provides a hope of parking close to the destination which is all most people need.

Parking studies frequently reveal that downtowns do not have severe parking space deficiencies; rather, spaces are not being managed well. For example, employees may be tempted to park close to work, but those spaces would be better for short-term customer parking. Time limitation, meters, and ticketing, as well as incentives for employees to use other commute options or to park in city-owned lots are all part of a parking management program.

Where parking turnover is high, on-street parking tends to slow traffic speed because cars are frequently maneuvering in and out of spaces. The degree of traffic calming depends on how well the parking is utilized and managed. Interruptions such as driveways and fire hydrants, plus lane width also affect traffic calming.

On-street parking also buffers the sidewalk from traffic but may reduce visibility of pedestrians crossing the street; for this reason, curb extensions are recommended where there is on-street parking. Curb extensions also reinforce the calming effect of on-street parking by narrowing the appearance of the street when many of the parking spaces are empty.

While the primary purpose of a street is to transport people and goods, on-street

parking is often cited as an advantage for pedestrians, primarily as a buffer. Yet on-street parking also uses space that could be used for wider sidewalks or bike lanes.

There are many possible parking configurations, but the most common are parallel and angled. Only parallel parking is allowed on state highways, with any other type requiring a design exception from ODOT.

It is a good idea to direct large vehicles, such as motor homes and long pickups, to side streets or parking lots that can accommodate them.

### Parallel Parking

Parallel parking on one side of the street requires at least 7 ft (2.1 m) of roadway width (ODOT's standard is 8 ft or 2.4 m). A wide outside travel lane of 14 ft (4.3 m) is also desirable to provide clearance for opening doors and for bicycles. Where right-of-way width permits, a bike lane can be provided between the travel and parking lanes.

### Angled Parking

Angled (aka diagonal) parking is sometimes used on wide streets to create more parking spaces, but takes up about 19 ft (5.8 m) of roadway width per side. Angled parking also causes conflicts with cars and bicycles, since drivers backing out have poor visibility of oncoming vehicles and parked vehicles (especially long pickups and tall sport utility vehicles) obscure other vehicles backing out.

These factors have resulted in ODOT's position that angled parking on a new or improved highway is discouraged, and requires a Design Exception. Changing angled parking to parallel parking can provide space for bicycle lanes, medians, and wider sidewalks.

See also:

*Curb Extension*

For additional information on parking, read *The Parking Handbook for Small Communities* (Edwards, ITE, 1994).

#### Provide On-Street Parking

**Use To:** Orient access to the street and sidewalk.

**Good News:** Improves car access, slows traffic, and buffers sidewalk from travel lane; works well with curb extensions.

**Bad News:** Takes up width; discouraged on highways.



## Scenario 3

# 5-Lane Highway

Portions of some state highways have been built or widened to 5 lanes, mainly with the goal of accommodating large traffic volumes while permitting direct business access. This example of a 5-lane highway is located on a highway of statewide importance through a mid-sized city of around 40,000 people. The highway carries an average of 30,000 trips per day with over 5% large freight trucks. The posted speed is 35 mph along the 6 blocks of downtown main street. The right-of-way is 80 ft. There is no on-street parking. Sidewalks are 6 ft wide and curb-tight. The center turn lane was 16 ft wide, plus 2 travel lanes in each direction.

The uses along the highway are almost all commercial, with parking out front. Each business has its own access, some of which are wider than 40 ft. Several businesses are car-oriented (a couple of fast food drive-through restaurants and a gas station/convenience store), but the oldest

part of downtown has a post office and a library on opposite sides of the street. There are no traffic signals in the town.

There have been a significantly higher than average number of serious collisions along the 5-lane section over the last 5 years, and a pedestrian was killed two years ago. A shopping mall recently opened at one end of town, and the downtown has seen a decline in business since then.

A Transportation System Plan (TSP) was completed but the community did not support it, so it has not been adopted. However, a corridor plan has been completed and adopted that includes this section of highway.

## The problems?

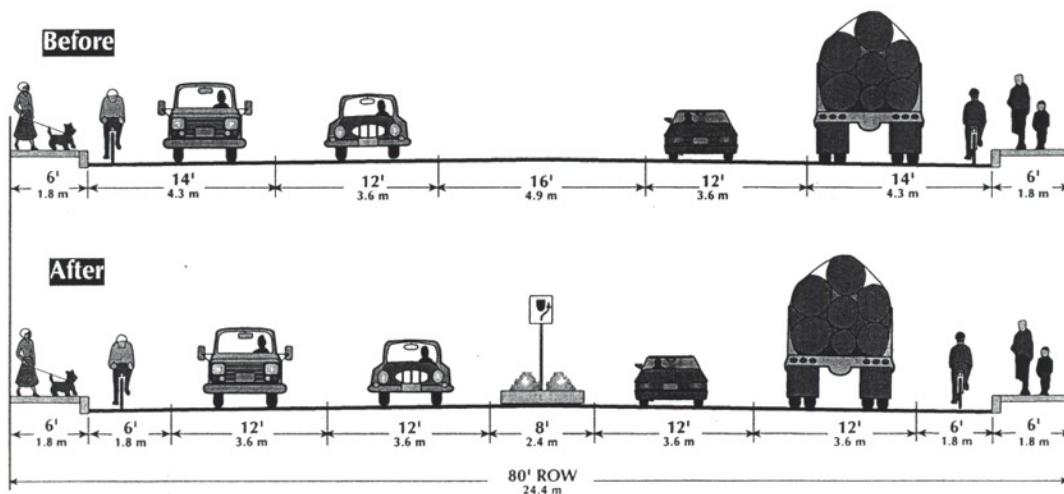
The central concern of this community was safety. Many accidents appeared to be associated with vehicles turning left in and out of driveways. The local police said that many motorists use the center turn lane for passing. It also

appeared that left turns across the two lanes of traffic generated some of the collisions. Speeding was apparently not a serious problem. From a speed study, the average motorist did not exceed the 35 mph speed limit.

The community was also worried about pedestrian safety; particularly where pedestrians were crossing from the post office to the library. Although there was a pedestrian warning sign and a marked crosswalk, motorists rarely stopped, and there was always uncertainty about whether motorists in the adjacent lane would also stop. In fact, this is how the pedestrian was killed two years ago.

## The Ingredients

Two alternatives to solve the safety concern were identified in the corridor plan and discussed by ODOT and the community. The first of these was to restripe the street as 3 lanes, add a bike lane, and install on-street parking and



add bulbouts at intersections. This would eliminate some of the collisions caused by the left turns across two lanes. Three lanes would make it easier for pedestrians to cross, since the crossing width would be reduced. It would also eliminate the hazard of the motorist in the second lane failing to stop for pedestrians. However, because of the high volumes on this important freight and commuting route, there was concern that eliminating two lanes would result in an unacceptable loss of capacity.

Instead, the community decided to construct a center median through the most critical area, in terms of collisions and pedestrian crossings—around 4 blocks. The median provided access management to limit left turns and a pedestrian refuge. In addition, the median only needed to be 6 ft wide, so the remaining roadway

width could be redistributed to create bike lanes. As well as providing for bicycles, the bike lanes provided some buffer for pedestrians on the fairly narrow, curb-tight sidewalks.

The transition areas where the median and bike lanes began and ended occurred at intersections where the change in lane configuration could be accommodated. In the future, the adjacent highway segments may be restriped for bike lanes instead of the wide outside lane.

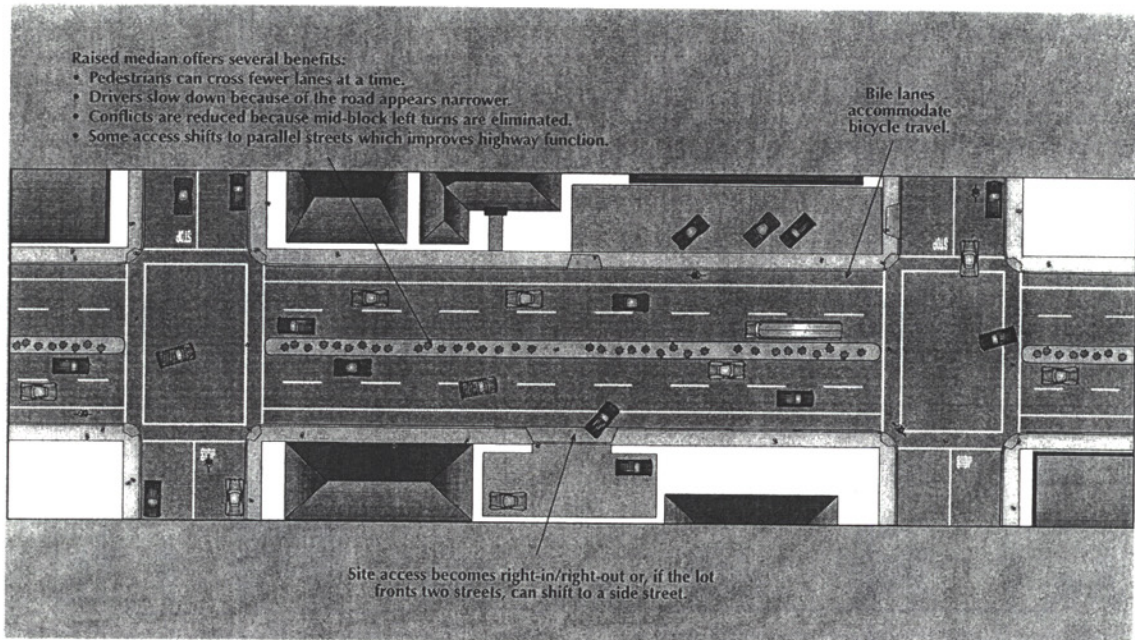
The discussions about the median generated new community interest in creating a long-term downtown plan. A number of merchants felt that widening sidewalks, adding landscaping and on-street parking on the side streets, and encouraging infill to bring buildings closer to the property line would help to bring the downtown back to life.

## Paying for It

There was a measurable safety concern in this community, which ODOT had been aware of for several years. The median was identified as a potential solution in the highway corridor plan. The project was placed on the STIP and completed by ODOT the following year. The community asked for landscaping on the median; ODOT agreed to include low-water using native shrubs. The community committed to maintaining the landscaping.

Since the median was constructed, the collision rate appears to have been reduced, and pedestrians report that crossing the highway is somewhat easier.

The community is discussing obtaining a TGM grant for the long-term downtown plan and updating the TSP. <



*5-lane highway with median and bike lanes.*



## Appendix

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## Appendix

## Glossary

**AASHTO:** American Association of State Highway and Transportation Officials. See also: Green Book.

**Access Management:** Measures regulating access to the highway from streets and driveways. Main streets generally feature short blocks with many street connections and few driveways, since most parking is on-street. Refer to the Oregon Highway Plan for access standards. See also: Deviation.

**Area Commission on Transportation (ACT):** A body chartered by the Oregon Transportation Commission (OTC) and composed of local transportation representatives, elected officials, and business representations of 2–4 counties. ACTs propose and comment on policy set by the OTC, propose programs and projects, and provide citizens and officials with a link to the OTC.

**Americans with Disabilities Act (ADA):** Civil rights legislation passed in 1990. ADA influences street design as described in the ADA Accessibility Guidelines (ADAAG). Most relevant aspects of ADA are discussed in the Oregon Bicycle and Pedestrian Plan.

**Alignment:** Geometric arrangement of the highway including width, slope, curvature, etc.

**APWA:** American Public Works Association.

**Arterial:** A road designated to carry traffic through an area rather than to local destinations.

**Average Daily Traffic (ADT):** The measurement of the average number of vehicles passing a certain point each day, usually given as a total for both directions. Traffic during the peak hour is normally about one-tenth of the ADT.

**Balanced Use:** The combination of land uses within an area, such as a downtown, such that residents do not need to leave the area on a daily basis.

**Basic Rule:** A state statute (ORS 811.100) that requires vehicles to be driven at speeds “reasonable and prudent” for the conditions (traffic, highway surface and width, intersection hazards, weather, visibility, etc.).

**BID:** Business Improvement District.

**Bike Lane:** A portion of a roadway which has been designated by striping and pavement markings for the preferential or exclusive use of bicyclists.

**Bikeway:** The appropriate design treatment for bicyclists, based primarily on motor vehicle traffic volumes and speeds. Main street bikeway types include the shared roadway, wide lane, shoulder bikeway, and bike lane.

**Capacity:** The number of vehicles that can travel past a given point on a sustained basis. Vehicle capacity responds to 3 factors: the number of travel lanes, the degree of connectivity, and generated traffic. In urban conditions, lane capacity ranges from 600 to 900 vehicles per hour.

**Center Turn Lane:** See: Continuous Two-Way Left-Turn Lane.

**Central Business District (CBD):** A traditional downtown area usually characterized by established businesses fronting the street, a concentration of public buildings, sidewalks, slow traffic speeds, on-street parking, and a compact grid street system. Main street usually runs through the CBD.

**Channelization:** The separation of vehicle and pedestrian movements at an intersection into defined paths through the use of islands.

**Collector:** A street designated to carry traffic between local streets and arterials, or from local street to local street.

**Community:** A sustainable human habitat which is complete and compact. The smallest community is a neighborhood.

**Continuous Two-Way Left-Turn Lane (CTWLTL):** A traversable median that is designed to accommodate left-turn egress movements from opposite directions. Aka center turn lane and two-way left-turn lane (TWLTL).

**Corner Radius:** See: Intersection Curb Radius.

**Corridor Plan:** A transportation plan for an entire length of highway which may include many different classifications. Corridor plans are coordinated with the cities and other jurisdictions through which the highway passes.

**Couplet:** Two one-way streets that handle traffic in the opposite directions. Couplets are typically created by converting existing two-way streets

## Glossary (cont'd)

**Cross-Section:** Diagrammatic presentation of a highway profile at right angles to the centerline at a given location.

**Crosswalk:** Portion of a roadway designated for pedestrian crossing, marked or unmarked. Unmarked crosswalks are the natural extension of the shoulder, curb line, or sidewalk.

**Deviation:** A departure from an access management standard. See: Access Management.

**Department of Land Conservation and Development (DLCD):** State agency that assists cities and counties in applying Oregon's land use laws, and aids in assuring compliance with Oregon's Statewide goals and guidelines.

**Design Exception:** A deviation from the Highway Design Manual standards that must be approved by the Roadway Manager.

**EID:** Economic Improvement District.

**Enclosure:** One of the physical attributes of streets and open spaces that contributes to a sense of place. Enclosure is adjusted primarily by building setback and height, and by trees. See also: Vertical Plane.

**Expressway:** A highway that provides for safe and efficient high speed and high volume traffic with limited access. A main street is never an expressway.

**Federal Highway Administration (FHWA):** Federal agency which oversees and funds highway-related activities that affect the national interest.

**Flexibility in Highway Design:** A 1997 publication by AASHTO and the FHWA to accompany the Green Book. It shows engineers and managers how sensitivity to local needs can result in better projects.

**Frontage Road:** A road designated and designed to serve local traffic parallel and adjacent to a highway.

**Gateway:** An highly varied urban element which marks the entrance of a district. Gateways are useful for orientation within the city. See also: Transition Area.

**Grade:** A measure of the steepness of a roadway, bikeway, or walkway, expressed in a ratio of vertical rise per horizontal distance, usually in percent; e.g., a 5% grade equals 5 m of rise over a 100 m horizontal distance.

**Grade Separation:** The vertical separation of conflicting travelways with a structure, such as a pedestrian bridge over the highway.

**Green Book:** AASHTO's "A Policy on Geometric Design of Highways and Streets" which provides guidelines (not standards) for roadway design. The Green Book emphasizes joint use of transportation corridors by pedestrians, cyclists, and public transit vehicles, and encourages flexible designs tailored to particular situations. In Oregon, the Green Book is modified by the Highway Design Manual. See also: Flexibility in Highway Design.

**Grid Pattern:** A web of intersecting streets, which is rectangular in its alignment and orthogonal at its intersections. See: Street Network.

**Highway:** A general term denoting a public way for purposes of travel, including the entire area within the right-of-way. See sidebar on next page for specific highway classifications used in Oregon.

**Human Scale:** Site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering.

**Intersection Curb Radius:** The curved edge of a thoroughfare at an intersection, measured at the edge of the travel lanes (excluding the parking and bike lanes). Aka corner radius and curb return radius.

**Land Conservation and Development Commission (LCDC):** A group of citizen volunteers appointed by the Governor to direct the Department of Land Conservation and Development.

**Land Use:** The type of activity that the land is used for. On a main street, common land uses are commercial, office, residential, light industrial, and public (library, city hall, etc.).

**Level of Service (LOS):** The condition of traffic flow or delay expressed as a range from LOS "A" which represents unimpeded flow to LOS "F" which represents severe congestion. LOS was replaced by "mobility" in the 1999 Oregon Highway Plan.

**Local Street:** A street designated to provide access to and from local residences or businesses.

**Median:** The portion of the roadway which separates opposing traffic streams.

**Mobility:** In planning terms, mobility is the ordinary movement of the population by any means, including by direct travel or by means which reduce the need to travel such as proximity of destinations and teleworking. In highway terms, mobility is defined as the movement of vehicles.

**Mobility Standard:** ODOT has established performance goals for different highway classifications to aid in planning, design, and management. Motor vehicle mobility is determined by volume-to-capacity ratio. Refer to the Oregon Highway Plan for mobility standards. See: Volume-to-Capacity Ratio.

**Mode (or Modal):** A means of moving people or goods. Modes such as rail, transit, carpooling, walking, and bicycling that provide transportation alternatives to single-occupancy automobiles are sometimes called "alternative modes."

**Modernization:** Highway projects that accommodate existing traffic or projected traffic growth by adding capacity. See: Preservation.



## Glossary (cont'd)

**MUTCD:** Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration, 1988; a national standard for the design, application and placement of traffic control devices including traffic signals, signs, and pavement markings. Discussion of pedestrian needs is limited.

**National Highway System (NHS):** A system of statewide and interstate highways and intermodal connectors meeting federal criteria (approximately 155,000 miles total), designated by Congress in the National Highway System Designation Act of 1995.

**National Register of Historic Places (NRHP):** See: SHPO.

**Oregon Administrative Rule (OAR):** A rule written by a government agency intended to clarify the intent of an adopted law.

**Oregon Bicycle and Pedestrian Plan:** As adopted June 14, 1995, establishes bicycle and pedestrian policies and implementation strategies for ODOT, presents detailed design, maintenance and safety information, and provides facility design standards. The Bicycle and Pedestrian Plan covers many main street issues such as speed reduction, lane widths, medians, crossings, and intersections. The plan stresses good roadway design that takes into account the needs of all users.

**Oregon Department of Transportation (ODOT):** The agency entrusted with moving people and products by all modes to enhance the state's economy and livability.

**Oregon Highway Design Manual (HDM):** In draft as of October 1999; final Manual is expected to be published in early 2000. The Manual will assist designers in selecting the appropriate standards for a highway project. In particular, it expands the discussion of urban highway design to include traditional downtowns and central business districts. The intent within these areas is to provide a pedestrian, bicycle, and transit friendly environment.

**Oregon Highway Plan (OHP):** As adopted March 18, 1999, establishes policies and implementation strategies for Oregon highways, including those that are also main streets. The highway plan strikes a balance between local accessibility and through movement of people and goods. It establishes highway classifications as a tool to sort out investment priorities for highway projects. Designations for downtown commercial areas stress pedestrian access. Segment classifications are set by ODOT in collaboration with the affected cities and counties. See also: Special Transportation Area.

**Oregon Revised Statute (ORS):** A law that governs the state of Oregon, as proposed by the legislature and signed by the Governor.

## Oregon Highway Classifications

(\*could be a main street)

### Categories

**Interstate:** Links major cities and other states.

**\*Statewide:** Links major destinations not on Interstate.

**\*Regional:** Links regional centers.

**\*District:** Links county and city areas.

**\*Local Interest:** Generally local arterials with little through traffic.

### Sub-Categories

**Freeway:** High-speed, high-volume, controlled access.

**Expressway:** High-speed, high-volume, limited access.

**\*Urban Arterial:** High-volume urban street; many potential land uses; further subdivided into Urban Fringe/Suburban, Developed, and Traditional Downtown/Central Business District.

### Land Use Designations

**\*Special Transportation Area:** Traditional downtown or central business district; low-speed, on-street parking, many street connections, and few driveways; often pedestrian oriented.

**Commercial Center:** Large commercial, mixed-use development (400,000+ ft<sup>2</sup>) with convenient internal circulation including provisions for pedestrians, bicyclists and transit, where available. Adjacent to and linked to the highway by a road or driveway.

**Urban Business Area:** Highway segments where vehicular accessibility is important to continued economic viability. Accommodates automobile access. Requires plans to improve pedestrian movement, cluster new buildings in centers or nodes, and improve movement between, across, and within urban business areas.

### Other Designations

**\*Freight System:** Long-haul truck movement a priority; has higher mobility standard.

**\*Lifeline Route:** Emergency route maintained for potential mass movement.

**\*Scenic Byway:** Exceptional scenic value that may affect design.

**Oregon Transportation Plan (OTP):** As adopted September 15, 1992, the OTP defines transportation goals, policies and actions for the next 40 years, and identifies a coordinated multimodal transportation system to be developed over 20 years. It gives increased emphasis to public transit, intercity bus service, railroads, bicycles and walking, and supports the development of compact, walkable communities. The OTP envisions downtown cores that are healthy central hubs for commerce within an urban region.

**Parking Lane:** The recommended width for parallel parking lanes along a highway is 8 ft (2.4 m), with 7 ft (2.1 m) as an exception in constrained right-of-ways.

**Pavement Markings:** Painted or applied lines or legends placed on a roadway surface for regulating, guiding, or warning traffic.

## Glossary (cont'd)

**Pavement Width:** The width of vehicular pavement of a street, including moving and parking lanes but excluding planters and sidewalks. See also: Roadway.

**Pavement:** The impervious surface dedicated to the circulation and parking of vehicles. Sound environmental practice endeavors to minimize paved area which is considered detrimental to the watershed and increases the cost of drainage.

**Peak Hour:** Hour of the day with the most traffic, usually during the evening commute time but sometimes including the morning commute time or early afternoon.

**Pedestrian:** A person on foot, in a wheelchair, or walking a bicycle.

**Pedestrian Friendly:** Design qualities that make walking attractive, including places people want to go and good facilities on which to get there.

**Pedestrian Scale:** See Human Scale.

**Planting Strip:** That section of the sidewalk area which accommodates street trees and scrubs.

**Preservation:** Projects that rebuild or extend the service life of highways. Preservation projects add useful life to the highway without increasing capacity. See: Modernization.

**Prospectus:** An internal ODOT tool that defines a project in its planning stage. The prospectus describes project limits, costs and funding, environmental issues, and approvals.

**Quality of Life (QOL):** A measure of human well-being related to personal choice, including availability of leisure time, discretionary income, and travel options.

**Raised Median:** A nontraversable median where curbs are used to elevate the surface of the median above the surface of the adjacent traffic face. Pedestrians may normally cross the median but vehicles may not. See: Median.

**Refuge Island:** A nontraversable section of median or channelization device on which pedestrians can take refuge while crossing the highway.

**Right-of-Way (ROW):** The composite public area dedicated exclusively to circulation—both physical and social—including the roadway and pedestrian area.

**Roadway:** The paved portion of the street which is primarily occupied by vehicles, including the travel lanes and parking lanes. The roadway may also include a median and refuge islands.

**Roadway Manager:** The ODOT person responsible for making exceptions to the design standards.

**Roundabout:** An intersection design where traffic circulates around a central island rather than proceeding straight through and which has special features to reduce conflicts inherent in conventional intersections.

**Secondary Route:** A parallel road to main street suitable as an alternate route for through traffic, especially trucks.

**Sense of Place:** A highly desirable but elusive quality of a neighborhood or city, often recognized only when it is lost. An effective sense of place is created by many interdependent elements, such as: the setting, buildings, streets, meeting places, connections between important places, activities, and the presence of people.

**Shared Roadway:** A type of bikeway where bicyclists and motor vehicles share a travel lane.

**Shoulder:** The portion of a highway that is contiguous to the travel lanes provided for pedestrians (when there is no sidewalk), bicyclists, emergency use by vehicles, and for lateral support of the base and surface.

**Shy Distance:** The lateral (side) clearance of a walkway or vehicle travel lane as measured from the outside edge of the walkway or lane to the nearest vertical obstacle such as a building, fence, or pole.

**Sidewalk:** A walkway separated from the roadway with a curb, constructed of a durable, hard and smooth surface, designed for preferential or exclusive use by pedestrians.

**Sidewalk Area:** That portion of a street right-of-way which is dedicated to uses other than moving and parking vehicles. It includes primarily the sidewalks, plantings, and street furniture.

**Sight Distance:** The distance a person can see along an unobstructed line of sight.

**Slip Lane:** A wide-radius, right-turn channel to facilitate high volumes of turning vehicles. See: Channelization.

**Small-Scale Urban Highway Pedestrian Improvement (SUPPI):** An ODOT program administered by the Oregon Bicycle and Pedestrian Program that helps cities and counties complete small pedestrian projects on urban highways.

**Smart Development:** Development that implements the state's land use and transportation goals in urban areas. It is "smart" because it: uses land efficiently; facilitates a range of transportation choices; fully utilizes existing public facilities; combines residential, commercial, and community service activities within a neighborhood to create a lively and safe environment; is designed to the scale and comfort of people; and uses locally-appropriate design to reinforce community identity and heritage.

**Special Transportation Area (STA):** A highway classification identified in a corridor plan or local transportation system plan. An STA is characterized by a downtown, business district, or community center on an Urban Arterial (not Expressway) with speeds no more than 25 mph (40 km/h), frequent street connections, and on-street parking.



## Glossary (cont'd)

In an STA, local access and pedestrian travel is more important than through traffic movement. The STA designation allows changes from the usual highway standards within the downtown, such as shorter block lengths and higher levels of local congestion. This is balanced by strict access management on the highway outside of the downtown. STAs, as well as the other land use area designations, are applied to a specific area through the adoption of a Transportation System Plan or Corridor Plan. (Through the ODOT Exception Process, some STA design elements may be applied to an appropriate highway segment when not a designated STA.) See also: Oregon Highway Plan.

**State Historic Preservation Office (SHPO):** Agency primarily concerned with the preservation of historic structures and districts, such as property on, or eligible for, the National Register of Historic Places. Any use of federal highway funds in a main street project requires review by SHPO to determine if the project could have an adverse effect on historic resources.

**State Transportation Improvement Program (STIP):** ODOT's adopted list of major projects covering 4 years.

**Street:** A place of movement and activity, defined by the continuous line of buildings along its edges which have a particular scale, dimension, form, and detail unique to each street.

**Street Network:** A web of intersecting streets, which may be diagonal, curvilinear, or irregular in its alignment and variable at its intersections. See: Grid Pattern.

**Streetscape:** The combination of planters, sidewalks, street trees, and street lights.

**Terminal Vista:** A building, sculpture, hill, or other large object at the end of a street segment. A terminal vista tends to slow the motorist and gives the pedestrian a landmark with which to orient themselves.

**TIF:** Tax Increment Financing.

**Threshold Gap:** The distance from a pedestrian to an oncoming motor vehicle sufficient for 50% of pedestrians to choose to cross a street.

**Traffic Calming:** A set of techniques which serve to reduce the speed and aggressiveness of traffic. Such strategies include lane narrowing, on-street parking, sidewalk extensions into the roadway, surface variations, and visual clues on a vertical plane. Although traffic calming is often a retrofit to deal with identified problems, it is also an important aspect of new construction to prevent problems from occurring. See: Traffic Priority Device.

**Traffic Control Device:** Signs, signals or other fixtures, whether permanent or temporary, placed on or adjacent to a travelway by authority of a public body having jurisdiction to regulate, warn, or guide traffic.

**Traffic Management:** The mitigation of traffic congestion achieved by methods other than proximity of destinations, road construction, or the provision of transit. The principal methods are: transit, car-pooling, staggering of work hours, and variable rate road tolls.

**Traffic Priority Device:** The various techniques which assign priority to the moving vehicle at the expense of the pedestrian; having the opposite effect of traffic calming.

**Traffic Volume:** The number of vehicles that pass a given point for a given length of time (hour, day, year). See: Average Daily Traffic and Capacity.

**Transit:** The four general types of transit systems are heavy rail, light rail, buses, and trolleys. In addition, there are hybrids such as taxi fleets and rental cars.

**Transit Stop:** The waiting area for bus or rail. The experience of waiting is considered to be as important as any other consideration in encouraging the use of transit by those who have the choice.

**Transition Area:** A length of street where an obvious change occurs such as street width, building types, speed limit, or landscaping. A well-defined transition area before main street may be necessary to help slow traffic. See also: Gateway.

**Transportation Demand Management (TDM):** Actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include but are not limited to the use of alternative modes, ride-sharing and vanpool programs, and trip-reduction ordinances.

**Transportation Growth Management (TGM):** A program administered by the Department of Land Conservation and Development to assist cities and counties in dealing with transportation issues.

**Transportation Needs:** Estimates of the movement of people and goods consistent with an acknowledged comprehensive plan and state requirements such as the TPR. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives (such as avoiding principal reliance on any one mode of transportation).

**Transportation Planning Rule (TRP):** Oregon Administrative Rule 660-12 that establishes the relationship between transportation and land use planning. The TRP stresses that a community's land use plan amendments and zone changes that may affect a transportation facility should be consistent with the adopted function, capacity, and performance measures for the affected facility. Some of the TRP requirements that applicable to main streets include bicycle parking, bikeways and sidewalks, and safe and convenient pedestrian and bicycle access from the sidewalk,

## Glossary (cont'd)

transit stops, adjacent development, and residential and neighborhood activity centers within one-half mile.

**Transportation System Plan (TSP):** A plan for one or more transportation facilities that are planned, developed, operated, and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

**Travel Lane** (aka Driving Lane): Area of roadway dedicated to vehicle movement. The recommended width for highways is 12 ft (3.6 m), with 11 or 10 ft (3.3 or 3.0 m) permitted in constrained right-of-ways under certain conditions.

**Urban Arterial:** A major street in an urban area. See: Arterial.

**Utilities:** General term for urban infrastructure, excluding transportation. Utilities include electricity, telephone, fiber-optic cable, gas, water, and sewer. While streets run within public right-of-ways, utilities run within easements which may overlap private lots.

**Vehicle Miles Traveled (VMT):** The average length of a vehicular trip. VMT is one measure of the effectiveness of balanced use as a measure of traffic mitigation.


**Vertical Plane:** The vertical aspect of a building or streetscape, as opposed to the horizontal plane, which is the plan view.

**Volume-to-Capacity Ratio (V/C Ratio):** A measure of roadway congestion, calculated by dividing the number of vehicles passing through a section of highway during the peak hour by the capacity of the section. See: Capacity and Congestion.

**Walking Distance:** The distance which may be covered by a five-minute walk at an easy pace. This is the distance that most people will walk rather than drive, providing the environment is pedestrian-friendly.

**Vehicle:** Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including vehicles that are self-propelled or powered by any means.

**Walkway:** A transportation facility built for use by pedestrians, including persons in wheelchairs. Walkways include sidewalks, paths, and paved shoulders.

**Wide Outside Lane:** A wider than normal curbside travel lane that is provided for ease of bicycle operation where there is insufficient room for a bike lane or shoulder bikeway; normally 14 ft (4.2 m). 

## Resources

### Livable Oregon

621 SW Morrison, Suite 1300  
Portland, Oregon 97205  
503-222-2182  
<http://www.livable.org>

### Oregon Department of Forestry

2600 State Street  
Salem Oregon 97310  
503-945-7213  
<http://www.odf.state.or.us>

### Oregon Department of Transportation

Transportation Bldg.  
355 Capitol St. NE  
Salem, Oregon 97301-3871  
888-275-6368  
<http://www.odot.state.or.us>

### Oregon Downtown Development Association

161 High Street, SE #236 or PO Box 2912  
Salem, Oregon 97308  
503-587-0574  
<http://www.odda.org>  
e-mail: [info@odda.org](mailto:info@odda.org)

### Oregon Economic and Community Development Department

775 Summer St., NE  
Salem, Oregon 97310  
503-986-0123  
<http://170.104.101.34/DEPT.HTM>

### Oregon Parks and Recreation Department State Historic Preservation Office

1115 Commercial St. NE  
Salem, Oregon 97310  
503-378-4168  
<http://arcweb.sos.state.or.us/SHPO/shpoabout.html>

### Transportation Growth Management Program

635 Capitol St. NE Suite 200  
Salem, Oregon 97301  
503-373-0050  
<http://www.lcd.state.or.us/issues/tgmweb>



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# A HIGHWAY RUNS THROUGH IT:

## *Conserving Scenic Corridors in Florida*

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## I. Introduction

Scenic corridors may encompass not just roadway pavement, right-of-way areas and adjacent roadside, but also the many elements that make up scenic vistas. Features found within scenic corridors may include lakes, streams wetlands; forest and agricultural lands; desert or mountain views; urban and rural scenes; and cultural and historic resources. A scenic corridor may extend for miles and miles in horizon vistas depending on a corridor's terrain. Similarly, the width of a scenic corridor may include a closed canopy road or a narrow urban street.

Unfortunately, unplanned growth, uncontrolled signage, poorly designed development and incompatible land uses can easily compromise the aesthetic quality of scenic corridors. Federal, state and local scenic corridor protection programs have emerged to encourage creative roadway planning. Such planning can yield direct and indirect benefits for communities, landowners and roadway users. Direct benefits may include increases in tourism revenue due to identification on state, federal and auto club maps; increases in business, tax revenue, and jobs from tourist dollars; access to federal and state funding for planning and managing the corridor; increases in property values, improved maintenance and higher budgets for roads; and access to money and other assistance from state and national offices of economic development and tourism. Indirect benefit includes the official recognition that what the community has is special. This official acknowledgment carries with it a sense of community pride.

This paper addresses scenic corridor protection techniques, both regulatory and incentive-based. Section II discusses the roots of the scenic highway movement in the United States. Section III then provides an overview of Federal scenic byway programs. Next, Section IV describes state programs with an emphasis on Florida's scenic highway program. Finally, Section V of this paper discusses local government and community-based scenic corridor protection strategies including tools and techniques for implementing scenic corridor programs.

## II. Roots of the Scenic Highway Movement

The scenic highway movement can trace its roots back to the later half of the 19<sup>th</sup> century. Frederick Law Olmstead created and developed avenues and boulevards that meandered through urban parks.<sup>2</sup> Over time, these thoroughfares increased in numbers as automobile transportation became affordable for the American working class.

Some of the first scenic highways included suburban parkways built in Boston, Massachusetts and Westchester County, New York in the early decades of the 20<sup>th</sup> century.<sup>3</sup> For instance, the Bronx River Parkway, which began construction in 1913, was designed to provide

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<sup>2</sup> National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, Information Series No. 68 (1992) (attached as Appendix A).

<sup>3</sup> See *id.*, at 1.

a pleasurable commuting experience by beautifying a blighted urban corridor.<sup>4</sup> This scenic corridor provides scenic vistas and a limited number of access points for simple, comfortable travel along the Bronx River.

### III. Federal Scenic Byway Programs

#### A. National Park Service

In the 1930's the National Park Service (NPS) began constructing parkways using the urban parkways around New York City as models. These parkways now constitute a special type of unit of the NPS.<sup>5</sup> They are defined as highways "for recreational passenger car traffic with a wide right-of-way that insulates the roadway from abutting private property, minimizes intersections and access points, and protects natural scenic values."<sup>6</sup> These early parkways included the Blue Ridge Parkway in Virginia and North Carolina and the Natchez Trace Parkway in Tennessee and Mississippi.<sup>7</sup> Today, the NPS manages nine parkways, four of which are found in or near Washington, D.C. Moreover, numerous national parks contain roads considered scenic corridors including Skyline Drive in Shenandoah National Park, Virginia, and Going-to-the-Sun Road in Glacier National Park, Montana.<sup>8</sup>

#### B. U.S. Forest Service and Bureau of Land Management

The U.S. Forest Service and the Bureau of Land Management also have scenic highway systems.<sup>9</sup> The U.S. Forest Service (USFS) began its program in 1988 by designating roads within national forest boundaries in 30 states.<sup>10</sup> USFS scenic highways are mostly protected by federal ownership of the their land and in a few situations by scenic easements.<sup>11</sup> However, many USFS scenic highways pass through both public and private land. Like the USFS, the Bureau of Land Management (BLM) has promoted a network of scenic roads called "Back Country Byways" in the western states. These scenic roads are intended to expose the beauty of the west that is not

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<sup>4</sup> See *id.*

<sup>5</sup> U.S. Department of Transportation—Federal Highway Administration, *Protection Techniques for Scenic Byways: Four Case Studies* (September 1990) (attached as Appendix B).

<sup>6</sup> See *id.*, at 16.

<sup>7</sup> See National Trust for historic Preservation, *The Protection of America's Scenic Byways*, *supra* note 2, at 2.

<sup>8</sup> See *id.*

<sup>9</sup> U.S. Department of Transportation—Federal Highway Administration, *Community Guide to Planning & Managing a Scenic Byway* (attached as Appendix C).

<sup>10</sup> See National Trust for historic Preservation, *The Protection of America's Scenic Byways*, *supra* note 2, at 2.

<sup>11</sup> See U.S. Department of Transportation, *Protection Techniques for Scenic Byways: Four Case Studies*, *supra* note 5, at 16.

easily accessible by major roads including prairies, deserts, canyons, historic towns, mountaintops and wildlife.<sup>12</sup> Back Country Byways are classified into four classifications, depending on the terrain and travel conditions.<sup>13</sup> Most require trucks or four-wheel drive vehicles for reasonable access. Thus, these byways may be impassable during certain times of the year.

### C. National Scenic Highways Program

The federal government has been particularly interested in scenic byways for several decades. Early interest was formalized in the 1960s with the creation of the Outdoor Recreation Resources Review Commission.<sup>14</sup> In 1965, the Highway Beautification Act was passed, regulating signage and junkyards along federally aided highways.<sup>15</sup> Several federal studies of scenic byways were also taken from the 1960s through the 1980s. However, legislation to create a national system of scenic highways was not drafted until 1988 with the help of the Coalition for Scenic beauty (now known as "Scenic America").<sup>16</sup>

In 1989, the Scenic Byways Protection Act was introduced in the House of Representatives and the Senate, with support from engineering, environmental and economic interests.<sup>17</sup> Even though this particular bill was not approved, the 1990 appropriation legislation for the Department of Transportation contained provisions for implementing a study to recommend guidelines for conducting a national scenic byways program. The study assessed existing scenic byways, safety issues, economic impacts, tourism, and protection techniques of scenic byways. The study generated further support for scenic byways, and in 1991 several more bills were introduced in Congress.<sup>18</sup>

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<sup>12</sup>

See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, supra note 2, at 2.

<sup>13</sup> See U.S. Department of Transportation, *Protection Techniques for Scenic Byways: Four Case Studies*, supra note 5, at 17.

<sup>14</sup> See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, supra note 2, at 5.

<sup>15</sup> See *id.* See also infra § V(G) Sign Control.

<sup>16</sup> See *id.* See also [www.scenic.org](http://www.scenic.org)

<sup>17</sup> See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, supra note 2, at 5.

<sup>18</sup> See *id.*



Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991.<sup>19</sup> The Act provided funding, over six-years, for the construction and maintenance of highways, bridges and mass transportation facilities.<sup>20</sup> The Act contains strong provisions for state and local planning and a concern for assessing the impact of transportation projects on communities and integrating transportation and community goals.

The foundations of the national scenic byways program are established in Section 1047 of ISTEA.<sup>21</sup> First, the Act creates a 17-member Scenic Byways Advisory Committee with the purpose of assisting the Secretary of Transportation in developing a national scenic highway program.<sup>22</sup> The Committee is composed of six members from the federal government, three members representing travel and tourism, two members representing transportation officials, two members representing truck and auto users and four members representing the preservation and conservation communities.<sup>23</sup> This eclectic membership reflects the broad spectrum of interests groups that are concerned about the scenic byways program and influence scenic byway legislation.

ISTEA creates a two-tier system of scenic byways: a system of designated roads that meet national criteria and a system of five-star byways, the so-called all-American roads.<sup>24</sup> The "minimum criteria" for use in designating highways as scenic byways and all-American roads requires the committee to address scenic beauty and historic significance of highway corridors, operation and management standards, signage standards, safety standards, landscaping and traveler's facilities, and procedures for designating scenic byways.<sup>25</sup>

The National Scenic Byways Program is envisioned as the next tier above state programs, with all-American roads as the very best of the national byways.<sup>26</sup> Participation by the states is voluntary. The designation criteria must consider user needs, protection of resources and strong public participation.<sup>27</sup> Furthermore, a corridor management plan is required as part of the

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Intermodal Surface Transportation Efficiency Act, Public Law 102-240(1991), codified in chapters 23 and 49 of the United States Code. Authorization of the National Scenic Byways Program can be found at P.L. 102-240 § 1047, and codification can be found at 23 U.S.C. 101 (1996). The National Scenic Highways Program can also be found in the Congressional Statutes at large at 105 Stat. 1996.

<sup>20</sup> See *id.*, at 23 U.S.C. 101.

21

See P.L. 102-240, *supra* note 19, at § 1047.

<sup>22</sup> See *id.*

23

See *id.*

24

See U.S. Department of Transportation, *Community Guide to Planning & Managing a Scenic Byway*, *supra* note 9, at 10.

25

See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, *supra* note 2, at 5.

<sup>26</sup> See Christopher J. Duerksen, *Protecting Scenic Highways—A Legal Primer*, Clarion Associates<sup>27</sup> (1993).

See *id.*

designation process and the Federal Highway Administration has the responsibility to provide technical assistance capability.<sup>28</sup> Finally, for a route to be eligible for inclusion in the National Scenic Byways Program, it must include: one or more of six intrinsic qualities (scenic, natural, historic, cultural, archeological, and recreational), broad-based local community support for its designation, and continued management as laid out in a corridor management plan.<sup>29</sup>

#### IV. State Scenic Byway Programs

##### A. Generally

ISTEA's National Scenic Byways Committee decided that roads should first be recognized at the state level as scenic highways before they could be eligible to receive national byway status. This decision caused the rapid development and enhancement of state scenic byway programs across the country. As a consequence, most states have some type of scenic byways program and they designate roads that have scenic values and historical and cultural resources.<sup>30</sup> In a number of states, such as Florida, formal scenic byways programs are authorized by legislation and are designated in accordance to published standards and procedures.<sup>31</sup> Other states, such as Maryland and North Carolina, have programs with administrative authorization granted under a general or executive authority.<sup>32</sup> Lastly, many states, such as Missouri and Illinois, have no formal scenic highway program but have designated a road or roads as scenic, often as part of a special initiative.<sup>33</sup>

The procedures for scenic designation differ dramatically. In some states, designation of scenic corridors is initiated at the local level. In other states, a state-level planning board or committee nominates the roads. Formal scenic highway program designation criteria varies from state to state. For example, California and Oregon have very defined and high standards of designation that relate to aesthetics, natural beauty and historic resources.<sup>34</sup> Other state programs apply criteria that relate more to tourism and travel experience. Whatever criteria are used, most state scenic byways programs mark the roads with special signs. This special signage is designated to heighten awareness of the roads' special qualities.

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<sup>28</sup> See *id.*

<sup>29</sup>

See U.S. Department of Transportation, *Community Guide to Planning & Managing a Scenic Byway*, *supra* note 9, at 8.

<sup>30</sup> See *id.*

<sup>31</sup> See *infra* § IV(B) Florida.

<sup>32</sup> See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, *supra* note 2, at 2-3

<sup>33</sup> See *id.*

<sup>34</sup>

See *id.*, at 3.

State scenic byways are often promoted through maps and brochures as tourist attractions.<sup>35</sup> However, most state programs do not incorporate the protection and management of the road corridors into their scenic byways programs.<sup>36</sup> Scenic protection of a designated corridor is generally left up to local jurisdictions in which the road passes.

## B. Florida

Florida had no official scenic highways program prior to ISTEA.<sup>37</sup> The Florida Legislature had designated several routes as "scenic and/or historic," but they were chosen on a case-by-case basis with no uniform designation criteria.<sup>38</sup> In 1993, State legislation was passed to allow the Florida Department of Transportation (FDOT) to establish an official program for scenic highways.<sup>39</sup> In 1994, FDOT received a Scenic Byways Grant from the Federal Highway Administration to create a Florida Scenic Highways Program.<sup>40</sup> The product of that grant was a proposed Florida Scenic Highways Program. Then, in February 1997, the Secretary of the Florida Department of Transportation approved and signed an FDOT procedure establishing the Florida Scenic Highways Program as official.<sup>41</sup> Finally, in April 1997, the Program received federal recognition.<sup>42</sup> Since that time, the Federal Highway administration has awarded FDOT with an "Environmental Excellence Award" for its creation of the Florida Scenic Highways Program.<sup>43</sup>

The Florida Scenic Highways Program is structured around the idea of building a grass roots effort to increase awareness of Florida's history and intrinsic resources. The program's mission statement reflects this purpose:

*"The Florida Scenic Highways Program will preserve, maintain, protect and enhance the intrinsic resources of scenic corridors through a sustainable balance of conservation and land use. Through community-based*

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<sup>35</sup> See *id.*

<sup>36</sup>

<sup>37</sup> See *id.*

<sup>38</sup>

See Florida Department of Transportation, *Florida Scenic Highways Program Manual* (1996), at Chapter 1, §1.2.

<sup>39</sup> See *id.* at Section 1.3. Scenic and historic highways legislatively mandated through the 1993 session include 19 highways from Escambia County to Dade County and of the 19 highways: 12 are historic, 6 are scenic and 1 is historic and scenic (see Appendix D for a listing of the highways).

<sup>40</sup> See FLA. STAT. § 335.093 (1993).

<sup>41</sup> See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37, at Section 1.3.

<sup>42</sup> See *id.*

<sup>43</sup> See *id.*

See *id.*



*consensus and partnerships, the program will promote economic prosperity and broaden the traveler's overall recreation and educational experience.*"<sup>44</sup>

Implicit in the Florida Scenic Highways Program's mission statement is the acknowledgment that the program's ultimate goal is to preserve, maintain, protect and enhance Florida's unique intrinsic resources. To date two highways have been formally designated under the Florida Scenic Highways Program. The "Pensacola Scenic Bluffs Corridor," which includes portions of State Road 10A and U.S. 90, is approximately 11 miles in length and was officially designated as Florida's first State Scenic Highway on April 24, 1998.<sup>45</sup> The other designated State Scenic Highway is the "Tamiami Trail Scenic Highway" which includes portions of U.S. 41 and is approximately 49.5 miles in length and was designated on December 9, 1998.<sup>46</sup>

The Florida Scenic Highways Program consists of three separate phases: eligibility, designation, and implementation.<sup>47</sup> During the eligibility phase an applicant forms a Corridor Advocacy Group (CAG) to develop an Eligibility Application.<sup>48</sup> After eligibility is established, the CAG begins the designation phase by developing a Corridor Management Plan (CMP), which specifies the procedures, protection techniques, and standards and regulations by which the scenic highway will be managed.<sup>49</sup> If designation is granted, then the implementation phase is initiated and the actions, techniques, and procedures laid out in the CMP are carried out.<sup>50</sup>

## **V. Protection Strategies: Tools and Techniques for Implementing Scenic Corridor Programs**

### **A. Planning**

#### **1. Policy Statements**

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<sup>44</sup> See *id.*, at § 1.2.

<sup>45</sup> See [www.scenicfla.org](http://www.scenicfla.org) (This is the website of "Citizens for a Scenic Florida," a Florida Chapter of "Scenic America.").

<sup>46</sup> Per phone conversation with Kristee Booth, Florida Department of Transportation, November 30, 1999.

<sup>47</sup> Florida Department of Transportation, *Florida Scenic Highways Program Manual*, supra note 37, at § 1.6.

<sup>48</sup> See *id.*

<sup>49</sup> See *id.*

<sup>50</sup> See *id.*



A governmental entity may issue a policy statement regarding land use or land development that provides a start for protection of scenic resources.<sup>51</sup> This policy may or may not be incorporated in a comprehensive plan or zoning ordinance. Recognition by a local government that a roadway is scenic may spark enough citizen support to protect it. Policy statements may also strengthen ordinances by influencing decision-making processes.

## 2. Comprehensive Planning

In Florida, local government comprehensive plans combine planning and regulatory functions.<sup>52</sup> They are legally enforceable documents used to plan for and regulate land use development in the local jurisdiction. All proposed development within a jurisdiction must demonstrate “consistency” with the comprehensive plan. In order for a particular use to have consistency with the comprehensive plan it must be “compatible with and further the objectives, policies, land uses . . . in the comprehensive plan.”<sup>53</sup> Furthermore, this consistency requirement ensures that the goals and objectives of the local comprehensive plan, such as scenic highway designation, will be implemented in land use decision-making. Moreover, Florida’s Growth Management Act addresses complications caused by multi-jurisdictional problems by requiring each local plan to address intergovernmental coordination.<sup>54</sup>

A Scenic Highway’s CMP must be either adopted into a local government’s comprehensive plan or it must be demonstrated that the comprehensive plan already contains provisions to protect the corridor.<sup>55</sup> Specifically, these elements include a map displaying the corridor, a corridor vision statement, and goals, objectives and strategies related to the specific local government.<sup>56</sup> This required coordination helps ensure scenic highways do not suffer from piecemeal local planning.

## 3. Pre-application Review of Development Proposals

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<sup>51</sup>

See U.S. Department of Transportation, *Protection Techniques for Scenic Byways: Four Case Studies*, *supra* note 5, at 12.

See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37, at Chapter 7.

See FLA. STAT. § 163.3194(3)(a)(1995) (Chapter 163 of the Florida Statutes is referred to as Florida’s Growth Management Act).

<sup>54</sup> See *id.*, at § 163.07.

See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37, at § 3.15.1.

See *id.*

A local government environmental review process can be an important tool in protecting scenic resources.<sup>57</sup> Development-approval processes generally include an environmental review, which requires developers to do an environmental assessment of a potential building site. This review can, and usually does, include an inventory of scenic, historical, and conservation resources and assesses the impacts of the proposed development on those resources. An environmental review does not by itself avoid adverse environmental impacts, but it usually does recognize potential threats to the environment and may identify some mitigation of the impacts.

### **3. Site Plan Review and Design Guidelines**

A Site Plan Review may be installed by a local government to act as a modified special permit process.<sup>58</sup> This middle-ground approach allows local governments more comprehensive control over new development than is feasible through zoning alone, but at the same time reduces “unbridled discretion” exercised by boards of county commissioners utilizing inadequate bylaws which are vague or lack necessary detail. This type of review is most often used for non-residential uses.

Design guidelines and design controls can be utilized under a design review process to effectuate what acceptable development in a community should look like.<sup>59</sup> Design guidelines may be published by citizen groups or governmental bodies and do not require enabling authority. Design controls, which are permitted by enabling legislation, require development to be in compliance with design guidelines. A design review board could administer these guidelines and controls. This approach, coupled with Site Plan Review, would provide a heightened level of scrutiny of development proposals along scenic corridors.

## **B. Acquisition of Interests**

### **1. Fee Simple Acquisition**

Ownership offers the surest way to protect scenic resources is to own them outright. Ownership of all or part of a scenic corridor assures maximum control of land use and design along a road. Title of land in “fee simple” is an absolute holding of real property without any limitation on ownership.<sup>60</sup> However acquiring property, whether by buying it or by donation, is usually the most expensive way to protect it. Further, costs are not limited to acquisition but also involve long-term management and maintenance. Moreover, scenic lands are often productive lands, and its

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<sup>57</sup> See U.S. Department of Transportation—Federal Highway Administration, *Scenic Resource Protection Techniques and Tools* (September 1990), at 28 (attached as Appendix E).

<sup>58</sup> See *id.*

<sup>59</sup> See *id.*

<sup>60</sup> See *id.*, at 9.

productivity is part of that which makes it scenic. Removing such lands from their productive roles may interfere with scenic qualities.

## 2. Scenic or Conservation Easements

Scenic or conservation easements are the acquisition of certain limited rights to, or interests in, real property.<sup>61</sup> They are essentially an agreement between the owner of property and the holder of an easement that the land will be restricted for certain specified uses that might compromise the land's scenic or natural qualities. They are increasingly being used to protect the views from roads.

Conservation easements were authorized by statute in Florida in 1976.<sup>62</sup> Section 704.06 of the Florida Statutes details the procedure for creating conservation easements.<sup>63</sup> A conservation easement usually restricts the type and amount of development that may take place on the property.<sup>64</sup> For example, in the case of scenic highways, conservation easements can be used to prohibit or restrict the placement of buildings or billboards on a scenic corridor to ensure the preservation of scenic qualities. In Florida, easements are perpetual in nature, run with the land and may be in the form of an easement, restriction, condition or covenant. The easement "runs with the land," so that as ownership changes, the land remains subject to the easement.<sup>65</sup>

The easement's seller/donor (owner) may receive several benefits, including estate, property, and income tax deductions and retention of certain rights to develop if specified in the easement instrument. In addition, the easement is drafted to specifically address the particular property's needs and owner's goals. Its flexibility makes the conservation easement a useful instrument for attaining specific conservation goals.<sup>66</sup>

The easement's buyer/donee (holder) takes upon themselves the duty of monitoring and enforcing the restrictions of the easement. The holder of the easement should have the time and monetary resources to properly monitor the property and enforce restrictions. If these duties are not performed properly the easement may be vulnerable to an attack on its validity for lack of enforcement.

The Florida conservation easement law defines one type of a conservation easement as a right or interest in real property which is appropriate to fulfill the purpose of retaining land or water

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<sup>61</sup>

See U.S. Department of Transportation, *Protection Techniques for Scenic Byways: Four Case Studies*, *supra* note 5, at 10.

<sup>62</sup> The conservation easement statute was amended in 1986 and 1993.

<sup>63</sup> See FLA. STAT. § 704.06 (1997).

<sup>64</sup> See David Downes, *Economic Incentives and Legal Tools for Private Sector Conservation*, 8 DUKE ENVTL. L. & POL'Y F. 209, 212 (Spring 1998).

<sup>65</sup> See FLA. STAT. § 704.06(4) (1997).

<sup>66</sup> See Cheryl A. Denton, *Conservation Easements in Florida: Do Unsubordinated Mortgages Pose a Threat?*, 70 FLA. BAR JOURNAL 50, 50 (1996).



areas predominately in their “*natural, scenic, open*, agricultural, or wooded condition.”<sup>67</sup> The purpose and restrictions in the easement should be drafted to reflect these objectives. The restrictions should be strict enough to protect the significant values of the property. Easements may be designed, however, that permit development that is consistent with the easement’s purpose.<sup>68</sup>

Any party that owns real property in fee simple may donate or sell interests in the property. If the property is subject to any mortgages or liens those lenders must agree to subordinate their rights in the property to the rights of the easement holder. Subordination is an IRS requirement to qualify for some tax deductions, as well as sound policy to preserve the easement.<sup>69</sup>

Under Florida law, the holder of the easement must be either:

- a governmental body or agency or
- a charitable corporation or trust
- whose purposes include:
  - (i) protecting natural, scenic, or open space values of real property,
  - (ii) assuring available land for agriculture, forestry, recreation, or open spaces use,
  - (iii) protecting of natural resources,
  - (iv) maintaining or enhancing air or water quality, or
  - (v) preserving sites or property of historical, architectural, archaeological, or cultural significance.<sup>70</sup>

It is also possible to have co-holders of the easement, allowing two qualified organizations to hold the easement. This arrangement brings together the strengths, abilities, and resources of the two stewardship organizations. The co-holders may share responsibility jointly or an individual organization can accept primary responsibility for enforcement of different restrictions.<sup>71</sup>

In order for the conservation easement to be enforceable, it must comply with all sections of Florida Statute ' 704.06. A conservation easement is defined in ' 704.06(2) as a ~~A~~perpetual, ~~e~~ undivided interest in property. Also, public access may be granted in a conservation easement, and is required for some income tax deductions.<sup>72</sup> Moreover, baseline data on the condition of the property at the time of transfer of the conservation easement must be recorded and incorporated by reference into the easement to provide evidence of conservation resource value and to satisfy

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<sup>67</sup> FLA. STAT. § 7 04.06(1) (1998) (emphasis added).

<sup>68</sup> See JANET DIEHL & THOMAS S. BARRETT, THE CONSERVATION EASEMENT HANDBOOK, 5 (1988).

<sup>69</sup> See Treas. Reg. § 1.170 A-154(g)(2) (1998).

<sup>70</sup> See FLA. STAT. § 704.06(3) (1997).

<sup>71</sup> See DIEHL, *supra* note 68, at 77.

<sup>72</sup> See DIEHL, *supra* note 68, at 8.



certain IRS requirements.<sup>73</sup> It is best to compile the information for the baseline report prior to the transfer, so that it can be easily incorporated into the easement.

In drafting the easement the drafter should clearly state the purpose of the easement and identify all the boundaries of the property. The standards for the restrictions should be measurable standards. For a good example of a model easement and explanations of each provision see Janet Diehl and Thomas S. Barrett's *Conservation Easement Handbook* (see also Appendix B of Appendix E for an example of a scenic easement from Michigan).<sup>74</sup> The conservation easement is a flexible alternative to outright donations of land and offers the convenience to the property owner of another entity enforcing the conservation restrictions. The disadvantages include the monetary expense of monitoring the land, as well as decreased property value and decreased owner control.

## 9. Land Trusts

Another alternative for conveying or acquiring title to real property for conservation purposes, land trusts are often established to protect areas of unique scenic quality.<sup>75</sup> Land trusts hold land and other property rights for the benefit of the public and often include educational, recreational and scientific activities. Land trusts often have considerable flexibility in acquiring property and the ability to act quickly and take risks to buy land before it is sold for development. The downside, as with many of the acquisition techniques, is the cost of such a program.

The land trust arrangement was established by the Florida legislature in 1963.<sup>76</sup> Since that time, land trusts have become a popular vehicle for conservation. A land trust is an arrangement whereby the trustee retains both legal and equitable title to land for the benefit of another party, the beneficiary.<sup>77</sup> Major examples of land trusts include the Jackson Hole Trust of Wyoming and the Big Sur Land Trust in California.

When a deed or other recorded instrument naming the trustee as grantee sets forth the trustee's powers, a land trust is created.<sup>78</sup> Florida Statute '689.071 sets out elements of a land trust that must be met in order to be entitled to the benefits of the statute. The following conditions must be satisfied:

- The instrument must convey an interest in real property;
- The grantee in the instrument must be designated as a "trustee";

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<sup>73</sup>

It also provides the information necessary for a summary report for the easement holder to utilize in monitoring the property.

<sup>74</sup> See DIEHL, *supra* note 68, at 15.

<sup>75</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 11.

<sup>76</sup> See FLA. STAT. § 689.071, which was enacted on August 17, 1963.

<sup>77</sup> See Mark Warda, *LAND TRUSTS IN FLORIDA* 13 (Sphinx Publishing 4<sup>th</sup> ed. 1995) (1984).

<sup>78</sup> See *id.*; See also FLA. STAT. § 689.071.

- The recorded instrument must confer on the trustee "the power and authority either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property@;
- The land trust agreement must be recorded.

If these conditions are satisfied, the trustee is vested with full ownership in the property, with full power and authority which was granted in the recorded instrument.

The distinctive features of a land trust include:

- Both the legal and equitable titles to the property are vested in the trustee, and the beneficiary has no interest in either.
- The trustee has no duties or powers other than to convey, mortgage, or deal with the real property as directed by the beneficiaries or to sell or liquidate the property at the trust's termination.
- The rights of possession, management, control, and operation of the property, as well as the right to rents, issues, profits, and proceeds of sale or mortgage financing are vested in the beneficiary.
- The rights, privileges, and obligations of the beneficiaries are not interests in real estate but by the trust instrument are expressly characterized as personal property.<sup>79</sup>

In land trusts, both legal and equitable titles to the trust property are vested in the trustee.<sup>80</sup> Therefore, a land trust differs from a conventional trust under which the trustee holds legal title and the beneficiary holds equitable title.<sup>81</sup> The trustee holds the title and may sign documents affecting title when directed by the beneficiary or the terms of the trust.<sup>82</sup> The beneficiary retains all other rights and duties regarding the property -- collects rents, pays taxes, obtains insurance, and manages the property.<sup>83</sup> Also, the terms usually contain the duty to convey the property to the beneficiary at the termination of the trust.<sup>84</sup>

As previously noted, a land trust beneficiary retains a personal property interest, not a real property interest.<sup>85</sup> The beneficiary, which can be a person, corporation, partnership, limited liability corporation, or a combination,<sup>86</sup> has the duty to manage the property.<sup>87</sup> Because the

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<sup>79</sup> See Bruce S. Goldstein, *FLORIDA REAL PROPERTY COMPLEX TRANSACTIONS* 9-B-1, § 9.56 (The Florida Bar 1997). (Quoting: KENOE, *KENOE ON LAND TRUSTS* I.C.[1.3] (1978)).

<sup>80</sup> See Warda, *supra* note 77, at 16.

<sup>81</sup> See 76 *AMERICAN JURISPRUDENCE* § 12.

<sup>82</sup> See Warda, *supra* note 77, at 14.

<sup>83</sup> See *id.*, at 14.

<sup>84</sup> See *id.*, at 14.

<sup>85</sup> See *id.*, at 15.

<sup>86</sup> See *id.*

<sup>87</sup> See *id.*, at 17.

duties, rights, and responsibilities of ownership reside with the beneficiary, the beneficiary also assumes the responsibility and liability for mismanagement.<sup>88</sup>

A land trust may be created in two ways: A property owner can deed the property to a trustee, or a buyer can direct a seller to convey property to a trustee.<sup>89</sup> Two instruments typically are involved in the creation of land trusts. First, a land trust agreement states in detail the duties and responsibilities of the trustee. The agreement may also refer to the relationship among the beneficiaries when dealing with decision-making or profit-sharing. The second instrument, the deed, conveys title to the trustee. The deed will usually contain language that the trustee is granted full power and authority to protect, conserve, and sell, lease, encumber, or otherwise manage the property described in the deed.<sup>90</sup>

A land trust utilized as a vehicle for owning real property offers a number of benefits. Advantages of land trusts include:

- Because the interest of a beneficiary of a land trust is personal property rather than real property, a properly recorded judgment against a beneficiary does not constitute a lien against the real estate held by the land trust. It should be noted, however, that the filing of a RICO lien notice creates a lien in favor of Florida on the beneficial interest in land situated in the county in which the notice is filed.<sup>91</sup> A judgment creditor also could perfect a lien against the personal property interest of a beneficiary by following the necessary procedures for levying on personal property.
- The incompetency, death, bankruptcy, or divorce of one of several owners of a parcel of real estate can create problems in selling, mortgaging, or otherwise dealing with the property. If the property is held by a land trust, these circumstances affect only the beneficial interests of the persons involved and not the real estate. Thus, with appropriate authority granted by the land trust instrument, the trustee can effectively mortgage, convey title to, or otherwise deal with the property despite the existence of any of these circumstances.
- As noted [in '9.57], the personal liability of the trustee is limited under Florida Statutes '737.306(1)(a), which states that unless otherwise provided in the contract, a trustee is not personally liable on contracts, except contracts for attorneys' fees, properly entered into in the trustee's fiduciary capacity in the course of administration of the trust estate, unless the trustee fails to reveal his or her representative capacity and identify the trust estate in the contract.<sup>92</sup>

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<sup>88</sup> See *id.*; See also 76 AMERICAN JURISPRUDENCE §12.

<sup>89</sup> See Warda, *supra* note 77, at 29.

<sup>90</sup> See *id.*, at 41.

<sup>91</sup> See FLA. STAT. § 895.07 (1998).

<sup>92</sup> See FLA. STAT. § 689.071(5).



- Because the land trust agreement is not recorded, the identity of the beneficial owners remains confidential.<sup>93</sup>

There are some down sides to setting up a land trust. First, there is a cost incurred when setting up a land trust and also with maintaining it.<sup>94</sup> Moreover, finding a trustee that can be trusted may prove to be difficult -- especially when considering that a trustee has full power to sell the property.<sup>95</sup> The sale cannot be taken back, but the act could constitute criminal fraud.<sup>96</sup>

#### 4. Revolving Funds

Revolving fund approaches allow a group to purchase threatened property and sell it with restrictions on alterations and use to a new owner.<sup>97</sup> This approach works well for non-profit groups willing to risk temporary ownership and to invest cash and extra effort in seeking permanent protection and responsible ownership for specific properties. The revolving fund approach differs from the land trust approach in that revolving fund groups are usually independent and may keep some of their property indefinitely.

There is a similar approach to the revolving concept referred to as "pre-acquisition" or "passthrough" program.<sup>98</sup> This approach involves a partnership between an organization and a government agency that will end up owning the property. The organization moves quickly to acquire the property when an agency might not be able to act. Then, the organization covers its costs by selling the property to the agency that permanently protects the property. The Nature Conservancy and the Trust for Public Lands have utilized this approach when working with park agencies, the U.S. Fish and Wildlife Service, and the U.S. Forest Service.<sup>99</sup>

#### 5. Other Types of Acquisition

##### a) Lease-Purchase Agreements

Another approach to acquiring property outright is lease-purchase agreements. Under this type of approach, rent paid under the terms of a lease is applied towards an already agreed upon sale

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<sup>93</sup> Goldstein, *supra* note 79, at § 9.62.

<sup>94</sup> One example would be attorney's fees.

<sup>95</sup> See Warda, *supra* note 77, at 73-74.

<sup>96</sup> See Warda, *supra* note 77, at 74.

<sup>97</sup> National Trust for Historic Preservation, *Rural Conservation*, Information Series No. 77 (1993) (attached as Appendix F).

<sup>98</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57 at 12.

<sup>99</sup>  
See *id.*



### **e) Land Donations**

Non-profit organizations and local governments sometimes receive gifts of property through a donation or bequest.<sup>108</sup> However, it is critical for donors to give adequate notice of their intention to donees, so the donees can solidify financial arrangements needed for the property's maintenance (see Appendix A of Appendix E for a list of representative guidelines for receiving property as a gift).

### **C. Land Transfer Controls**

#### **1. Purchase of Development Rights (PDR)**

PDRs is the purchase of easements that extinguish the right to develop property, leaving the owner with all other rights of ownership.<sup>109</sup> The price of the rights is determined by the reduction in the market value of the property as a result of the removal of development rights. PDR programs are often financed by the sale of bonds. Reasonably successful TDR/PDR programs for preserving agricultural land have been implemented in Suffolk County, New York and in Montgomery County, Maryland.<sup>110</sup>

#### **2. Land Banking**

Land Banking involves a local government obtaining fee simple to a parcel of land and then selling the land from its "land bank" with restrictions on allowable development of the land.<sup>111</sup> In effect, the government acts as a large-scale developer. Thus, it could acquire land along scenic corridors and re-sell for development in locations least disruptive to scenic values. This approach has been widely used in Europe, especially Sweden, Denmark and France.

#### **3. Transfer of Development Rights (TDR)**

TDRs is a planning tool in which a developer may own the development rights to a property located in a designated no-growth zone and transfer those development rights to a receiving zone for credits.<sup>112</sup> Sellers of development rights receive cash for the land's potential without actually selling the land, developers are able to build to a higher density, and communities benefit by concentrating development where it is decided to be appropriate while at the same time protecting and preserving open space.

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<sup>108</sup>

*See id.*

<sup>109</sup> *See National Trust for Historic Preservation, Rural Conservation*, *supra* note 99, at 13.

<sup>110</sup> *See id.*

<sup>111</sup> *See U.S. Department of Transportation, Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 15.

<sup>112</sup> *See National Trust for Historic Preservation, Rural Conservation*, *supra* note 99, at 11.

TDRs can be an effective tool for conservation, but they are complex and difficult to implement.<sup>113</sup> Unfortunately, there are few successful TDR programs in Florida or nationwide.<sup>114</sup> This tool might be best utilized in or near metropolitan areas where the jurisdiction covers a large area and a sophisticated planning process already in place.

#### 4. Deed Restrictions

Deed restrictions, also known as covenants, are self-imposed restrictions on subsequent owners of property when a property is transferred.<sup>115</sup> Deed restrictions operate similar to easements and are commonly used with limited development and revolving funds. These restrictions could impose development standards and limitations on property along and adjacent to a scenic corridors.

Generally, restrictions are instituted in order to control the free use of the owners property for the benefit of others. Restrictive covenants may be utilized to control the uses to which the land may be put.<sup>116</sup> Restrictive covenants can either be public or private. Public restrictions are legislative in nature and are established to protect the public welfare.<sup>117</sup> A zoning ordinance is an example of a public restriction.<sup>118</sup> Private restrictions, on the other hand, are used predominately in residential subdivisions to limit land use and to prevent nuisances.<sup>119</sup> Frequently, private restrictions are found in homeowner's association documents where many individuals live in ordered communities containing common areas.<sup>120</sup> Other examples are residential restrictions that call only for single-family residences and building line restrictions which prohibit the erection of a building nearer than a specified distance from the lot lines.<sup>121</sup>

#### D. Land Use Controls

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For a discussion of Transferable Development Rights as well as an easy-to-follow, illustrated explanation of the TDR concept see *An Analysis of the Development and Planning Alternatives to Protect the Character of Eastern Sarasota County While Minimizing Adverse Impacts on Sarasota County Taxpayers*, prepared by the Conservation Clinic at the University of Florida Levin College of Law, November 1999. See also Julian Conrad Juergensmeyer and Thomas E. Roberts, *Land Use Planning and Control Law* (1998), at § 9.9.

<sup>114</sup> See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37.

<sup>115</sup>

See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 16.

<sup>116</sup> See Florida Bar Continuing Legal Education, *Florida Real Property Sales Transactions* 289 (1978).

<sup>117</sup> See Florida Bar Continuing Legal Education, *Florida Real Property Sales Transactions* § 9.15 (9-1).

<sup>118</sup> See *id.*

<sup>119</sup> See *id.*

<sup>120</sup> See *id.*

<sup>121</sup> See Florida Bar Continuing Legal Ed., *supra* note 118, at 292.

## 1. Zoning Ordinances

A zoning ordinance is a set of rules used to guide land use and development.<sup>122</sup> They consist of two parts: a zoning map and the ordinance. The map divides a given governmental jurisdiction into land-use zones, each with certain development requirements and limitations. Most zoning ordinances have at least five unique zones: residential, industrial, institutional, commercial and open space.<sup>123</sup> Within each zone various construction and development restrictions are specified.

A zoning ordinance can be effective for minimizing the effects of urban sprawl. However, for this benefit to be realized, zoning must be strictly enforced and must ensure development occurs in conformity with the comprehensive plan. Unfortunately, there are also several drawbacks to traditional zoning.<sup>124</sup> First, they are often inflexible. Second, different uses are typically segregated. This segregation will not always protect a scenic corridor's environment or character.

## 2. Overlay Zoning & Scenic Highway Districts

Zoning ordinances may contain special zones called "overlay zones," also known as "critical area zones."<sup>125</sup> This type of special zoning may be applied to specific areas such as highway corridors to protect specific resources found throughout a community.<sup>126</sup> In these overlay zones, special restrictions apply to all land, regardless of how it is traditionally zoned. Overlay zoning does not affect the use or density regulations of existing zoning, but instead, it creates an additional set of requirements to be met when the unique resources protected by the overlay would be affected by a proposed land use.<sup>127</sup> Possibly, the most common overlay device for protecting a scenic road corridor is the highway corridor overlay district<sup>128</sup> (see Appendix C of Appendix E for an example of a scenic highway districts ordinance from Charleston County, South Carolina).<sup>129</sup> These scenic highway districts are used to conserve and enhance the natural beauty along scenic corridors. They work in conjunction with existing zoning classifications to ensure the preservation of scenic resources.

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<sup>122</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, supra note 57, at 18.

<sup>123</sup> See *id.*

<sup>124</sup> See *id.*

<sup>125</sup> See *id.*

<sup>126</sup>

See National Trust for Historic Preservation, *Rural Conservation*, supra note 99, at 10.

<sup>127</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, supra note 57, at 19.

See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, supra note 29.

<sup>129</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, supra note 57, at 19.



### 3. Development Agreements

Pursuant to Sections 163.3220 through 163.3243 of the Florida Statutes, local governments and developers may enter into development agreements that describe the way a development may proceed.<sup>130</sup> Any development agreement must be consistent with the local government's comprehensive plan and can only be adopted, amended or revoked after public notice and hearings.<sup>131</sup> Furthermore, these agreements may last up to ten years.<sup>132</sup> Consideration of scenic resources may be a part of the development agreement process. In the context of scenic corridors, development agreements could provide a level of certainty for a community regarding potential development along a scenic corridor. They would be aware of and may be more able to manage agreed upon development that takes place over a fixed duration of time.

### E. Land Development Controls

#### 1. Subdivision Regulation

In contrast to zoning, which governs the use of property in a community, subdivision regulation controls the design of new development including what it will look like and how it will affect the community.<sup>133</sup> However, given their related objectives, subdivision controls are often coordinated with zoning ordinances. Thus, many communities combine the two concepts into single land development codes.<sup>134</sup>

Subdivision controls can be an important scenic conservation tool. They can apply to any parcel of land, not just traditional subdivisions, and can go a long way to lessen the negative scenic impacts of development. On the other hand, subdivision regulations may also inhibit flexible design standards that can enhance scenic resources. Two of the most important aspects of subdivision regulation are its design and engineering standards and performance guarantees.<sup>135</sup> First, design and engineering standards cover the division of property, including specifying the location of roads, open spaces and other improvements. Second, performance guarantees, such as escrow accounts, ensure that development will proceed only as approved.

#### 2. Flexible Design Standards

##### a) Cluster Development

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<sup>130</sup> See *id.*

<sup>131</sup> See FLA. STAT. § 163.3225 (1999).

<sup>132</sup>

See FLA. STAT. § 163.3229 (1999).

<sup>133</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 22.

<sup>134</sup>

Alachua County, Florida, for instance, has combined the two. See Part III, the Unified Land Development Code, of the Alachua County Code. Alachua, Florida (1997, as amended).

<sup>135</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 22.



Cluster development is the grouping of development on a small portion of land, and can be an effective way to limit development in scenic areas.<sup>136</sup> This type of land development control allows for open accessible to nearby property owners and the public. Moreover, clustering often appeals to developers because it allows flexibility in lot size and can be less expensive in terms of overall improvements. Cluster development in the context of scenic corridors could maintain viewsheds and protect unique natural and scenic resources. However, the success of programs that would *require* clustering depends on balancing the property rights and expectations of the landowner against the community's need to preserve its scenic land.<sup>137</sup>

#### **b) Planned Unit Development**

This type of land development control treats large parcels of land as a single unit containing a mixture of uses.<sup>138</sup> They allow flexibility in zoning and often result in developments with greater open space than in traditional zoning. In residential areas PUDs could have an impact in the area of protection of scenic corridors through site planning and roadway location focusing on the natural resources along scenic corridors. They may also provide a way for local governments to incorporate site design specifications into development.

#### **c) Performance Systems**

Rather than making the general assumptions embodied in traditional zoning, performance systems provide a way of analyzing the effects of proposed development.<sup>139</sup> Performance systems place the burden on developers to mitigate objectionable impacts before a building permit is issued. Generally, they operate with a point system and minimum point scores, or standards, can be set for the impact on scenic views and natural qualities.

Taking either the form of an overlay district or of an amendment to the underlying zoning provisions, the following zoning standards should reflect the scenic character of the district being regulated:

- a) Densities;
- b) Limitations on paved surfaces;
- c) Restrictions on underground services; and
- d) Restrictions on vegetational clearing.

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<sup>136</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 23.

<sup>137</sup> For a couple case studies and a brief discussion of clustering see *An Analysis of the Development and Planning Alternatives to Protect the Character of Eastern Sarasota County While Minimizing Adverse Impacts on Sarasota County Taxpayers*, prepared by the Conservation Clinic at the University of Florida Levin College of Law, November 1999.

<sup>138</sup> See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37.

<sup>139</sup> See National Trust for Historic Preservation, *Rural Conservation*, *supra* note 99, at 11.

In order to protect the scenic rural character of exurban areas, Calvert County, Maryland includes among its design standard requirements, a front roadway buffer for the purpose of maintaining and enhancing "a visually attractive rural landscape."<sup>140</sup>

### **3. Development Moratoria**

An across the board restriction on development permits until a certain governmental action is complete, also known as a "development moratoria," could be used to manage growth in a community.<sup>141</sup> Moratoria may be appropriate when a community is revising its comprehensive plan or trying to improve troublesome conditions such as heavy traffic congestion or limited sewer capacity.<sup>142</sup> However, a moratorium should not be used to postpone development indefinitely.<sup>143</sup> Otherwise, a community will open itself up to court challenges.

## **F. View Protection**

### **1. View Preservation**

In spite of preservation ordinances and design review regulations, many communities are recognizing the need to take a comprehensive approach to protecting special vistas and scenic roads. Communities are recognizing that vistas add to the local sense of place and image, which contribute to quality of life and attracting business. Therefore, many communities have enacted view protection ordinances utilizing a combination of tools, including height controls, use restrictions, sign controls and landscaping regulations.<sup>144</sup>

In some cities, such as Austin, Texas, view protection concerns have manifested in efforts to protect views of important buildings such as state capitols. In other cities, such as Denver, Colorado, mountain views have spurred special regulations to limit building heights. Furthermore, some cities, like New Orleans and Houston, have attempted to beautify their city's entryways, which are the community's welcome mat.<sup>145</sup>

### **2. Tree Protection**

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<sup>140</sup> See Calvert County, MD. Calvert County Code, at 5-103.D.5a. See also Stokes, *Saving America's Countryside*, at 176-86.

<sup>141</sup> See U.S. Department of Transportation, *Scenic Resource Protection Techniques and Tools*, *supra* note 57, at 24.

<sup>142</sup> See *id.*

<sup>143</sup> See *id.*

See *id.*

<sup>144</sup> See *id.*, at 35.

<sup>145</sup> For a more detailed discussion of the Denver, Austin, and New Orleans' view protection ordinances see Appendix E at § 3.8.1.

There is also an increasing interest in protecting existing trees across the nation. Americans have increasingly begun to realize and appreciate the benefits of trees. More specifically, people have recognized trees' abilities to "soften the edge of development," to contribute to a safer healthier environment and reduce the phenomena known as "urban heat islands" by moderating effects of sun, cold and wind.<sup>146</sup> Furthermore, trees serve as screens against noise, stabilize soils and provide a haven for wildlife.<sup>147</sup> In response to growing community interest, a number of local communities, such as Tallahassee, Florida, have adopted specific tree species as community hallmarks.<sup>148</sup> These designations and tree-related ordinances can help protect and conserve scenic vistas.

An emerging legal issue that has caused problems for tree protection in many areas is how to prevent an owner from clearing a site of trees before they apply for a building permit or site plan approval.<sup>149</sup> Communities have responded in several ways. They include following the Model Development Code approach and include tree removal under the definition of development that requires a permit. Alternatively, other approaches utilize separate regulations that place restrictions on land clearance, often as soil erosion and drainage control ordinances. Finally, some communities have tree ordinances that require a review process that consideration of trees in development proposals.

#### G. Signage

Sign control is an essential tool of scenic resource protection. Sign control should include managing the location, appearance and existence of signage along scenic corridors.<sup>150</sup> An ideal system would convey information without creating clutter, blocking scenic views or contrasting with the natural or cultural character of an area.

In recent times, courts have recognized aesthetic concerns as being a valid justification for the use of the police power.<sup>151</sup> In many jurisdictions, aesthetics standing alone have been recognized as a valid exercise of these powers.<sup>152</sup> Moreover, regulations prohibiting signs near major highways and public places have been traditionally considered valid.<sup>153</sup> Although the justifications given for regulating signage through the police power have included the desire to protect travelers, most likely, grounds for sustaining these regulations have been based on either

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<sup>146</sup> See *id.*, at 38.

<sup>147</sup> See *id.*

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See *id.*

<sup>149</sup> See *id.*

<sup>150</sup> See *id.*, at 30.

<sup>151</sup> This has been the case since Berman v. Parker, 348 U.S. 26 (1954).

<sup>152</sup> See *id.*

<sup>153</sup>

See, e.g., Illinois Highway Advertising Control Act of 1971, 225 Ill. Comp. Stat. 440/1 (1996) (discussed in Scadron v. City of Des Plaines), 989 F.2d 502 (7<sup>th</sup> Cir. 1993).



aesthetics,<sup>154</sup> or the preservation of areas where signs would mar the historic or naturally scenic character of an area.<sup>155</sup>

The Federal Highway Beautification Act (FHBA) affects regulation of signage on the Interstate Highway System and the Federal-aid primary highway system.<sup>156</sup> One of the main purposes of FHBA is to “preserve natural beauty.”<sup>157</sup> Thus, FHBA’s principal mandate is for the “effective control” of signage by prohibiting signs within 660 feet of the right of way along interstate and primary highway systems, unless an area is zoned for commercial or industrial uses.<sup>158</sup> It is possible for new outdoor signs to be constructed on industrial or commercial land within controlled zones along Federal Interstate and Federal-aid primary system so long as they comply with the size, height, and spacing requirements set forth in a federal-state agreement to implement FHBA.<sup>159</sup> Compensation must usually be paid for the removal of signs predating the law.<sup>160</sup> Unfortunately, funding for compensation has lagged, and at its current level it is doubtful that targeted billboards will be removed in the near future. Overall, FHBA has provided the stimulus for many states to control signs along highways or risk loss of federal funds.

The state of Florida has complied with the mandates of the FHBA by enacting Chapter 479 of the Florida Statutes.<sup>161</sup> On most points Chapter 479 is more expansive and restrictive than the FHBA. For instance, Chapter 479 regulates signage along the State Highway System, in addition to signage along the Interstate and Federal-aid Primary Systems.<sup>162</sup> Further, Chapter 479 requires that every who engages in outdoor advertising person, with certain limited exceptions, must obtain a license for that business, and must obtain a sign permit for every outdoor sign erected within the controlled zone.<sup>163</sup>

The FHBA formerly provided that States with a scenic highway program may not allow the erection of any sign on any Interstate or Federal-aid primary highway designated scenic, subject to some exceptions. However, Congress has revised FHBA and inserted an exception to allow states to exclude from state or federal scenic byways designation any segment of a scenic road that

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<sup>154</sup>

*See Dukeminier, Zoning for Aesthetics Objectives: A Reappraisal*, 20 *Law & Contemp. Probs* 218 (1955).

<sup>155</sup> *See Julian Conrad Juergensmeyer and Thomas E. Roberts, Land Use Planning and Control Law* (1998), at § 12.3, at 565.

<sup>156</sup> *See* 23 U.S.C. § 131 (1999) (attached as Appendix G).

<sup>157</sup>

*See id.*, at § 131(a).

<sup>158</sup> *See id.*, at § 131(b).

<sup>159</sup>

*See id.*, at § 131(c)-(d).

<sup>160</sup>

*See id.*, at § 131(g).

<sup>161</sup>

*See* FLA. STAT. Chapter 479 (1998) (attached as Appendix H). Furthermore, the Florida Administrative Code Chapter 14-10 (1999) addresses Outdoor Advertising Sign Regulation and the Highway Beautification Program (attached as Appendix I).

<sup>162</sup> *See id.*, at § 479.105.

<sup>163</sup> *See id.*, at §§ 479.04-.105.



it determines to be inconsistent with the state's criteria for scenic designation.<sup>164</sup> Thus, Florida may determine that certain areas along designated scenic highways should be excluded from scenic designation and its outdoor sign prohibition.

Florida has provided that local governments may enact their own sign ordinances as long as the regulations are at least as stringent as those in Chapter 479.<sup>165</sup> Florida Courts have upheld carefully drafted, content-neutral local sign ordinances adopted pursuant to this authority.<sup>166</sup> Thus, any signage regulation used to protect scenic corridors should address size, location and lighting of signs using reasonable time, place and manner restrictions. Furthermore, any attempt at on-site sign regulation should utilize content-neutral and narrowly drawn ordinances to accomplish the legitimate end of protection of a scenic viewshed.

## H. Tax Benefits

The conservation of real property generates a number of opportunities to lower an individual's tax burden. Benefits may accrue through conservation conveyances in the areas of federal income taxes, estate taxes, gift taxes, capital gains taxes, and ad valorem taxes.<sup>167</sup>

### 1. Federal Income Taxes

The Internal Revenue Service recognizes a qualified conservation contribution (such as a conservation easement) as a charitable contribution under Section 170 of the Internal Revenue Code (Code).<sup>168</sup> Yet, it places restrictions on what may qualify as a conservation contribution.

<sup>164</sup> See S. 440, 104<sup>th</sup> Cong., 1<sup>st</sup> Sess. § 314 (1995).

<sup>165</sup>

See *id.*, at FLA. STAT. § 479.155.

<sup>166</sup> See E.B. Elliot Advertising Company v. Metropolitan Dade County, 425 F.2d 1141 (5<sup>th</sup> Cir. 1970). See also Hav-a-Tampa Cigar Co. v. Johnson, 5 So.2d 433 (Fla. 1941). Importantly, "point-of-sale" or on-site signs, meaning those that were attached to property and advertised products or services available on that property were excluded from the restrictions considered. Because of this exclusion, the bounds of permissible regulation of point-of-sale signs was not ruled on by the Court in the above cases. Thus, a local government should distinguish between on-site and off-site signs in drafting any regulation. See also Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981); City of Lake Wales v. Lamar Advertising Ass'n, 414 So.2d 1030, 1032 (Fla. 1982).

<sup>167</sup> For further reading about conservation and tax incentives, see Bowles, Downes, Clark, and Guerin-McManus, *Economic Incentives and Legal Tools for Private Sector Conservation*, 8 DUKE ENVTL. L. AND POL'Y F. 209. See also SMALL, *supra* note 55 (additional explanations of the principles discussed below).

<sup>168</sup> See I.R.C. § 170 (1999). I.R.C. § 170(h) states:

#### 1.8 Qualified Conservation Contribution.—

1. In General. — For purposes of subsection (f)(3)(B)(iii), the term "qualified conservation contribution" means a contribution—

- A. of a qualified real property interest,
- B. to a qualified organization,

The Code outlines a three-prong test to determine if a qualified conservation contribution exists.<sup>169</sup> Such a contribution must be (1) a qualifying real property interest, (2) to a qualified organization, (3) exclusively for conservation purposes.<sup>170</sup>

It is required that the contribution qualify as a real estate interest.<sup>171</sup> The Code defines a qualifying real property interest<sup>172</sup> as having any one of three characteristics.<sup>173</sup> First, the owner may donate their entire interest in the property (other than mineral rights).<sup>173</sup> Second, the donor may give a remainder interest in their property.<sup>174</sup> This would be an interest in the property that would pass after the expiration of an intervening interest. For example, the owner may elect to

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- C. exclusively for conservation purposes.
  - 2. **Qualified Real Property Interest.** For purposes of paragraph (1), the term “qualified real
  - 3. **property interest” means any of the following interests in real property:**
    - A. the entire interest of the donor other than a qualified mineral interest,
    - B. a remainder interest, and
    - C. a restriction (granted in perpetuity) on the use which may be made of the real property.
  - 4. **Qualified Organization.** For purposes of paragraph (1), the term “qualified organization” means an organization which-
    - A. is described in clause (v) or (vi) of subsection (b)(1)(A), or
    - B. is described in section 501(c)(3) and-
      - i. meets the requirements of section 509(a)(2), or
      - ii. meets the requirements of section 509(a)(3) and is controlled by an organization described in subparagraph (A) or in clause (I) of this subparagraph.
  - 5. **Conservation Purpose Defined.--**
    - A. **In General.**-- For purposes of this subsection, the term “conservation purpose” means-
      - i. the preservation of land areas for outdoor recreation by, or the education of, the general public,
      - ii. the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,
      - iii. the preservation of open space (including farmland and forest land) where such preservation is-
        - I. for the scenic enjoyment of the general public, or
        - II. pursuant to a clearly delineated Federal, State, or local governmental conservation policy, and will yield a significant public benefit, or
      - iv. the preservation of an historically important land area or a certified historic structure. . . .
    - 5. **Exclusively for Conservation Purposes.** - For purposes of this subsection -  
**A contribution shall not be treated as exclusively for conservation purposes unless the conservation purpose is protected in perpetuity. . . . Id**

<sup>169</sup> See I.R.C. § 170(h)(1) (1999).

<sup>170</sup> See *id.*

<sup>171</sup> See *id.*

<sup>172</sup> See I.R.C. § 170(h)(2) (1999).

<sup>173</sup> See I.R.C. § 170(h)(2)(A) (1999).

<sup>174</sup> See I.R.C. § 170(h)(2)(B) (1999).

donate the property upon death to a conservation trust. One method of achieving this result would be to place the property in a life estate for the duration of the life of the owner and grant the remainder interest to the conservation trust. Upon death, the remainder would pass to the trust. The creation of such a remainder interest would qualify as a real estate interest under the three prong test above. Third and finally, a restriction placed on the use of the real property will serve as a qualified real property interest (i.e. a conservation easement), provided the restriction is placed in perpetuity.<sup>175</sup> This option would allow the owner to retain ownership benefits of the property subject to the easement restrictions. The restrictions would serve to preserve and protect the land from any future development because such a restriction must be granted in perpetuity.<sup>176</sup>

In addition to qualifying as a real estate interest, the interest must be donated to a qualified organization.<sup>177</sup> Such an organization may be a governmental unit such as the state or federal government, or any of their respective agencies.<sup>178</sup> Alternatively, an organization formed under the Internal Revenue Code ' 501(c)(3) as a tax-exempt charitable organization may also qualify.<sup>179</sup>

Finally, the gift must be made exclusively for a conservation purpose.<sup>180</sup> The Code lists four criteria that may qualify as a conservation purpose.<sup>181</sup> First, the preservation of land for outdoor recreation by, or the education of, the general public qualifies as a conservation purpose.<sup>182</sup> Second, a conservation purpose may be found if the interest was given for the protection of a relatively natural<sup>183</sup> habitat of fish, wildlife, or plants.<sup>184</sup> Third, the preservation of open space may qualify as a conservation purpose.<sup>185</sup> To qualify however, the open space must

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<sup>175</sup> See I.R.C. § 170(h)(2)(B) (1999).

<sup>176</sup> The federal government places restrictions on donations before they allow tax deductions. See Reg. Sec. 1.170A-14(g)(2). The "first in time, first in right" principle threatens easements when a superior right to the property exists such as a mortgage. For a discussion of conservation easements and the subordination of mortgages and foreclosures, see Cheryl Denton, *Conservation Easements in Florida: Do Unsubordinated Mortgages Pose a Threat?*, 70 FLA. B. J. 50 (April 1996). In general, "[A]ny interest in the property retained by the donor (and the donor's successors in interest) must be subject to legally enforceable restrictions (for example, by recordation in the land records of the jurisdiction in which the property is located) that will prevent uses of the retained interest inconsistent with the conservation purposes of the donation." Reg. Sec. 1.170A-14(g)(1).

<sup>177</sup> See I.R.C. § 170(h)(1) (1999).

<sup>178</sup> See I.R.C. § 170(h)(3)(A) (1999).

<sup>179</sup> See I.R.C. § 170(h)(3)(B) (1999).

<sup>180</sup> See I.R.C. § 170(h)(3)(A) (1999).

<sup>181</sup> See I.R.C. § 170(h)(4) (1999).

<sup>182</sup> See I.R.C. § 170(h)(4)(A)(i) (1999).

<sup>183</sup> Attempting to explain a "relatively natural" state with regard to a Michigan statute (the Recreational Land Use Act), the Court states: "The focus is on the use of the land and whether it remains in a relatively natural state or has been developed and changed in a manner incompatible with the intention of the act. . . . The central issue in this case is the character of the land." *Wilson v. McNamara, Inc.*, 173 N.W. 2d 851, 854 (Mich. Ct. App. 1988)(emphasis added).

<sup>184</sup> See I.R.C. § 170(h)(4)(A)(ii) (1999).

<sup>185</sup> See I.R.C. § 170(h)(4)(A)(iii) (1999).



be for the scenic enjoyment of the general public (or, pursuant to another delineated governmental conservation policy) that will yield a significant public benefit.<sup>186</sup> Such open space may include farmland and forest land.<sup>187</sup> Finally, the preservation of a historically important land or structure may qualify as a conservation purpose.<sup>188</sup> The exclusivity requirement of this prong mandates that these conservation purposes be protected in perpetuity.<sup>189</sup>

Once it has been determined that a qualifying conservation contribution has been made, the taxpayer must determine the value of the donation.<sup>190</sup> In the event that the property owner donates property, this is simply the fair market value of the property. However, the value of any easement donation would be more difficult to ascertain. An appraiser must determine both the fair market value of the property *with* and *without* the easement.<sup>191</sup> The difference between these figures would yield the value of the easement.<sup>192</sup> Such values must be determined through a qualified appraisal with appropriate documentation to verify the amount of the deductions.<sup>193</sup>

After the value of the easement has been ascertained, the taxpayer may determine the extent of any deductions. According to the Code, the taxpayer may be eligible to deduct an amount equal to thirty percent (30%) of the taxpayers adjusted gross income, up to the value of the easement.<sup>194</sup> The donor may take this deduction no more than six years and the deduction must cease once the value of the easement has been deducted.<sup>195</sup>

The following example may help one develop a better understanding of the Code regulations. Assume that a property has an appraised fair market value of \$100,000. The landowner donates a conservation easement to a qualifying organization such as a land trust. The easement restrictions reduce the value of the property to \$64,000. Thus, the value of the easement (and the landowner's gift) would be \$36,000. Assuming that the landowner has an adjusted gross income of \$60,000, they may deduct \$18,000 ( $\$60,000 \times 30\% = \$18,000$ ). This deduction may be taken the following year as well (assuming the adjusted gross income is constant) until the value

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<sup>186</sup> See *id.*

<sup>187</sup> See *id.*

<sup>188</sup> See I.R.C. § 170(h)(4)(A)(iv) (1999).

<sup>189</sup> See I.R.C. § 170(h)(5)(A) (1999). See Reg. Sec. 1.170A-14(g) (discussing the requirements of the donor to protect the property in perpetuity).

<sup>190</sup> See STEPHEN SMALL, THE FEDERAL TAX LAW OF CONSERVATION EASEMENTS, 17-1 (1990).

<sup>191</sup> See *id.*

<sup>192</sup> See *id.*

<sup>193</sup> See THE LAND TRUST ALLIANCE, APPRAISING EASEMENTS, 5 (1990).

<sup>194</sup> See I.R.C. § (b)(1)(C) (1999). Alternatively, the Code offers an election that may offer greater tax savings. In many situations however, it will offer no greater benefit. With the election, "a taxpayer who makes a charitable gift of appreciated property can choose to reduce the amount of the deduction to the cost or bases of the property, and one important new rule will follow: the value of the gift (a reduced to basis) will be deductible up to 50% of the taxpayer's income, compared to the 30% ceiling without the election. The decision to use the new rule is made by making an 'election' to reduce the value of the gift to basis, and to increase the deduction to 50% of income." STEPHEN SMALL, PRESERVING FAMILY LANDS: ESSENTIAL TAX STRATEGIES FOR THE LANDOWNER, at 93. See I.R.C. section (b).

<sup>195</sup> See *id.*



of the easement donation has been deducted (up to a maximum of six years). In this example, the landowner may take two years of the full deduction before the amount of the donation has been reached.<sup>196</sup>

## 2. Estate Taxes

Estate taxes are imposed on the right to transfer property by death.<sup>197</sup> The highest effective federal estate tax rate is fifty five percent (55%). Such rates underscore the importance of sound estate planning.<sup>198</sup> A conservation conveyance may be used to dramatically reduce estate taxes.<sup>199</sup>

The highest and best use of a property dictates the value of the property for purposes of estate taxes.<sup>200</sup> This amount is typically not what the existing use of the property may be, but the development potential of the parcel.<sup>201</sup> Thus for example, a desirable piece of farmland would be valued at the price developers would be willing to pay for it (for subdivision of the property) rather than the value of the parcel as farmland. The heirs of the property would be required to satisfy the estate taxes due on the fair market value of the property at its highest and best use, in addition to any other assets that the heirs may have inherited.<sup>202</sup> With the estate taxes due within nine months, heirs are often forced to sell the inherited land just to meet the estate taxes due.<sup>203</sup>

The use of a conservation easement or other conveyance may reduce the estate taxes.<sup>204</sup> By donating a conservation easement, the property owner is reducing the tax base of the property.<sup>205</sup> Such a restriction on the property would serve to lower the highest and best use.<sup>206</sup> Thus, the development potential of the property would be significantly diminished. Such a reduction would be reflected in the amount of estate taxes paid by the heirs of the estate.<sup>207</sup>

Such a conservation easement may be made during the life of the owner or upon death.<sup>208</sup> If the easement is made during the lifetime of the owner, the conveyance would immediately

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<sup>196</sup> See Florida Land Trust Association, *Preservation For Floridians*, 26-27 (1991). See generally Small, *The Federal Tax Law of Conservation Easements*, at 20.

<sup>197</sup> See HENRY CAMPBELL BLACK, *BLACK'S LAW DICTIONARY*, (5<sup>th</sup> ed. 1990). The tax is levied on the decedent's estate and not on the heir receiving the property. See *id.* A tax levied on the heir receiving the property would be an inheritance tax. *Id.*

<sup>198</sup> See JANET DIEHL & THOMAS BARRETT, *THE CONSERVATION EASEMENT HANDBOOK*, 55-56 (1988).

<sup>199</sup> See *id.*

<sup>200</sup> See *id.*, at 55.

<sup>201</sup> See *id.*

<sup>202</sup> See *id.*

<sup>203</sup> See *id.*

<sup>204</sup> See *id.*

<sup>205</sup> See *id.*, at 56.

<sup>206</sup> See *id.*, at 56.

<sup>207</sup> See *id.*

<sup>208</sup> See *id.*

depreciate the value of the property.<sup>209</sup> Such a depreciation would be reflected in the estate taxes at the death of the property owner.<sup>210</sup> In addition, the owner would be able to capitalize on the benefits of an income tax deduction discussed above.<sup>211</sup>

An owner may choose not to limit their rights in the property during the owner's lifetime.<sup>212</sup> Should the owner choose, they may elect to donate a conservation easement upon their death. Such a devise would similarly reduce the taxable value of the estate as the conveyance during the lifetime of the owner.<sup>213</sup> However, the conveyance of the easement would not occur until death of the owner. At that time, the easement would pass and the heirs would realize the tax consequences of the estate with the easement.<sup>214</sup> Of course, the income tax benefits would not be realized by the property owner if the easement passed at death.

### 3. Gift Taxes

Gift taxes are imposed on a donor (the person making the donation) for the transfer of property.<sup>215</sup> This tax is based on the fair market value of the property at the time of the gift.<sup>216</sup> Similar to estate taxes, such a grant would serve to reduce gift taxes on gifts of property made during the lifetime of the owner.<sup>217</sup> By donating the easement before the gift is made, the property owner reduces the value of the property that would be subject to gift taxes.<sup>218</sup> By reducing the value of the property, the owner reduces the level of taxes that he or she will face due to the transfer.<sup>219</sup> If for example, the gift is made to the owner's children (spouses benefit from an exemption), the donor would benefit from the reduced gift taxes owed on the transfer.<sup>220</sup>

### 4. Capital Gains Taxes

When one donates an interest in the land, such a donation will ultimately serve to reduce any capital gains taxes on the property should the owner decide to sell their interest. As applied to real property, capital gains are basically the increase in value of the property while in the owner's possession. Capital gains realized when one transfers property are treated as income for purposes of taxation. The granting of an easement would reduce the amount of the property's appreciation

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<sup>209</sup> See *id.*

<sup>210</sup> See *id.*

<sup>211</sup> See *id.*

<sup>212</sup> See JANET DIEHL & THOMAS BARRETT, THE CONSERVATION EASEMENT HANDBOOK, at 56.

<sup>213</sup> See *id.*

<sup>214</sup> See *id.*

<sup>215</sup> See HENRY CAMPBELL BLACK, BLACK'S LAW DICTIONARY, (6<sup>th</sup> ed. 1990).

<sup>216</sup> See *id.*

<sup>217</sup> See JANET DIEHL & THOMAS BARRETT, THE CONSERVATION EASEMENT HANDBOOK, at 57.

<sup>218</sup> See *id.*

<sup>219</sup> See *id.*

<sup>220</sup> See *id.*

from the time of acquisition.<sup>221</sup> Thus, the gain of the property would be proportionately reduced by the value of the easement.<sup>222</sup>

## 5. Ad Valorem Taxes

In Florida, ad valorem taxes are proportional to the assessed value of the property.<sup>223</sup> Donating a conservation easement should reduce the assessed value of the interest retained in the property.<sup>224</sup> Thus, the limitations of development on the property will reduce the appraised value, decreasing the amount of ad valorem taxes owed by the taxpayer.<sup>225</sup> Since the charitable contribution of the Code requires that a qualified appraisal<sup>226</sup> of the property be produced,<sup>227</sup> the property owner may use this as evidence of the reduced value of the property to the County Property Appraiser. Therefore, the owner would realize a reduced tax burden of their annual ad valorem taxes.<sup>228</sup>

An alternative method of reducing the owner's ad valorem taxes would be to downgrade the zoning of the property.<sup>229</sup> For example, an owner could seek to re-zone the property to open space. Since a change in zoning would not be permanent, the owner could later petition to re-upgrade the zoning classification.<sup>230</sup> Though this probably would not reduce taxes as much as a conservation easement, it may provide some tax relief for the taxpayer.<sup>231</sup>

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<sup>221</sup> See Stephen Small, *The Federal Tax Law of Conservation Easements*, 17-14.

<sup>222</sup> See generally *id.*, at 17-14 to 15.

<sup>223</sup> FLA. CONST. art. VII (1997).

<sup>224</sup> See JANET DIEHL & THOMAS BARRETT, *THE CONSERVATION EASEMENT HANDBOOK*, at 56.

Note however, in instances where the donor maintains an unencumbered interest in surrounding property, the assessed values in surrounding property may increase due to the added amenity of a conservation easement. See STEPHEN SMALL, *THE FEDERAL TAX LAW OF CONSERVATION EASEMENTS*, at 18.

<sup>225</sup> See *id.*

<sup>226</sup> The Code requires that a qualified appraisal "include, among other things, a description of the property, the method of valuation used to determine the fair market value of the property, certain information about the appraiser and his or her qualifications, and a description of the fee arrangements between the donor and the appraiser." STEPHEN SMALL, *THE FEDERAL TAX LAW OF CONSERVATION EASEMENTS*, at 19-3. The appraisal must be performed by a qualified appraiser which is "one qualified to make appraisals of the type of property being valued and cannot be a person whose relationship to the taxpayer or the donee organization would cause a reasonable person to question the independence of such appraiser." See *id.* at 19-2 to 3.

<sup>227</sup> See The Land Trust Alliance, *Appraising Easements*, 5.

<sup>228</sup> See JANET DIEHL & THOMAS BARRETT, *THE CONSERVATION EASEMENT HANDBOOK*, at 56.

<sup>229</sup> Telephone Interview with Robin Tardiff, Property Appraiser (Land Section) for the Manatee County Property Appraiser (Feb. 10, 1999).

<sup>230</sup> See *id.*

<sup>231</sup> Assessed property should reflect the just value of the property. FLA. CONST. art. VII s.4(c)(2)(1997). A downgrade in zoning may have a negative effect on the just value of the property. Florida Statutes state that the county property appraiser shall consider "[T]he highest and best use to which the property can be expected to be put in the immediate future and the present use of the property, taking into consideration . . . local and state land use regulation . . ." FLA. STAT. § 193.011(2)(1997).



Applying for greenbelt status may also reduce the tax burden.<sup>232</sup> Greenbelts give the owner an agricultural exemption on the ad valorem taxes of the property.<sup>233</sup> To qualify however for greenbelt status, the property must be used for a bonafide commercial agricultural use.<sup>234</sup>

## **6. Conclusion**

The land donations can provide several tax benefits to the donor of the interest. Such a gift enables the donor to take a deduction as a charitable gift on their federal income taxes. Upon death of the owner, the conveyance reduces the tax burden upon the estate before the property passes to heirs. The owner of the property may donate more property that has been encumbered with a conservation easement before subjecting themselves to gift taxes. Should the owner decide to sell the property, they will realize proportionately reduced capital gains after granting a conservation easement. Finally, the owner receives an immediate benefit with a reduction in their annual ad valorem taxes. Such benefits may amount to substantial savings to the taxpayer who donates the real property or a conservation easement.

## **I. Voluntary Approaches**

### **1. Inter-jurisdictional Approaches**

Inter-jurisdictional agreements are a particularly important scenic conservation tool in corridors that cross two or more jurisdictions. They are contracts executed by local governments in order to most efficiently use services and facilities among adjoining jurisdictions.<sup>235</sup> They allow local governments to exercise together all power and authority that the governments share in common and could exercise independently. In Florida, local governments are allowed to enter into such agreements pursuant to Section 163.01 of the Florida Statutes.<sup>236</sup>

Interlocal agreements may create new entities that implement the agreement. This entity could perform the operational functions of a scenic highway program such as management and administration. Furthermore, an interlocal agreement could establish an independent special district to implement a scenic byway corridor.

### **2. Special Districts**

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<sup>232</sup> Telephone Interview with Robin Tardiff, Property Appraiser (Land Section) for the Manatee County Property Appraiser (Feb. 10, 1999).

<sup>233</sup> See *id.*

<sup>234</sup> See *id.*

<sup>235</sup> See Florida Department of Transportation, *Florida Scenic Highways Program Manual*, *supra* note 37.

<sup>236</sup> See FLA. STAT. § 163 (1999).



Special districts, governed by Chapter 189 of the Florida Statutes, are local units within certain limited boundaries that have specific governmental purposes.<sup>237</sup> They may be either dependent or independent. Dependent special districts are created by an ordinance of a local government having jurisdiction over the area. Independent special districts, on the other hand, can only be created by the Florida Legislature, the Florida Governor and Cabinet, and in certain circumstances, local governments.

As stated earlier, local governments can create special districts by interlocal agreement.<sup>238</sup> A special district, created in this manner, could be useful for a scenic byways program. Under this type of scenario, a multi-jurisdictional independent special district with the necessary funding could focus on the protection of a scenic corridor by utilizing its "own governmental powers" to most effectively implement the other various tools to enhance and conserve scenic byways.

Finally, a variation of the special district is the community development district (CDD) authorized in Chapter 163 of the Florida Statutes which allows large scale developments, often developments of regional impact (DRIs), to utilize tax free bonds to construct and maintain improvements, including roadways.<sup>239</sup> A scenic corridor could be maintained and protected over the life of a CDD program.

## VI. Conclusion

With the creation of a National Scenic Byways Program, the opportunity to develop new scenic byways and to strengthen the protection of existing byways has increased dramatically. Some states, with the help of federal funding, have established new scenic byway programs in recent years, while other states have enhanced their byway programs. However, designation under scenic highway programs has provided only the trigger for protecting scenic corridors.

The real protection of scenic corridors rests in the hands of local communities requires a strong commitment to implementation of scenic corridor management plans that utilize corridor protection strategies. Thus, communities must explore the many tools and techniques capable of being utilized as corridor protection strategies. These protection techniques cover a wide spectrum from fee-simple ownership to ordinances that prohibit certain types of land use to self-directed grass roots efforts to protect and enhance scenic beauty.

In the long run, the success of corridor protection will rest on the ability of local interest groups to work together to balance the goals of fostering economic prosperity with protecting

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<sup>237</sup> See FLA. STAT. § 189 (1999).

<sup>238</sup> See *supra* this paper section § V(I)(1).

<sup>239</sup>

See FLA. STAT. §§ 163.360 - 163.385 (Community Redevelopment, in general Chapter 163 Part III).

the values of a scenic corridor. Thus, the protection of scenic corridors will necessitate local cooperation, commitment, and attention. However, “where there is a will, there is a byway.”<sup>240</sup>

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<sup>240</sup> See National Trust for Historic Preservation, *The Protection of America's Scenic Byways*, *supra* note 2, at 17.

# TRANSPORTATION ELEMENT

Appendix  
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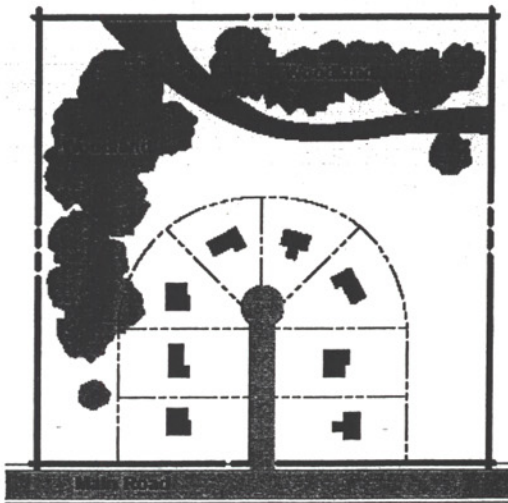
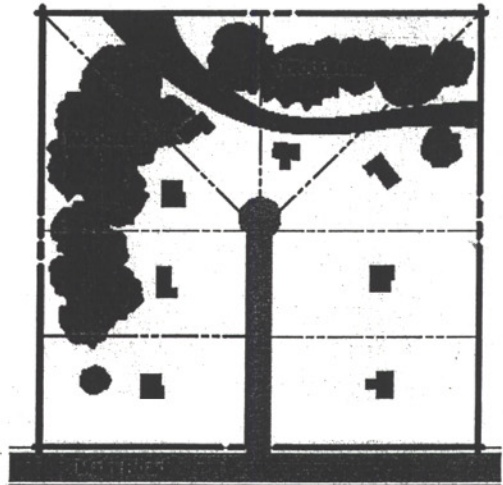
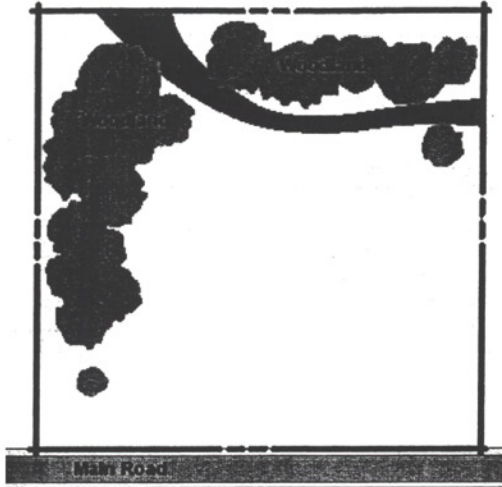
# Transportation Element

## Rural Development Scenarios

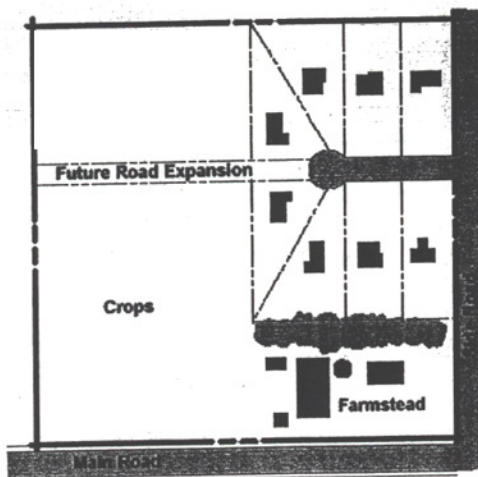
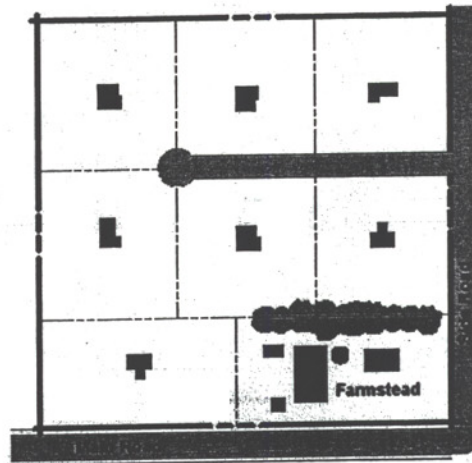
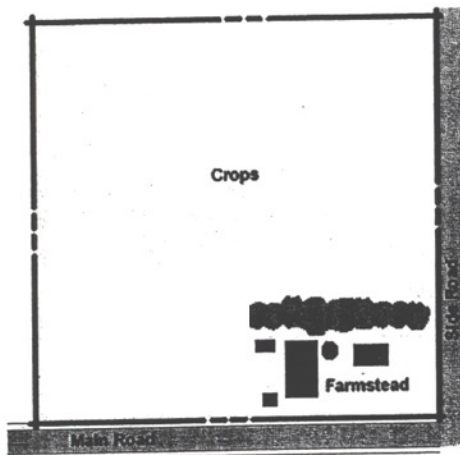
Prepared by Amy Knox, SWWRPC



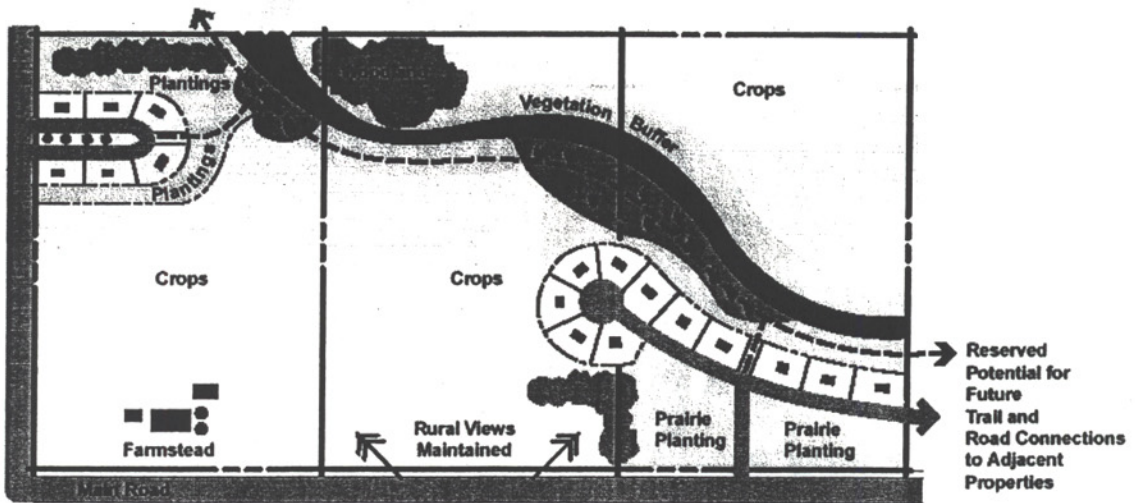
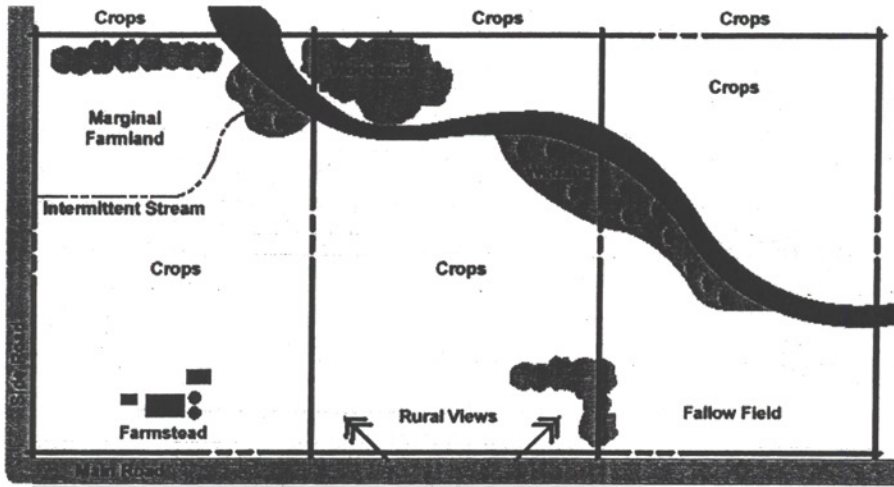
# POTENTIAL DEVELOPMENT SCENARIOS



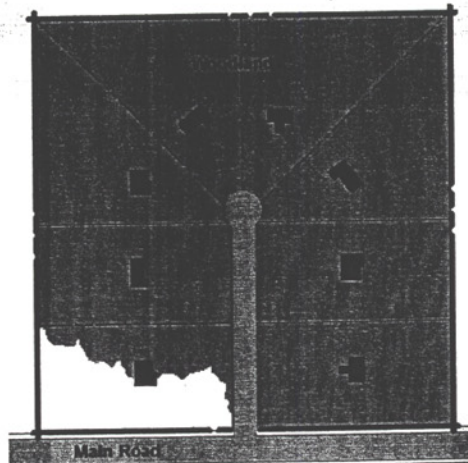
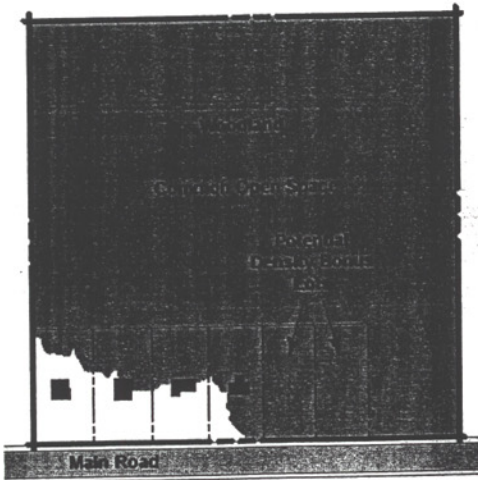
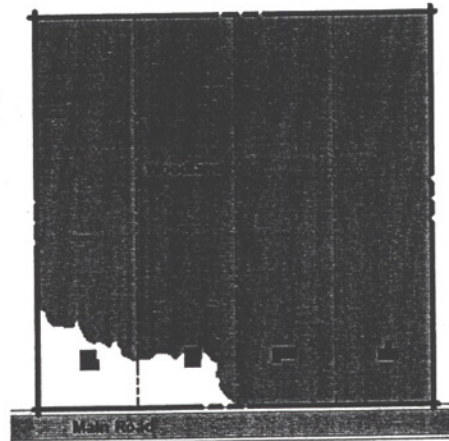
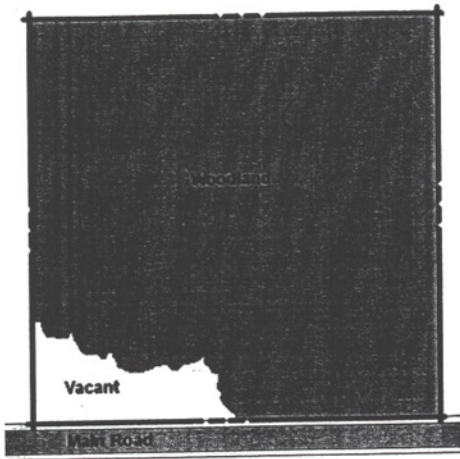
# POTENTIAL DEVELOPMENT SCENARIOS



# POTENTIAL DEVELOPMENT SCENARIOS



# POTENTIAL DEVELOPMENT SCENARIOS





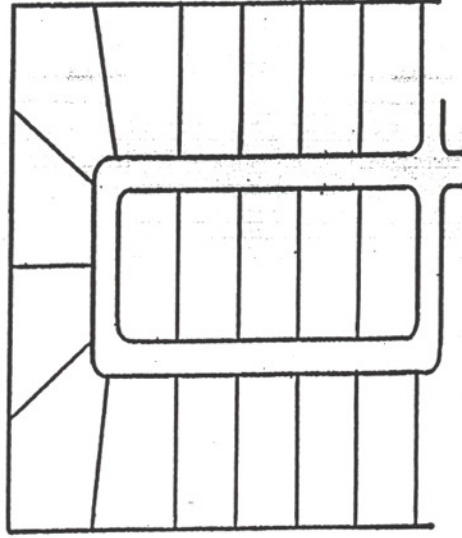
# Transportation Element

## City & Village Development Scenarios

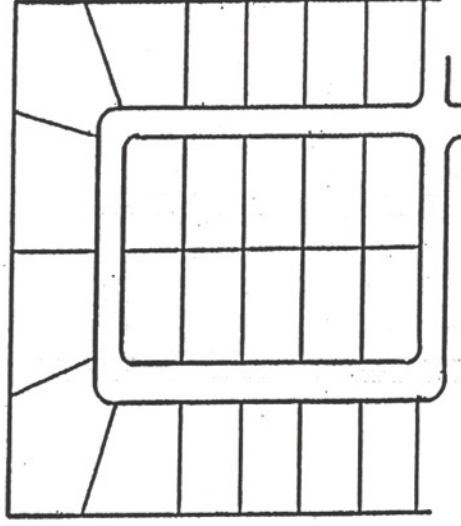
Prepared by Amy Knox, SWWRPC

# DEVELOPMENT SCENARIOS

Example A



Example B



- Example A is a poor street design as the five lots in the middle are at least double fronted, meaning a street on two or more sides of the property.
- Example B incorporates the same design idea, but decreases the size of the lots and creates a double row of lots in the middle of the development.

# DEVELOPMENT SCENARIOS

Example A



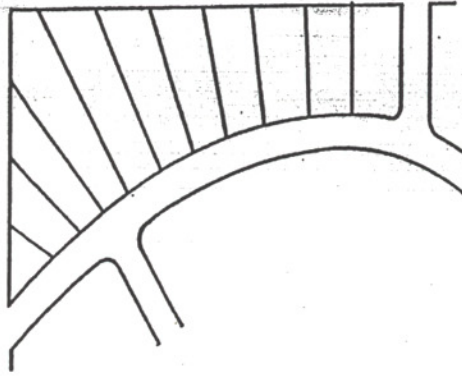
Example B



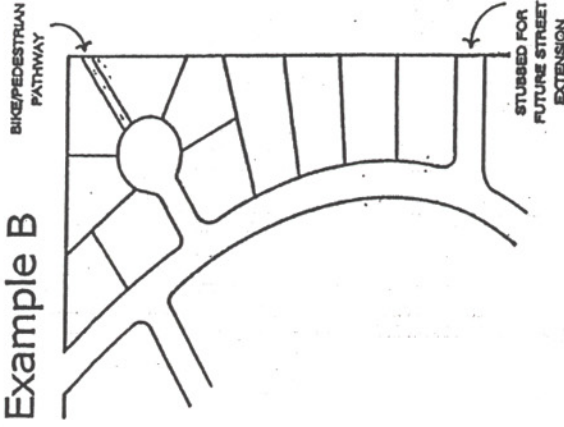
- Example A Incorporates suburban cul-de-sac development creating several dead ends
- Example B is based on the traditional development of the village, connecting existing streets and infrastructure

# DEVELOPMENT SCENARIOS

Example A



Example B

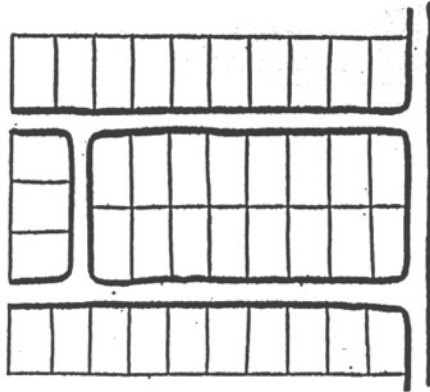


- Example A is a straight division of the lots which creates long skinny lots (the pizza cutter effect)
- Example B Incorporates a cul-de-sac to decrease lot depth and increase width, as well as incorporation of a bike/pedestrian path
  - Note, both examples also include a street that is stubbed for future street extensions

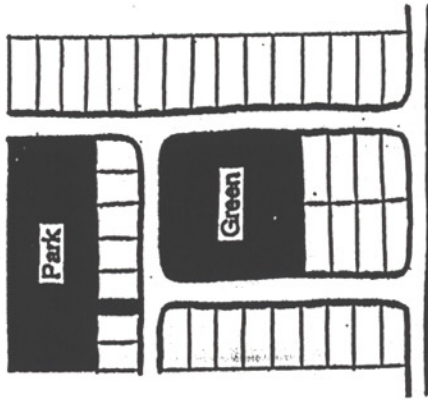


# DEVELOPMENT SCENARIOS

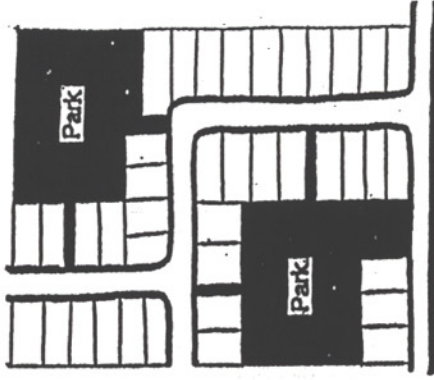
Example A



Example B



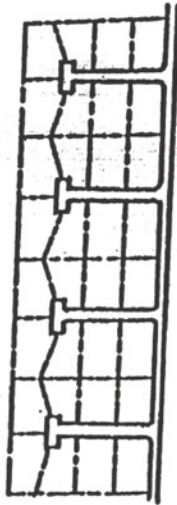
Example C



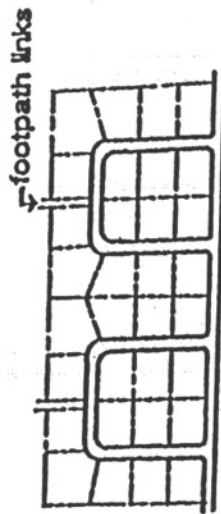
- Example A has 39 lots and 2500 feet of road, no parks or walking paths
- Example B has 39 lots, 2250 feet of road, common green space, a park, and a walking path to get from one area to the other
- Example C has 39 lots, 1650 feet of road, two parks, and four walking paths

# DEVELOPMENT SCENARIOS

Example A



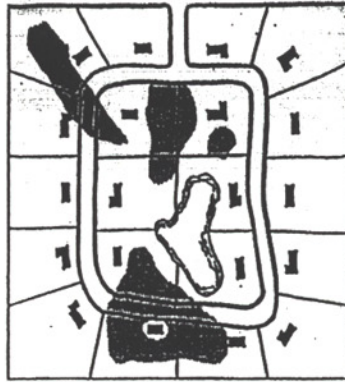
Example B



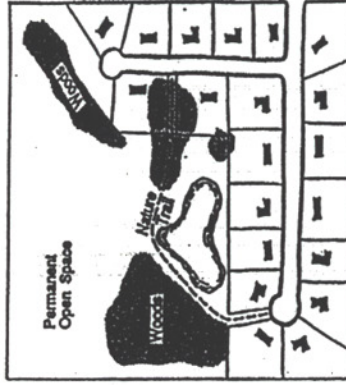
- Multiple Dead End Cul-de-sacs (Example A) vs. Cul-de-sacs joined together to form continuous loops (Example B)
- No walking paths between lots, a person must walk around (Example A), where as Example B includes pedestrian paths

# DEVELOPMENT SCENARIOS

Example A



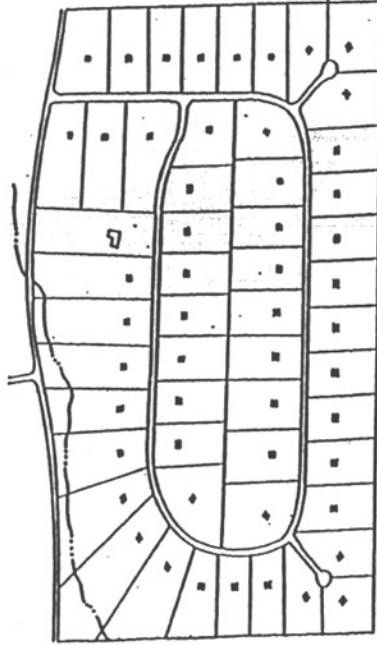
Example B



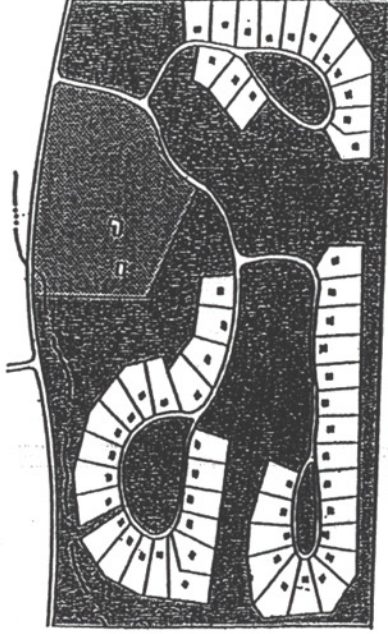
- Example A Includes 20 lots that are approximately 2 acres each, no common open space, and pond access for only 4 lots
- Example B also includes 20 lots that are approximately  $\frac{3}{4}$  acre each, 25 acres of open space, and pond access for all property owners

# DEVELOPMENT SCENARIOS

Example A



Example B

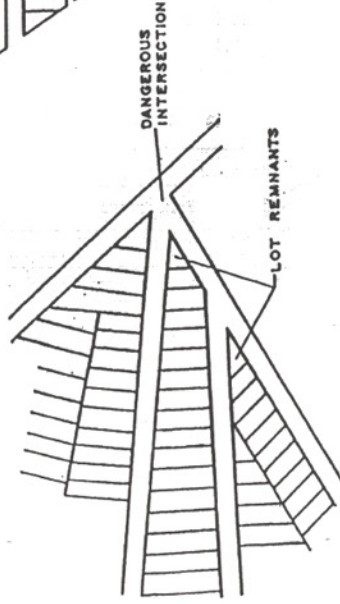


- Example A depicts a conventional subdivision where the entire property is divided into large lots
- Example B depicts a conservation subdivision that incorporates the same number of lots, in combination with a large amount of common open space shared by all property owners

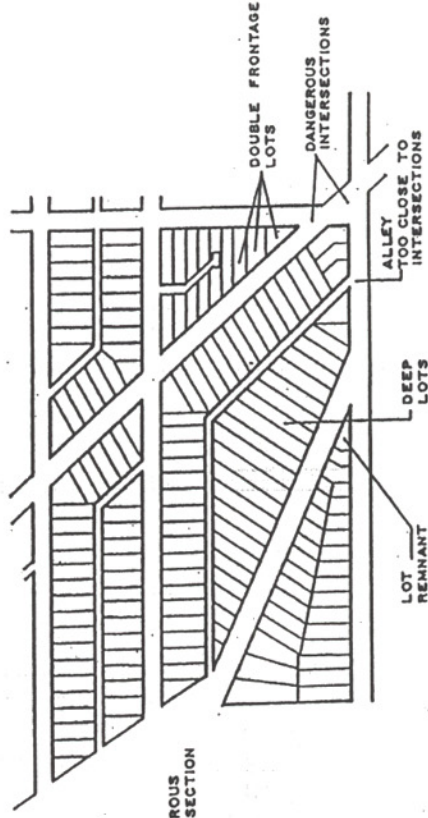


# DEVELOPMENT SCENARIOS

Example A



Example B



- Example A depicts an example of a subdivision with dangerous intersections and poor lot design
- Example B depicts several bad development examples, including double fronted lots, dangerous intersections, deep lots, and odd shaped lots that are not developable

# TRANSPORTATION ELEMENT

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*This page was  
updated on  
February 03,  
2004*

## Significant Changes Made in Rules of the Wisconsin Department of Transportation for Land Divisions Abutting State Highways

With an effective date of February 1, 1999, the Wisconsin Department of Transportation has substantially rewritten and expanded the scope of Administrative Rule Chapter TRANS 233 ([www.legis.state.wi.us/rsb/code/trans/trans233.pdf](http://www.legis.state.wi.us/rsb/code/trans/trans233.pdf)). Administrative Rule TRANS 233 is the renumbered version of the rule historically known as HY33 under which the Wisconsin Department of Transportation contributed its component to the state plat review process.

The new version of TRANS 233 makes the following significant changes:

1. DOT will now review all land divisions involving lands directly abutting state highways or urban connecting streets that are part of the state trunk highway system. "Abutting" has been extended to include lands that are separated from the state trunk highway or connecting highway by a service road, or by unplatted roads owned by the subdivider. The rule also applies to land divisions abutting highways that intersect with a state trunk highway or connecting highway.
2. DOT review and approval extends to all manner of land divisions, full state subdivision plats, "county subdivision plats," minor subdivisions done by certified survey map, land divisions done by "metes and bounds," conveyances, etc. The underlying authority for the expanded state review is Wis. Stats. §236.13(1)e, and also Wis. Stats. §86.07(2), the statute giving state control over connections to state highways.
3. All such divisions are required to have advance approval of WisDOT. Applications must be submitted with a \$110 review fee, and the Department has 20 calendar days to complete its review.
4. The application must show all peripheral state and state-related highways as well as all public and private roads or driveways within the land division that intersect with the peripheral state road.
5. Setback rules are modified to allow some reduction in standard state setbacks pursuant to local ordinances, but the variations allowable by local ordinance are relatively minor. (Local ordinances can reduce the setback from 110 feet from the centerline to 100 feet, for example.)



6. The rules are more restrictive with respect to what can occur within the setbacks. For example, signs, parking lots, driveways, septic systems, and drainage facilities are prohibited within the setbacks.

Public utilities may install or maintain utility facilities within setbacks.

7. The Department will analyze whether the area being subdivided has noise levels warranting noise barriers under Administrative Rule TRANS 405. If so, the land developer will be responsible for noise barriers and a notation must be placed on the plat or CSM warning owners of the noise levels.

8. Authorizations are provided for the Department to require easements for vision corners.

9. A minimum distance of 1,000 feet is required between connections of roads or driveways with state highways "to the extent practicable."

10. Storm drainage standards are now articulated in the code. The pertinent standard is that anticipated discharge of storm waters shall be "less than or equal to the discharge preceding the development . . . (and the discharges) must . . . not endanger or harm the traveling public, downstream properties, or transportation facilities."

11. The Department continues to have power to grant variances. However, if the Department later acquires land, the Department is not required to pay compensation for structures or improvements that are authorized by variance.





## Joseph K. Leibham

STATE SENATOR

FOR IMMEDIATE RELEASE

FOR INFORMATION, CONTACT:

State Senator Joseph K. Leibham (888) 295-8750

JANUARY 28, 2004

### RULES COMMITTEE MOVES TO SUSPEND PART OF TRANS 233

*Remaining Rule Clarifies DOT's Authority Over Land Use Along State Highways*

**Madison...**Members of the Legislative Joint Committee for Review of Administrative Rules (JCRAR) moved on Wednesday to suspend portions of an administrative rule that regulates development activities along state trunk highways in Wisconsin. Citing the need to protect private property rights, promote economic development and reign in the scope of authority over these activities by the Department of Transportation (WisDOT), JCRAR voted to strike portions of Trans 233. Trans 233 is a comprehensive administrative rule that gives WisDOT the authority to regulate development lands that abut state trunk highways or connecting highways in Wisconsin. The rule suspension addressed concerns raised by numerous citizens who own land along state trunk highways in Wisconsin.

"The current implementation of Trans 233 greatly exceeds the scope of statutory authority that the legislature granted to WisDOT," said JCRAR Co-Chairman, State Senator Joe Leibham (R-Sheboygan). "Trans 233 has become a major barrier to economic development and job growth and runs over private property rights."

Senator Leibham said that the actions of JCRAR would suspend portions of the rule that went into effect in 1999. Specifically, the committee's action will limit the purpose and scope of WisDOT's plat review authority to "subdivisions" of five or more 1.5 acre lots that are adjacent to state highways. In addition, the suspended rule will allow for the reasonable and economic beneficial use of private property with state highway setback areas while prohibiting those improvements that create a legitimate threat to the health and safety of traveling motorists. "Prior to today's committee action, the state was controlling the use of private land without providing any compensation," Senator Leibham said. "This power was never granted to WisDOT by the legislature and it had to be stopped."

In an effort to ensure the continued safety of our roadways, Senator Leibham said WisDOT will retain the ability to manage access points onto state highways and have the ability to require vision corners at intersections and driveways. "Today's actions will restore private property development rights while maintaining our ability to ensure safety on our highways," Senator Leibham said.

Senator Leibham said that he and JCRAR Co-Chairman, State Representative Glenn Grothman (R-West Bend) had several meetings and communications with the WisDOT administration, including a letter spelling out concerns with Trans 233, and allowing them to address JCRAR on two separate committee meetings. "What was originally intended to be a vehicle for the State to review and manage projects that would adversely affect highway safety had grown into a review and objection process against economic development and growth," Senator Leibham said. "Our actions were necessary to reign in the expanded authority and power of the state so that private property rights can be protected."

The motion passed by JCRAR suspends identified language from the current Trans 233 immediately. The suspension will remain in effect until new legislation is passed by the full legislature. Leibham said he is open to continuing dialogue with WisDOT to address the suspension and concerns with Trans 233. "Our goal is to reform Trans 233 so that it is consistent with the authority approved by the legislature and seeks to promote highway safety without restricting job growth, economic development, or infringing on the rights of private property owners," Senator Leibham said.

###

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## **Traffic crashes, congestion could rise because of rule change**

### **Legislature suspends portions of Transportation Administrative Rule 233**

**January 29, 2004**

Wisconsin Department of Transportation (WisDOT) Secretary Frank Busalacchi today said the Legislature's decision to suspend regulatory oversight of land divisions along state highways could have a harmful impact on highway safety that may cause an increase in traffic crashes and injuries.

Busalacchi made the comments after the Legislature's Joint Committee for Review of Administrative Rules suspended portions of Transportation Administrative Rule 233 (Trans 233).

Busalacchi said the rule has served Wisconsin well for many years by promoting sustainable development, improving traffic flow and helping to reduce traffic crashes, especially rear-end collisions that occur when there are too many access points along a highway.

"Studies consistently show the number of crashes on both urban and rural highways rise as the number of driveways per mile increase. We can ill-afford to ignore a tool that has a positive impact on highway safety," he said.

Busalacchi called the suspension a step back for reasonable regulatory reform. "We need reforms that maintain standards while providing program efficiencies, not sweeping changes that have a detrimental impact on public and private investments," he said.

The Department of Transportation appeared at several Legislative hearings to express concerns about significant changes in the rule. The department has proposed a series of revisions focused on speeding up the land division review process and improving the working relationships of businesses, developers and state and local agencies.

Busalacchi said the suspended rule could make it more difficult to preserve public investments in roads and to create the type of sustainable developments that bring economic opportunities and job growth to Wisconsin. He noted the negative impact traffic jams, congestion and over-development have on communities.

"This change harms long-range planning efforts that help preserve investments in transportation corridors and contribute to the quality of life and attractiveness of

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Wisconsin's cities, towns and villages," he said.

Trans 233, which was first created in 1956, has been revised several times over the years. It regulates the division of land along state highways and local connecting highways. The rule applies to access points, such as the number of driveways, but also allows WisDOT to regulate setback requirements and certain aspects of noise, vision and storm water drainage.

Statewide, nearly 1,900 Trans 233 reviews are completed each year. WisDOT estimates that number to drop to about 150 since the department's authority will now be limited to land divisions associated with subdivision developments. In recent years, ten times as many land divisions occurred via non-subdivision methods than by subdivision.

WisDOT will retain its authority under Transportation Administrative Rule 231 to issue permits for driveways abutting state highways.

**For more information contact:**

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## Chapter Trans 233

### DIVISION OF LAND ABUTTING A STATE TRUNK HIGHWAY OR CONNECTING HIGHWAY

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Note: Chapter Hy 33 was renumbered chapter Trans 233, under s. 13.93 (2m) (b) 1., Stats., Register, August, 1996, No. 488. Chapter Trans 233 as it existed on January 1, 1999, was repealed and a new Chapter Trans 233 was created effective February 1, 1999.

**Trans 233.01 Purpose.** Dividing or developing lands, or both, affects highways by generating traffic, increasing parking requirements, reducing sight distances, increasing the need for driveways and other highway access points and, in general, impairing highway safety and impeding traffic movements. The ability of state trunk highways and connecting highways to serve as an efficient part of an integrated intermodal transportation system meeting interstate, statewide, regional and local needs is jeopardized by failure to consider and accommodate long-range transportation plans and needs during land division processes. This chapter specifies the department's minimum standards for the division of land that abuts a state trunk highway or connecting highway, in order to provide for the safety of entrance upon and departure from those highways, to preserve the public interest and investment in those highways, to help maintain speed limits, and to provide for the development and implementation of an intermodal transportation system to serve the mobility needs of people and freight and foster economic growth and development, while minimizing transportation-related fuel consumption, air pollution, and adverse effects on the environment and on land owners and users. Preserving the public investment in an integrated transportation system also assures that no person, on the grounds of race, color, or national origin, is excluded from participation in, denied the benefits of, or subjected to discrimination under any transportation program or activity. The authority to impose minimum standards for subdivisions is s. 236.13 (1) (e), Stats. The authority to impose minimum standards for land divisions under ss. 236.34, 236.45 and 703.11, Stats., is s. 86.07 (2), Stats. The authority to impose minimum standards for land divisions to consider and accommodate long-range transportation plans and needs is ss. 1.11 (1), 1.12 (2), 1.13 (3), 20.395 (9) (qx), 66.1001 (2) (c), 84.01 (2), (15), and (17), 84.015, 84.03 (1), 85.02, 85.025, 85.05, 85.16 (1), 86.31 (6), 88.87 (3), and 114.31 (1), Stats.

Note: The Department is authorized and required by ss. 84.01 (15), 84.015, 84.03 (1) and 20.395 (9) (qx), to plan, select, lay out, add to, decrease, revise, construct, reconstruct, improve and maintain highways and related projects, as required by federal law, Title 23, USC and all acts of Congress amendatory or supplementary thereto, and the federal regulations issued under the federal code; and to expend funds in accordance with the requirements of acts of Congress making such funds available. Among these federal laws that the Department is authorized and required to follow are 23 USC 109 establishing highway design standards; 23 USC 134, requiring development and compliance with long-range (minimum of 20 years) metropolitan area transportation plans; and 23 USC 135, requiring development and compliance with long-range (minimum of 20 years) statewide transportation plans. Similarly, the Department is authorized and required by the state statutes cited and other federal law to assure that it does not unintentionally exclude or deny persons equal benefits or participation in transportation programs or activities on the basis of race, color, national origin and other factors, and to give appropriate consideration to the effects of transportation facilities on the environment and communities. A "state trunk highway" is a highway that is part of the State Trunk Highway System. It includes State numbered routes, federal numbered highways, the Great River Road and the Interstate System. A listing of state trunk highways with geographic end points is available in the Department's "Official State Trunk Highway System and the Connecting Highways" booklet that is published annually as of December 31. The County Maps published by the Wisconsin Department of Transportation also show the breakdown

county by county. As of January 1, 1997, there were 11,813 miles of state trunk highways and 520 center-line miles of connecting highways. Of at least 116 municipalities in which there are connecting highways, 112 are cities and 4 or more are villages.

A "connecting highway" is not a state trunk highway. It is a marked route of the State Trunk Highway System over the streets and highways in municipalities which the Department has designated as connecting highways. Municipalities are responsible for their maintenance and traffic control. The Department is generally responsible for construction and reconstruction of the through lanes of connecting highways, but costs for parking lanes and related municipal facilities and other desired local improvements are local responsibilities. The Department reimburses municipalities for the maintenance of connecting highways in accordance with a lane mile formula. See ss. 84.02 (11), 84.03 (10), 86.32 (1) and (4), and 340.01 (60), Stats. A listing of connecting highways with geographic end points is also available in the Department's "Official State Trunk Highway System and the Connecting Highways" booklet that is published annually as of December 31.

A "business route" is an alternate highway route marked to guide motorists to the central or business portion of a city, village or town. The word "BUSINESS" appears at the top of the highway numbering marker. A business route branches off from the regular numbered route, passes through the business portion of a city and rejoins the regularly numbered route beyond that area. With very rare exceptions, business routes are not state trunk highways or connecting highways. The authorizing statute is s. 84.02(6), Stats. This rule does not apply to business routes.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99; am. Register, January, 2001, No. 541, eff. 2-1-01; corrections made under s. 13.93 (2m) (b) 7., Stats.

**Trans 233.012 Applicability.** (1) In accordance with ss. 86.07 (2), 236.12, 236.34 and 236.45, Stats., this chapter applies to all land division maps reviewed by a city, village, town or county, the department of administration and the department of transportation. This chapter applies to any land division that is created by plat or map under s. 236.12 or 236.45, Stats., by certified survey map under s. 236.34, Stats., or by condominium plat under s. 703.11, Stats., or other means not provided by statute, and that abuts a state trunk highway, connecting highway or service road.

(2) Structures and improvements lawfully placed in a setback area under ch. Trans 233 prior to February 1, 1999, or lawfully placed in a setback area before a land division, are explicitly allowed to continue to exist. Plats that have received preliminary approval prior to February 1, 1999, are not subject to the standards under this chapter as first promulgated effective February 1, 1999, if there is no substantial change between the preliminary and final plat, but are subject to ch. Trans 233 as it existed prior to February 1, 1999. Plats that have received final approval prior to February 1, 1999, are not subject to the standards under this chapter as first promulgated effective February 1, 1999, but are subject to ch. Trans 233 as it existed prior to February 1, 1999. Land divisions on which the department acted between February 1, 1999 and February 1, 2001 are subject to ch. Trans 233 as it existed February 1, 1999.

(3) Any structure or improvement lawfully placed within a setback area under ch. Trans 233 prior to February 1, 1999, or lawfully placed within a setback area before a land division, may be kept in a state of repair, efficiency or validity in order to preserve from failure or decline, and if unintentionally or tortiously destroyed, may be replaced substantially in kind.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99; renum. Trans. 233.012 to be (1), cr. (2) and (3), Register, January, 2001, No. 541, eff. 2-1-01; correction made under s. 13.93 (2m) (b) 7., Stats.



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**Trans 233.015 Definitions.** Words and phrases used in this chapter have the meanings given in s. 340.01, Stats., unless a different definition is specifically provided. In this chapter:

(1) "Certified survey map" or "CSM" means a map that complies with the requirements of s. 236.34, Stats.

(1m) "Desirable traffic access pattern" means traffic access that is consistent with the technical and professional guidance provided in the department's facilities development manual.

Note: Guidelines established in the Department's Facilities Development Manual are not considered "rules," as defined in s. 227.01(13), Stats., and so are not subject to the requirements under s. 227.10, Stats.

(1r) "District office" means an office of the division of transportation districts of the department.

(2) "Improvement" means any permanent addition to or betterment of real property that involves the expenditure of labor or money to make the property more useful or valuable. "Improvement" includes parking lots, driveways, loading docks, in-ground swimming pools, wells, septic systems, retaining walls, signs, buildings, building appendages such as porches, and drainage facilities. "Improvement" does not include sidewalks, terraces, patios, landscaping and open fences.

(2m) "In-ground swimming pool" includes a swimming pool that is designed or used as part of a business or open to use by the general public or members of a group or association. "In-ground swimming pool" does not include any above-ground swimming pools without decks.

(3) "Land divider" means the owner of land that is the subject of a land division or the land owner's agent for purposes of creating a land division.

(4) "Land division" means a division under s. 236.12, 236.34, 236.45 or 703.11, Stats., or other means not provided by statute, of a lot, parcel or tract of land by the owner or the owner's agent for the purposes of sale or of building development.

(5) "Land division map" means an official map of a land division, including all certificates required as a condition of recording the map.

(5m) "Major intersection" means the area within one-half mile of the intersection or interchange of any state trunk highway or connecting highway with a designated expressway, or freeway, under s. 84.295, Stats., or a designated interstate highway under s. 84.29, Stats.

(6) "Public utility" means any corporation, company, individual or association that furnishes products or services to the public, and that is regulated under ch. 195 or 196, Stats., including railroads, telecommunications or telegraph companies, and any company furnishing or producing heat, light, power, cable television service or water, or a rural electrical cooperative, as described in s. 32.02 (10), Stats.

(6m) "Reviewing municipality" means a city or village to which the department has delegated authority to review and object to land divisions under s. Trans 233.03 (7).

(6r) "Secretary" means the secretary of the department of transportation.

(7) "Structure" includes a temporary or non-permanent addition to or betterment of real property that is portable in nature, but that adversely affects the safety of entrance upon or departure from state trunk or connecting highways or the preservation of public interest and investment in those highways, as determined by the department. "Structure" does not include portable swing sets, movable lawn sheds without pads or footings, and above ground swimming pools without decks.

(7m) "Technical land division" means a land division involving a structure or improvement that has been situated on the real property for at least 5 years, does not result in any change to the use of existing structures and improvements and does not negatively affect traffic. "Technical land division" includes the conversion of an apartment building that has been in existence for at

least 5 years to condominium ownership, the conversion of leased commercial spaces in a shopping mall that has been in existence for at least 5 years to owned spaces, and the exchange of deeds by adjacent owners to resolve mutual encroachments.

(8) "Unplatted" means not legally described by a plat, land division map, certified survey map or condominium plat.

(8m) "User" means a person entitled to use a majority of the property to the exclusion of others.

(9) "Utility facility" means any pipe, pipeline, duct, wire line, conduit, pole, tower, equipment or other structure used for transmission or distribution of electrical power or light or for the transmission, distribution or delivery of heat, water, gas, sewer, telegraph or telecommunication service, cable television service or broadcast service, as defined in s. 196.01 (1m), Stats.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99; cr. (1m), (1r), (2m), (5m), (6m), (6r), (7m) and (8m), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 233.017 Other abutments.** For purposes of this chapter, land shall be considered to abut a state trunk highway or connecting highway if the land is any of the following:

(1) Land that contains any portion of a highway that is laid out or dedicated as part of a land division if the highway intersects with a state trunk highway or connecting highway.

(2) Separated from a state trunk highway or connecting highway by only unplatted lands that abut a state trunk highway or connecting highway if the unplatted lands are owned by, leased to or under option, whether formal or informal, or under contract or lease to the owner.

(3) Separated from a state trunk highway or connecting highway by only a service road.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99.

**Trans 233.02 Basic principles.** To control the effects of land divisions on state trunk highways and connecting highways and to carry out the purposes of ch. 236, Stats., the department promulgates the following basic requirements:

(1) Local traffic from a land division or development abutting a state trunk highway or connecting highway shall be served by an internal highway system of adequate capacity, intersecting with state trunk highways or connecting highways at the least practicable number of points and in a manner that is safe, convenient and economical.

(2) A land division shall be so laid out that its individual lots or parcels do not require direct vehicular access to a state trunk highway or connecting highway.

(3) The department, in order to integrate and coordinate traffic on a highway or on a private road or driveway with traffic on any affected state trunk highway or connecting highway, shall do both of the following:

(a) Consider, particularly in the absence of a local comprehensive general or master plan, or local land use plan, that plat or map's relationship to the access requirements of adjacent and contiguous land divisions and unplatted lands.

(b) Apply this chapter to all lands that are owned by, or are under option, whether formal or informal, or under contract or lease to the land divider and that are adjacent to or contiguous to the land division. Contiguous lands include those lands that abut the opposite side of the highway right-of-way.

(4) Setbacks from a state trunk highway or connecting highway shall be provided as specified in s. Trans 233.08.

(5) A land division map shall include provision for the handling of surface drainage in such a manner as specified in s. Trans 233.105 (3).

(6) A land division map shall include provisions for the mitigation of noise if the noise level exceeds noise standards in s. Trans 405.04, Table I.

(7) A land division shall provide vision corners at intersections and driveways per department standards.



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**Note:** Guide dimensions for vision corners are formally adopted in the Department's Facilities Development Manual, Chapter 11, pursuant to s. 227.01 (13) (e), Stats. Rules governing construction of driveways and other connections with highways are found in ch. Trans 231. Detailed specifications may be obtained at the department's district offices.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 233.03 Procedures for review.** The following procedures apply to review by the department, district office or reviewing municipality of proposed certified survey maps, condominium plats and other land divisions:

(1) **CONCEPTUAL REVIEW.** (a) Before the lots are surveyed and staked out, the land divider shall submit a sketch to the department's district office for review. The sketch shall indicate roughly the layout of lots and the approximate location of streets, and include other information required in this chapter.

(b) Unless the land divider submits a preliminary plat under s. 236.12 (2) (a), Stats., the land divider shall have the district office review the sketch described in par. (a).

(c) There is no penalty for failing to obtain conceptual review; the conceptual review procedure is encouraged to avoid waste that results from subsequent required changes.

(2) **PRELIMINARY AND FINAL PLAT REVIEW.** The department shall conduct preliminary and final subdivision plat review under s. 236.12, Stats., when the land divider or approving authority submits, through the department of administration's plat review office, a formal request for departmental review of the plat for certification of non-objection as it relates to the requirements of this chapter. The request shall be accompanied with the land division map and the departmental review fee. No submittal may be considered complete unless it is accompanied by the fee.

(3) **PRELIMINARY AND FINAL REVIEW FOR LAND DIVISIONS OCCURRING UNDER S. 236.45 AND S. 703.11, STATS.** The department shall review preliminary and final land division maps under ss. 236.45 and 703.11, Stats., when the approving authority, or the land divider, when there is no approving authority, submits a formal request for departmental review for certification of non-objection as it relates to the requirements of this chapter. The request shall be accompanied with the land division map and the departmental review fee. No submittal may be considered complete unless it is accompanied by the fee. Additional information required is the name and address of the register of deeds, any approving agency, the land division map preparer and the land divider. This information is to be submitted to the district office. Review of preliminary and final land division maps occurring under ss. 236.45 and 703.11, Stats., by the department shall occur when the approving authority, or the land divider, when there is no approving authority, submits a formal request for departmental review for certification of non-objection as it relates to the requirements of this chapter. The request shall be accompanied with the land division map and the departmental review fee. No submittal may be considered complete unless it is accompanied by the fee. Additional information required is the name and address of the register of deeds, any approving agency, the land division map preparer and the land divider. This information is to be submitted to the department.

**Note:** The appropriate department address is Access Management Coordinator, Bureau of Highway Development, 4802 Sheboygan Avenue, Room 651, P. O. Box 7916, Madison, WI 53707-7916.

(4) **PRELIMINARY AND FINAL REVIEW FOR LAND DIVISIONS OCCURRING UNDER S. 236.34 AND BY OTHER MEANS NOT PRESCRIBED BY STATUTES.** The department shall conduct preliminary and final review of land division maps under s. 236.34, Stats., or under any other means not prescribed by statutes, when the land divider submits a formal request for departmental review for certification of non-objection to the land division as it relates to the requirements of this chapter. The request shall be accompanied with the land division map and the departmental review fee. No submittal may be considered complete unless it is accompanied by the fee. Additional information required is the name and address of the register

of deeds, any approving agency, the land division map preparer and the land divider. This information shall be submitted to the district office or to the department.

**Note:** The appropriate department address is Access Management Coordinator, Bureau of Highway Development, 4802 Sheboygan Avenue, Room 651, P. O. Box 7916, Madison, WI 53707-7916.

(5) **TIME LIMIT FOR REVIEW.** (a) Except as provided in pars. (b) to (d), not more than 20 calendar days after receiving a completed request to review a land division map, the department, district office or reviewing municipality shall do one of the following:

1. Determine that the land division is a technical land division. Upon determining that a land division is a technical land division, the department, district office or reviewing municipality shall certify that it has no objection to the land division map and shall refund all fees paid for review of that land division map.

2. Provide written notice to the land divider either objecting to or certifying that it has no objection to the land division.

**Note:** The 20-day time limit for action on a review without any special exception or variance is also established by statute for subdivision plat reviews in sec. 236.12(3) and (6), Stats.

(b) The department and district offices are not required to complete conceptual reviews under sub. (1) within a specified time, but shall endeavor to complete a conceptual review under sub. (1) within 30 calendar days after receiving the completed request.

(c) If a special exception is requested under s. Trans 233.11, the department, district office or reviewing municipality shall complete its review of the land division map within the time limit provided in s. Trans 233.11 (6).

(d) A request is considered complete under this subsection unless, within 5 working days after receiving the request, the department, district office or reviewing municipality provides written notice to the land divider stating that the request is incomplete and specifying the information needed to complete the request. On the date that additional information is requested under this subdivision, the time period for review ceases to run, but resumes running upon receipt of the requested information.

(e) If the department, district office or reviewing municipality fails to act within the time limit provided in this section or s. Trans 233.11 (6), the department, district office or reviewing municipality shall be considered to have no objection to the land division map or special exception.

(6) **DISTRICT AUTHORITY TO REVIEW LAND DIVISION MAPS.** Beginning on February 1, 2001, each district office may review land division maps under this chapter. The department shall develop implementing procedures to assure consistency and uniformity of such reviews among district offices and shall provide uniform guidance in figure 3 of procedure 7-50-5 of the department's facilities development manual dated December 1, 2000.

**Note:** Guidelines established under this subsection are not considered "rules", as defined in s. 227.01(13), Stats., and so are not subject to the requirements under s. 227.10, Stats. However, this rule references uniform guidance by date so that future revisions to that uniform guidance will become effective only if ch. Trans 233 is amended.

(7) **MUNICIPAL AUTHORITY TO REVIEW LAND DIVISION MAPS.** The department may, upon request, delegate to a city or village authority to review and object to any proposed land division that abuts a state trunk highway or connecting highway lying within the city or village. The department shall develop a uniform written delegation agreement in cooperation with cities and villages. The delegation agreement may authorize a city or village to grant special exceptions under s. Trans 233.11. Any decision of a reviewing municipality relating to a land division map or special exception is subject to the appeal procedure applicable to such decisions made by the department or a district office, except that the department may unilaterally review any such decision of a reviewing municipality to ensure conformity with the delegation agreement and this chapter and may reverse or modify the municipality's decision as appropriate. No reviewing municipality may change its setback policy after executing a delegation agreement



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**Note:** Rules governing construction of driveways and other connections with a state trunk highway are found in ch. Trans 231. Detailed specifications may be obtained at the Department's district offices.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99; am. (1), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 233.06 Frequency of connections with a state trunk highway or connecting highway.**

(1) The land division shall be laid out with the least practicable number of highways and private roads or driveways connecting with abutting state trunk highways or connecting highways.

(2) The department shall determine a minimum allowable distance between connections with the state trunk highway or connecting highway, between any 2 highways within the land division and between a highway within the land division and any existing or planned highway. To the extent practicable, the department shall require a distance of at least 1,000 feet between connections with a state trunk highway or connecting highway.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99.

**Trans 233.07 Temporary connections.** (1) The department may issue temporary connection permits, which authorize the connection of a highway or a private road or driveway with a state trunk highway or connecting highway. The department may issue temporary connection permits in the case of:

(a) A land division which at the time of review cannot provide direct traffic access complying with the provisions of s. Trans 233.06 (2).

(b) A land division layout which might necessitate a point or pattern of traffic access for a future adjacent land division, not in accordance with s. Trans 233.06 (2).

(2) The department may require that such temporary connections be altered or closed by the permit holder at a later date in order to achieve a desirable traffic access pattern. The permit may require the permit holder to alter or close the temporary connection by a specified date or upon the completion of a specified activity. The permit holder is responsible for the expense of closing or altering the temporary connection.

(2m) A temporary connection shall be prominently labeled "Temporary Connection" on the land division map, and the following restriction shall be lettered on the land division map:

"The temporary connection(s) shown on this plat shall be used under a temporary connection permit which may be canceled at such time as a feasible alternate means of access to a highway is provided."

(3) When such a temporary connection is granted, the owner shall dedicate a service road or a satisfactory alternative, to provide for a present or future pattern of access that complies with s. Trans 233.06 (2).

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99.

**Trans 233.08 Setback requirements and restrictions.** (1) Except as provided in this section or in s. Trans 233.11 or, with respect to connecting highways, as provided in s. 86.16 (1), Stats., no person may erect, install or maintain any structure or improvement within a setback area determined under sub. (2) or (3).

(2) (a) Except as provided in par. (b), the setback area is the area within 110 feet of the centerline of a state trunk highway or connecting highway or within 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the centerline.

(b) If an applicable ordinance allows structures or improvements to be located closer to the right-of-way of a state trunk highway or connecting highway than is provided under par. (a), the setback area is the area between the right-of-way and the more restrictive of the following:

1. The distance allowed under the ordinance.

2. 42 feet from the nearer right-of-way line.

3. 100 feet from the centerline.

(c) At least once every 2 years, the department shall produce general reference maps that generally identify major intersections and the highways specified in subs. 1. to 5. The department may reduce or extend, by not more than 3 miles along the highway, the area subject to a setback established under par. (a) or (b) to establish logical continuity of a setback area or to terminate the setback area at a readily identifiable physical feature or legal boundary, including a highway or property boundary. Persons may seek special exceptions to the setback requirement applicable to these major intersections and highways, as provided in s. Trans 233.11 (3). The setback area established under par. (a) or (b) applies only to major intersections and to highways identified as:

1. State trunk highways and connecting highways that are part of the national highway system and approved by the federal government in accordance with 23 USC 103(b) and 23 CFR 470.107(b).

2. State trunk highways and connecting highways that are functionally classified as principal arterials in accordance with procedure 4-1-15 of the department's facilities development manual dated July 2, 1979.

3. State trunk highways and connecting highways within incorporated areas, within an unincorporated area within 3 miles of the corporate limits of a first, second or third class city, or within an unincorporated area within 1½ miles of a fourth class city or a village.

4. State trunk highways and connecting highways with average daily traffic of 5,000 or more.

5. State trunk highways and connecting highways with current and forecasted congestion projected to be worse than level of service "C," as determined under s. Trans 210.05 (1), within the following 20 years.

**Note:** The National Highway System (NHS) includes the Interstate System, Wisconsin's Corridors 2020 routes, and other important routes. Highways on the NHS base system were designated by the Secretary of USDOT and approved by Congress in the National Highway System Designation Act of 1995. NHS Intermodal Connector routes were added in 1998 with the enactment of the Transportation Equity Act for the 21st Century. Modifications to the NHS must be approved by the Secretary of USDOT. Guidance criteria and procedures for the functional classification of highways are provided in (1) the Federal Highway Administration (FHWA) publication "Highway Functional Classification—Concepts, Criteria and Procedures" revised in March 1989, and (2) former ch. Trans 76. The federal publication is available on request from the FHWA, Office of Environment and Planning, HEP-10, 400 Seventh Street, SW., Washington, DC 20590. Former ch. Trans 76 is available from the Wisconsin Department of Transportation, Division of Transportation Investment Management, Bureau of Planning. The results of the functional classification are mapped and submitted to the Federal Highway Administration (FHWA) for approval and when approved serve as the official record for Federal-aid highways and one basis for designation of the National Highway System. In general, the highway functional classifications are rural or urban: Principal Arterials, Minor Arterials, Major Collectors, Minor Collectors, and Local Roads. The definition of "level of service" used for this paragraph is the same as in ss. Trans 210.03(4) and 210.05(1) for purposes of the MAJOR HIGHWAY PROJECT NUMERICAL EVALUATION PROCESS. In general, the "level of service" refers to the ability of the facility to satisfy both existing and future travel demand. Six levels of service are defined for each type of highway facility ranging from A to F, with level of service A representing the best operating conditions and level of service F the worst. Department engineers will use the procedures outlined in the general design consideration guidelines in Chapter 11, Section 5 of the Wisconsin Department of Transportation's Facilities Development Manual to determine the level of highway service. Under the rule as effective February 1, 1999, s. Trans 233.08(1) provides 4 ways to erect something in a setback area (1) for utilities, follow the procedures set forth in the rule, (2) obtain a variance (now "special exception"), (3) for utilities, get local approval for utilities on or adjacent to connecting highways, or for utilities within the right of way of state trunk highways, get department approval (a mere "technical" exception), and (4) erect something that doesn't fall within the definition of "structure" or within the definition of "improvement." The provision below now adds a fifth "exception," (5) be 15 feet or more outside the right of way line of a defined and mapped set of highways.

(d) In addition to producing general reference maps at least once every 2 years that identify highways and intersections under par. (c), at least every 2 years the department shall also produce more detailed reference maps suitable for use in the geographic area of each district office.

(3) If any portion of a service road right-of-way lies within the setback area determined under sub. (2), the setback area shall be increased by the lesser of the following:

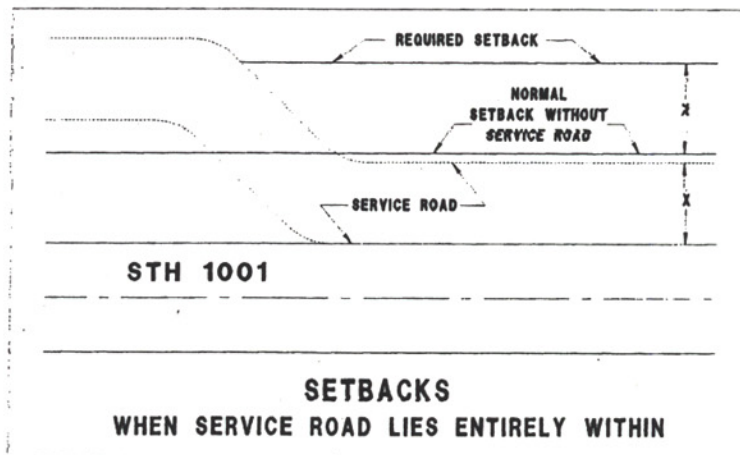
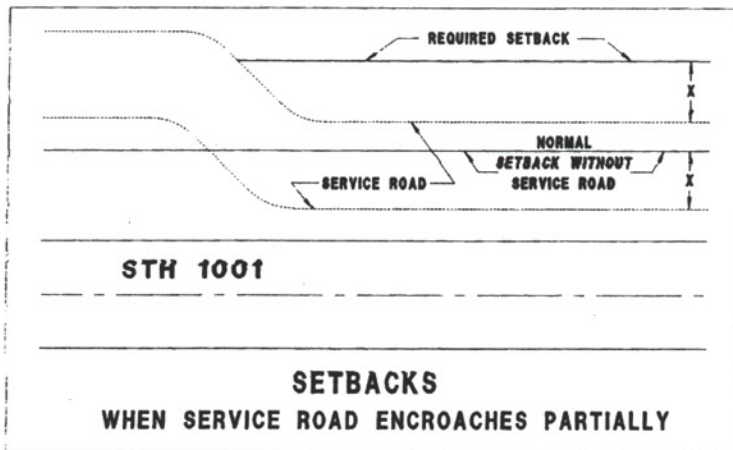
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(a) The width of the service road right-of-way, if the entire service road right-of-way lies within the setback area. Any increase under this paragraph shall be measured from the boundary of the setback area determined under sub. (2).

(b) The distance by which the service road right-of-way lies within the setback area, if the entire service road right-of-way does not lie within the setback area. Any increase under this para-

graph shall be measured from the nearer right-of-way line of the service road.

Note: For example, if a service road ROW extends 15 feet (measured perpendicularly to the setback) into the setback determined under sub. (2), and runs for a distance of 100 feet, the setback determined under sub. (2) shall be pushed 15 feet further from the centerline, running for a distance of 100 feet. See Graphic.





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(3m) (a) Notwithstanding sub. (1), a public utility may erect, install or maintain a utility facility within a setback area.

(b) If the department acquires land that is within a setback area for a state trunk highway, as provided by this chapter, and on which a utility facility is located, the department is not required to pay compensation or other damages relating to the utility facility, unless the utility facility is any of the following:

1. Erected or installed before the land division map is recorded.

2. Erected or installed on a recorded utility easement that was acquired prior to February 1, 1999.

3. Erected or installed after the land division map is recorded but with prior notice in writing, with a plan showing the nature and distance of the work from the nearest right-of-way line of the highway, to the department's appropriate district office within a normal time of 30 days, but no less than 5 days, before any routine, minor utility erection or installation work commences, nor less than 60 days, before any major utility erection or installation work commences, if any utility work is within the setback.

**Note:** For purposes of this section, "major utility erection or installation work" includes, but is not limited to, work involving transmission towers, communication towers, water towers, pumping stations, lift stations, regulator pits, remote switching cabinets, pipelines, electrical substations, wells, gas substations, antennae, satellite dishes, treatment facilities, electrical transmission lines and facilities of similar magnitude. "Routine minor utility erection or installation work" refers to single residential distribution facilities and similar inexpensive work of less magnitude. The concept behind the flexible, "normal time of 30 days" standard for utility submission of notice and plans to the department is to encourage and require at least 60 days notice from utilities for larger, complex or expensive installations, but not for routine, minor utility work that has traditionally involved only a few days notice for coordination and issuance of utility permits by the department for which a minimum of 5 days notice is mandatory. However, the normal time for submission and review is 30 days. This notice and plan requirement does not apply to maintenance work on existing utilities.

4. Erected or installed before the land division map is recorded but modified after that date in a manner that increases the cost to remove or relocate the utility facility. In such a case, the department shall pay compensation or other damages related to the utility facility as it existed on the date the land division map was recorded, except that if the modification was made with prior notice in writing, with a plan showing the nature and distance of the work from the nearest right-of-way line of the highway, to the department's appropriate district office within a normal time of 30 days, but no less than 5 days, before any routine, minor utility erection or installation work commences, nor less than 60 days, before any major utility erection or installation work commences, if any utility work is within the setback, then the department shall pay compensation or other damages related to the utility facility as modified.

(c) If a local unit of government or the department acquires land that is within a setback area for a connecting highway as provided by this chapter and on which a utility facility is located, the department is not required to pay compensation or other damages relating to the utility facility, unless the utility facility is compensable under the applicable local setbacks and the utility facility is in any of the categories described in par. (b) 1. to 4.

**Note:** A "connecting highway" is not a state trunk highway. It is a marked route of the state trunk highway system over the streets and highways in municipalities which the Department has designated as connecting highways. Municipalities have jurisdiction over connecting highways and are responsible for their maintenance and traffic control. The Department is generally responsible for construction and reconstruction of the through lanes of connecting highways, but costs for parking lanes and related municipal facilities and other desired local improvements are local responsibilities. See ss. 84.02 (11), 84.03 (10), 86.32 (1) and (4), and 340.01 (60), Stats. A listing of connecting highways and geographic end points are available in the department's "Official State Trunk Highway System and the Connecting Highways" booklet that is published annually as of December 31.

(d) The department shall review the notice and plan to determine whether a planned highway project within a 6-year improvement program under s. 84.01 (17), Stats., or a planned major highway project enumerated under s. 84.013 (3), Stats., will conflict with the planned utility facility work. If the department determines a conflict exists, it will notify the utility in writing within a normal time of 30 days, but no more than 5 days, after receiving the written notice and plan for any routine, minor utility

erection or installation work, nor more than 60 days, after receiving the written notice and plan for any major utility erection or installation work, and request the utility to consider alternative locations that will not conflict with the planned highway work. The department and utility may also enter into a cooperative agreement to jointly acquire, develop and maintain rights of way to be used jointly by WISDOT and the public utility in the future as authorized by s. 84.093, Stats. If the department and utility are not able to make arrangements to avoid or mitigate the conflict, the utility may proceed with the utility work, but notwithstanding pars. (b) and (c), the department may not pay compensation or other damages relating to the utility facility if it conflicts with the planned highway project. In order to avoid payment of compensation or other damages to the utility, the department is required to record a copy of its written notice to the utility of the conflict, that adequately describes the property and utility work involved, with the register of deeds in the county in which the utility work or any part of it is located.

**Note:** The Department will make the general and detailed maps readily available to the public on the internet and through other effective means of distribution.

(3n) Any person may erect, install or maintain any structure or improvement at 15 feet and beyond from the nearer right-of-way line of any state trunk highway or connecting highway not identified in s. Trans 233.08 (2) (c). Any person may request a special exception to the setback requirement established under this subsection, as provided in s. Trans 233.11 (3). This subsection does not apply to major intersections or within the desirable stopping sight distance, as determined under procedure 11-10-5 of the department's facilities development manual dated June 10, 1998, of the intersection of any state trunk highway or connecting highway with another state trunk highway or connecting highway. This subsection does not supersede more restrictive requirements imposed by valid applicable local ordinances.

**Note:** Technical figures 2, 3, 3m, 4, 4m, 5, 6 and 6m within Procedure 11-10-5 have various dates other than June 10, 1998 or are undated.

(4) The land division map shall show the boundary of a setback area on the face of the land division map and shall clearly label the boundary as a highway setback line and shall clearly show existing structures and improvements lying within the setback area.

(5) The owner shall place the following restriction upon the same sheet of the land division map that shows the highway setback line:

"No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to, signs, parking areas, drive-ways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department."

If on a CSM there is limited space for the above restriction on the same sheet that shows the setback line, then the following abbreviated restriction may be used with the standard restriction placed on a subsequent page: "Caution - Highway Setback Restrictions Prohibit Improvements. See sheet \_\_\_\_\_."

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99; cr. (2) (c), (d) and (3n), Register, January, 2001, No. 541, eff. 2-1-01.

#### Trans 233.105 Noise, vision corners and drainage.

(1) NOISE. When noise barriers are warranted under the criteria specified in ch. Trans 405, the department is not responsible for



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any noise barriers for noise abatement from existing state trunk highways or connecting highways. Noise resulting from geographic expansion of the through-lane capacity of a highway is not the responsibility of the owner, user or land divider. In addition, the following notation shall be placed on the land division map:

"The lots of this land division may experience noise at levels exceeding the levels in s. Trans 405.04, Table I. These levels are based on federal standards. The department of transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the department to the highway's through-lane capacity."

**Note:** Some land divisions will result in facilities located in proximity to highways where the existing noise levels will exceed recommended federal standards. Noise barriers are designed to provide noise protection only to the ground floor of abutting buildings and not other parts of the building. Noise levels may increase over time. Therefore, it is important to have the caution placed on the land division map to warn owners that the department is not responsible for further noise abatement for traffic and traffic increases on the existing highway, in the absence of any increase by the department to the highway's through-lane capacity.

(2) **VISION CORNERS.** The department may require the owner to dedicate land or grant an easement for vision corners at the intersection of a highway with a state trunk highway or connecting highway to provide for the unobstructed view of the intersection by approaching vehicles. The owner shall have the choice of providing the vision corner by permanent easement or by dedication. If the department requires such a dedication or grant, the owner shall include the following notation on the land division map:

"No structure or improvement of any kind is permitted within the vision corner. No vegetation within the vision corner may exceed 30 inches in height."

**Note:** Guide dimensions for vision corners are formally adopted in the Department's Facilities Development Manual, Chapter 11, pursuant to s. 227.01 (13) (e), Stats.

(3) **DRAINAGE.** The owner of land that directly or indirectly discharges stormwater upon a state trunk highway or connecting highway shall submit to the department a drainage analysis and drainage plan that assures to a reasonable degree, appropriate to the circumstances, that the anticipated discharge of stormwater upon a state trunk highway or connecting highway following the development of the land is less than or equal to the discharge preceding the development and that the anticipated discharge will not endanger or harm the traveling public, downstream properties or transportation facilities. Various methods of hydrologic and hydraulic analysis consistent with sound engineering judgment and experience and suitably tailored to the extent of the possible drainage problem are acceptable. Land dividers are not required by this subsection to accept legal responsibility for unforeseen acts of nature or forces beyond their control. Nothing in this subsection relieves owners or users of land from their obligations under s. 88.87 (3) (b), Stats.

**Note:** In sec. 88.87 (1), Stats., the Legislature has recognized that development of private land adjacent to highways frequently changes the direction and volume of flow of surface waters. The Legislature found that it is necessary to control and regulate the construction and drainage of all highways in order to protect property owners from damage to lands caused by unreasonable diversion or retention of surface waters caused by a highway and to impose correlative duties upon owners and users of land for the purpose of protecting highways from flooding or water damage. Wisconsin law, sec. 88.87 (3), Stats., imposes duties on every owner or user of land to provide and maintain a sufficient drainage system to protect downstream and upstream highways. Wisconsin law, sec. 88.87 (3) (b), Stats., provides that whoever fails or neglects to comply with this duty is liable for all damages to the highway caused by such failure or neglect. The authority in charge of maintenance of the highway may bring an action to recover such damages, but must commence the action within 90 days after the alleged damage occurred. Section 893.59, Stats. Additional guidance regarding drainage may be found in Chapter 13 and Procedure 13-1-1 of the Department's Facilities Development Manual.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99; am. (1), (2) (intro.) and (3), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 233.11 Special exceptions.** (1) **DEPARTMENT CONSENT.** No municipality or county may issue a variance or spe-

cial exception from this chapter without the prior written consent of the department.

(3) (a) **Special exceptions for setbacks allowed.** The department, district office or, if authorized by a delegation agreement under sub. (7), reviewing municipality may authorize special exceptions from this chapter only in appropriate cases when warranted by specific analysis of the setback needs, as determined by the department, district office or reviewing municipality. A special exception may not be contrary to the public interest and shall be in harmony with the general purposes and intent of ch. 236, Stats., and of this chapter. The department, district office or reviewing municipality may grant a special exception that adjusts the setback area or authorizes the erection or installation of any structure or improvement within a setback area only as provided in this subsection. The department, district office or reviewing municipality may require such conditions and safeguards as will, in its judgment, secure substantially the purposes of this chapter.

**Note:** The phrase "practical difficulty or unnecessary hardship" has been eliminated from the rule that was effective February 1, 1999, to avoid the adverse legal consequences that could result from the existing use of the word "variance." The Wisconsin Supreme Court has interpreted "variance" and this phrase to make it extremely difficult to grant "variances" and in so doing has eased the way for third party legal challenges to many "variances" reasonably granted. See *State v. Kenosha County Bd. of Adjust.*, 218 Wis. 2d 396, 577 N.W.2d 813 (1998). The Supreme Court defined "unnecessary hardship" in this context as an owner having "no reasonable use of the property without a variance." *Id.* at 413. The "special exception" provision in this rule is not intended to be so restrictive and has not been administered in so restrictive a fashion. In the first year following revisions of ch. Trans 233, effective February 1, 1999, the Department granted the vast majority of "variances" requested, using a site and neighborhood-sensitive context based on specific analysis.

(b) **Specific analysis for special exceptions for setbacks.** Upon request for a special exception from a setback requirement of this chapter, the department, district office or reviewing municipality shall specifically analyze the setback needs. The analysis may consider all of the following:

1. The structure or improvement proposed and its location.
2. The vicinity of the proposed land division and its existing development pattern.
3. Land use and transportation plans and the effect on orderly overall development plans of local units of government.
4. Whether the current and forecasted congestion of the abutting highway is projected to be worse than level of service "C," as determined under s. Trans 210.05 (1), within the following 20 years.
5. The objectives of the community, developer and owner.
6. The effect of the proposed structure or improvement on other property or improvements in the area.
7. The impact of potential highway or other transportation improvements on the continued existence of the proposed structure or improvement.
8. The impact of removal of all or part of the structure or improvement on the continuing viability or conforming use of the business, activity, or use associated with the proposed structure or improvement.
9. Transportation safety.
10. Preservation of the public interest and investment in the highway.

11. Other criteria to promote public purposes consistent with local ordinances or plans for provision for light and air, providing fire protection, solving drainage problems, protecting the appearance and character of a neighborhood, conserving property values, and, in particular cases, to promote aesthetic and psychological values as well as ecological and environmental interests.

(c) **Adjust setback.** If the department, district office or reviewing municipality grants a special exception by adjusting the setback area, the department shall pay just compensation for any subsequent department-required removal of any structure or improvement that the department has allowed outside of the approved, reduced setback area on land that the department acquires for a transportation improvement. The department may



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not decrease the 15 foot setback distance established under s. Trans 233.08 (3n), except in conformity with a comprehensive local setback ordinance, generally applicable to the vicinity of the land division, that expressly establishes a closer setback line.

(d) *Allow in setback - removal does not affect viability.* The department, district office or reviewing municipality may authorize the erection of a structure or improvement within a setback area only if the department, district office or reviewing municipality determines that any required removal of the structure or improvement, in whole or in part, will not affect the continuing viability or conforming use of the business, activity, or use associated with the proposed structure or improvement, and will not adversely affect the community in which it is located. Any owner or user who erects a structure or improvement under a special exception granted under this paragraph assumes the risk of future department-required removal of the structure or improvement and waives any right to compensation, relocation assistance or damages associated with the department's acquisition of that land for a transportation improvement, including any damage to property outside the setback caused by removal of the structure or improvement in the setback that was allowed by special exception. The department, district office or reviewing municipality may not grant a special exception within an existing setback area, unless the owner executes an agreement or other appropriate document required by the department, binding on successors and assigns of the property, providing that, should the department need to acquire lands within the setback area, the department is not required to pay compensation, relocation costs or damages relating to any structure or improvement authorized by the special exception. The department, district office or reviewing municipality may require such conditions and safeguards as will, in its judgment, secure substantially the purposes of this chapter. The department, district office or reviewing municipality shall require the executed agreement or other appropriate document to be recorded with the register of deeds under sub. (7) as part of the special exception.

(e) *Blanket or area special exceptions for setbacks.* Based on its experience granting special exceptions on similar land divisions, similar structures or improvements, or the same area and development pattern, the department may grant blanket or area special exceptions from setback requirements of this chapter that are generally applicable. The department shall record blanket or area special exceptions with the register of deeds in the areas affected or shall provide public notice of the blanket or area special exceptions by other means that the department determines to be appropriate to inform the public.

(f) *Horizon of setback analysis.* For purposes of its specific analysis, the department, district office or reviewing municipality shall consider the period 20 years after the date of analysis.

**Note:** Federal law requires a minimum 20-year forecast period for transportation planning for all areas of the State. 23 USC 134 (g) (2)(A) and 135 (e) (1).

(4) **SPECIAL EXCEPTIONS FOR PROVISIONS OF THIS CHAPTER OTHER THAN SETBACKS.** Except as provided in sub. (3), the department may not authorize special exceptions from this chapter, except in appropriate cases in which the literal application of this chapter would result in practical difficulty or unnecessary hardship, or would defeat an orderly overall development plan of a local unit of government. A special exception may not be contrary to the public interest and shall be in harmony with the general purposes and intent of ch. 236, Stats., and of this chapter. The department

may require such conditions and safeguards as will, in its judgment, secure substantially the purposes of this chapter.

**Note:** This subsection uses the phrase "practical difficulty or unnecessary hardship" to indicate a higher standard for special exceptions from provisions of this chapter other than setbacks. However, the phrase "special exception" has been used rather than the word "variance." The Supreme Court defined "unnecessary hardship" in a variance context as an owner having "no reasonable use of the property without a variance." See *State v. Kenosha County Bd. of Adjust.*, 218 Wis. 2d 396, 413, 577 N.W.2d 813 (1998). The department intends the "special exception" provision in this rule to be administered in a somewhat less restrictive fashion than "no reasonable use of the property" without a "variance."

(5) **MUNICIPAL SPECIAL EXCEPTIONS.** A delegation agreement under s. Trans 233.03 (8) may authorize a reviewing municipality to grant special exceptions. No municipality may grant special exceptions to any requirement of this chapter, except in conformity with a delegation agreement under this subsection. Any decision of a reviewing municipality relating to a special exception is subject to the appeal procedure applicable to such decisions made by the department or a district office, except that the department may unilaterally review any such decision of a reviewing municipality only for the purposes of ensuring conformity with the delegation agreement and this chapter.

(6) **TIME LIMIT FOR REVIEW.** Not more than 60 calendar days after receiving a completed request for a special exception under s. Trans 233.11, the department, district office or reviewing municipality shall provide to the land divider written notice of its decision granting or denying a special exception. The 60-day time limit may be extended only by written consent of the land divider.

**Note:** The Department intends that decisions concerning special exceptions be made in the shortest practicable period of time. The Department intends the 60-day time limit applicable to special exceptions to allow sufficient time for a land divider and the Department, district office or municipality to explore alternative locations or plans to avoid and minimize conflicts and to facilitate mutually acceptable resolutions to conflicts.

(7) **RECORDING REQUIRED.** A special exception granted under this section is effective only when the special exception is recorded in the office of the register of deeds. Any structure or improvement erected under authority of a special exception granted under this section is presumed to have been first erected on the date the special exception is recorded.

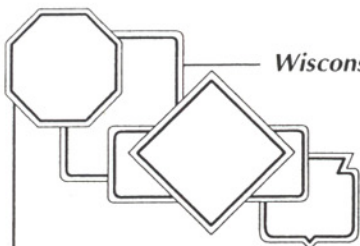
**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99; renum. (2) to be (3) (a) and am., cr. (3) (b) to (f) and (4) to (7), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 233.12 Performance bond.** The department may, in appropriate cases, require that a performance bond be posted, or that other financial assurance be provided, to ensure the construction of any improvements in connection with the land division which may affect a state trunk highway.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99.

**Trans 233.13 Fees.** The department shall charge a fee of \$110 for reviewing a land division map that is submitted under s. 236.10, 236.12, 236.34, 236.45 or 703.11, Stats., or other means not provided by statute, on or after the first day of the first month beginning after February 1, 1999. The fee is payable prior to the department's review of the land division map. The department may change the fee each year effective July 1 at the annual rate of inflation, as determined by movement in the consumer price index for all urban consumers (CPI-U), published the preceding January in the CPI detailed report by the U.S. department of labor's bureau of labor statistics, rounded down to the nearest multiple of \$5.

**History:** Cr. Register, January, 1999, No. 517, eff. 2-1-99.



## Setting Speed Limits on Local Roads

Speed limits are an important tool for promoting safety on streets and highways. Limits tell drivers what is the reasonable speed for a road section. They also help traffic enforcement by setting standards for what is an unsafe speed.

The state has set speed limits for all roads. However, municipalities can change speed limits for their roads under authority and guidelines in the *Wisconsin Statutes*. Selecting the appropriate speed limit can be a challenge because people often disagree. Residents frequently seek lower speeds, especially after a serious crash. Drivers tend to choose speeds that seem reasonable for the conditions—often higher than the posted limit—and that satisfy personal needs (saving time, enjoyment, inertia).

Local officials have a key role in setting limits. They must balance the competing concerns and opinions of drivers, residents, and law enforcement agencies with statutory requirements and the recommendations of traffic engineers.

This booklet is designed to help. It includes background information and research recommendations, summarizes statutory limits, describes the process for changing limits, and discusses signs, enforcement, advisory speeds, and other speed issues.

### Background

High speeds are a factor in up to one-third of all fatal crashes, and injuries from speed-related crashes (including speed too fast for conditions) cost society \$27 billion per year (1994 estimate). Although speed by itself may not necessarily cause accidents, it affects their severity. For example, 85% of pedestrians struck by vehicles traveling 40 mph were killed while only 5% were killed when the speed was 20 mph.

Common sense says that regulating speed is a good way to make streets and highways safer. As a result, citizens may demand lower speeds, especially if there has been a severe crash or a frightening "near miss."



However, driving behavior is not so easy to manage. Many studies, including a 1997 federal speed study (FHWA-RD-92-084), show that simply lowering speed limits has little effect on actual speeds, usually only reducing speeds by one to two miles per hour. At the same time, the difference in speeds, which is a common cause of crashes, increases, often making the roadways less safe. In general, drivers choose their speed based on what they think is safe and reasonable for the conditions present. An unreasonable posted speed gets little consideration from drivers. They determine "safe and reasonable" from a variety of factors, including:

- Road geometry—roadway characteristics such as lane width, shoulder width, sight distance, curves, and hills
- Land use, including frequency of driveways and cross streets
- Traffic volume and prevailing speed
- Presence of pedestrians, bikes, and parked cars
- Visual clutter such as billboards and commercial buildings
- Weather and road conditions
- Vehicle type and characteristics
- Driver capability, attitudes and habit
- Public attitudes
- Enforcement
- Speed zoning



A new alternative for managing vehicle speeds is called "traffic calming." This emphasizes physical changes to local streets—making them appear narrower or more restricted, for example—so drivers will voluntarily choose lower "safe and comfortable" speeds.

## Philosophy

Prevailing speed—the one which most drivers choose—is a major consideration in setting speed limits. Wisconsin's statutes recognize this in declaring that "no person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions..." [246.57(2) Wisc. Stats.]

Engineers recommend setting limits at the 85% percentile speed, where 85% of the freely flowing traffic travels at or below that speed. They also emphasize considering the road's design speed in setting speed limits. This is the highest safe speed for which the road was designed. It takes into account road type, road geometry, and adjacent land use. Research studies show that accident rates go down when speed limits are within 10 mph of the design speed. When the difference is greater, motorists choose a wider variety of speeds. This variance in speed between vehicles, more than the speed itself, results in higher accident rates.

However, the prevailing speed and design speed may be hazardous for pedestrians, bicyclists, and other road users. Modern roads are often over-designed, particularly in residential areas, where they tend to emphasize functions like accommodating fire trucks or street parking. The wide, unobstructed roads that result can unintentionally encourage drivers to drive too fast for the safety of other road users. Simply setting lower speed limits is unlikely to produce the desired results, however, especially without effective enforcement. In these cases, authorities may wish to consider using some traffic calming techniques.

Speeds should be consistent, safe, reasonable, and enforceable. When 85% of drivers voluntarily comply with speed limits, it is possible and reasonable to enforce the limits with the 15% who drive too fast. Unreasonably low limits can promote disrespect for and disregard of other, reasonable posted limits. They also promote a false sense of security among residents and pedestrians who may expect that posting lower limits will change drivers' speed behavior. Unreasonably high limits create unnecessary risks.

## Authority

Power to set speed limits rests with the state. Chapter 346.57 *Speed Restrictions* of the *Wisconsin Statutes* requires drivers to use a speed that is "reasonable and prudent," to exercise "due care," [346.57(2)] and to reduce speed under a variety of conditions such as "going around a curve...passing school children, high-

way construction or maintenance workers...and when special hazard exists..." [346.57(3)].

The *Statutes* give fixed limits for more than a dozen situations depending on the road type, jurisdiction, and land use [346.57 (4) (a-k)]. (See chart.)

Local or state officials have authority to change these limits within the limitations in Chapter 349.11 (summarized in chart). They must conduct an engineering and traffic investigation to determine a reasonable and safe speed limit. The limit must then be legally adopted by the local authority and appropriate signs erected. When properly changed, such limits do not create additional liability. In addition, changes beyond those specified in the statutes are possible in consultation with the state Department of Transportation.

**Speed limits and authority to change**

Fixed limits – Statute 346.57(4)*	Sub- section	Local government authority** – Statute 349.11.3(6) or 349.7
65 MPH – Interstate	(gm)	WisDOT ONLY
55 MPH – STH	(h)	WisDOT ONLY
55 MPH – CTH, town roads	(h)	Lower by 10 MPH
45 MPH – Rustic Roads	(k)	Lower by 15 MPH
35 MPH – town road (1,000 ft. min) with 150 ft. or less driveway spacing	(j)	No changes permitted
25 MPH – Inside corporate limits, residential street (other than outlying district)	(e)	Lower or raise by 10 MPH
35 MPH – Outlying district inside corporate limits (1,000 ft. min., 200 ft. driveway spacing)	(f)	Lower or raise by 10 MPH
35 MPH – Semi-urban outside corp. limits (1,000 ft. min., 200 ft. driveway spacing)	(f)	Lower or raise by 10 MPH
15 MPH – School Zone	(a)	Lower by 10 MPH or raise to speed of adjacent street
15 MPH – School Crossing	(b)	Lower by 10 MPH or raise to speed of adjacent street
15 MPH – Pedestrian safety zone	(c)	No changes permitted
15 MPH – Alley	(d)	Lower by 10 MPH
15 MPH – Public park (within, contiguous or adjacent to)	(j)	Lower by 10 MPH
Construction or maintenance zones as appropriate	(10)	State and local agencies have authority to establish

\* From WisDOT Highway and Transportation Laws and Rules, 1995.

\*\* All speed limit changes should be based on an engineering study.

All limits, whether set by statute or local authority, are only effective and enforceable when official signs have been erected to give adequate warning to highway users. Signs must conform to the specifications in the *Manual on Uniform Traffic Control Devices (MUTCD)* and the *Wisconsin Supplement to the MUTCD*.

Speeds may also be temporarily reduced in work zones where highways are being constructed, reconstructed, maintained or repaired [Ch.349.11(10)]. These changes must be properly posted and are not restricted by the other limitations in Chapter 349.11. Appropriate work zone signing and set up is described in *Workzone Safety: Guidelines for Construction, Maintenance and Utility Operations*.

The local agency that maintains the roadway has jurisdiction for determining the speed limit. In most cases the responsibility is clear. If a roadway segment has joint jurisdiction, such as a road on the border between two cities, then both agencies must agree on the speed limit. Obviously, the speed must be the same in both directions. In cases where the county or state maintains a road within the corporate limits of a city or village, the county or state is responsible for setting the speed limit. Coordination with local officials and law enforcement agencies is essential to set effective speed limits.

## Required studies

Local authorities are required by the statutes to conduct engineering and traffic speed studies to determine a reasonable and prudent speed limit for a section of road or highway. Local law enforcement, the county Traffic Safety Commission, and WisDOT District engineering staff can be very helpful in conducting and interpreting these studies for local municipalities.

Engineering studies should include the following:

1. Measure prevailing speed characteristics and determine the 85<sup>th</sup>-percentile speed and pace speed
2. Evaluate reported accident experience for the past three to five years
3. Review roadside development and culture, and driveway access for conflicts
4. Evaluate sight distances at intersections, horizontal curves, and vertical curves
5. Check the road's geometrics including lane widths, sharp curves, and roadside hazards
6. Consider conflicts with parking practices, and pedestrian and bicycle activity
7. Evaluate pavement surface characteristics and shoulder conditions
8. Determine the current level of enforcement

A speed study is a statistical evaluation of speed characteristics at a specific location. It includes averages, ranges, distribution, and variability of speeds, and confidence levels of the analysis. Spot speed studies should be unbiased, measuring a statistically valid sample of vehicles.

Accurate spot speed measurements are important for setting limits. They should represent free flowing traffic on a clear, dry day. There should be a large enough number of measurements to produce an appropriate level of confidence about the data analysis. Spot speed is the instantaneous speed at one location. This is different from the average speed over a distance. As a general rule, the minimum sample size should never be less than 30 measured spot speeds. On higher volume roads the study should include about 100 cars.

Data can be collected in a variety of ways. Radar or laser speed detection units are commonly available and generally used to measure a sample of every *n*<sup>th</sup> vehicle. Speed can also be measured manually by counting the time it takes every *n*<sup>th</sup> vehicle to travel a measured distance between two points. Automatic data recorders using detector loops and tube counters can produce considerably more information by measuring every vehicle during a given time period and automatically calculating the spot speeds in free flowing traffic. Video and radar speed cameras are also used and can capture a broad variety of data which is preserved for multiple analyses. Once collected, data is then analyzed statistically and presented in tables and graphs.

## Signs

A speed limit is not in effect until the area has been properly signed. Conversely, signs must not be installed until the limit has been approved and officially authorized. Signs are governed by the *Manual on Uniform Traffic Control Devices (MUTCD)*. Two types may be used: one for passenger cars and another for special limits for trucks and buses.

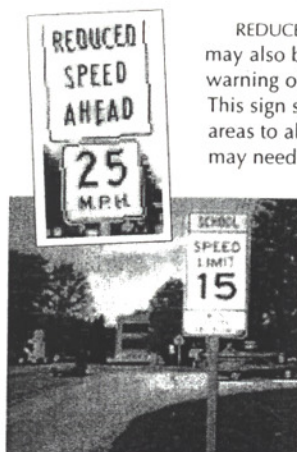
No more than three speed limits should be displayed on any one speed limit sign or assembly. Signs with special limits for trucks or other vehicles should include the word TRUCKS or a similar appropriate message. They can be displayed below the standard message or on a separate plate which should refer to SPEED or MPH.

The standard SPEED LIMIT sign must be 24 by 30 inches. Signs must be located:

- at each point where the speed limit changes
- beyond major intersections
- at other locations where it is necessary to remind motorists of the limit







REDUCED SPEED AHEAD signs may also be used to give advance warning of a lower speed zone. This sign should be used in rural areas to alert motorists when they may need extra time to slow to the

posted limit. It must always be followed by a SPEED LIMIT sign at the beginning of the new zone.

Near schools, the END SCHOOL ZONE sign may be used as an alternate to the SPEED LIMIT sign.

## Enforcement

Enforcement is critical. Without it speed limits are not effective. When it is considerably increased, violations and crashes have been reduced.

Local officials should actively involve enforcement personnel in setting speed limits to ensure they are reasonably enforceable. Enforcement agencies should always be advised when changes have been adopted.

Enforcement requires wide public support. A first step is to ensure that speed limits are publically perceived as reasonable and fair because the voluntary cooperation of most drivers is essential. A second step is vigorous public information and education stressing the safety benefits of the enforcement. This should be a cooperative effort between highway and enforcement officials. It should target specific aspects of the speeding problem such as young drivers, nighttime, school zones, work zones, or specific roads where potential traffic and pedestrian conflicts are high.

Within law enforcement agencies, traffic enforcement doesn't compete well with criminal and drug enforcement. As a result, local highway officials must actively seek adequate agency enforcement. These efforts will be most effective when the safety benefits are made clear and there is strong support from local elected officials.

Aggressive, targeted enforcement, combined with education, has effectively produced better public compliance with traffic laws. The Federal Highway Administration recommends targeting enforcement programs to high crash locations where speeding was a contributing factor and to areas with high traffic volumes.

Long term, low intensity speed enforcement can produce meaningful results, however. Studies indicate that some amount of the enforcement effort (15% is

recommended) should be directed to random locations and times. Stationary, marked patrol vehicles are most effective in creating longer term enforcement benefits.

## Minimum speed limits and slow moving vehicles

Except on Interstate highways, there is no specific minimum speed on Wisconsin highways. However, the statutes prohibit driving a motor vehicle "at a speed so slow as to impede the normal and reasonable movement of traffic, except when necessary for safe operation or to comply with the law." [Section 346.59 Wis. Stats.]

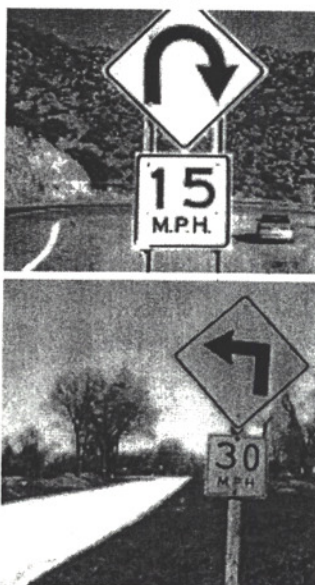
Vehicles which normally travel slower than 25 mph must display slow moving vehicle emblems. [Section 347.245 Wis. Stats.] In addition, the operator of a vehicle moving so slowly that it impedes traffic must yield the roadway to overtaking vehicles, if practicable, when the operator of an overtaking vehicle gives an audible warning. [Section 346.59(2) Wis. Stats.]

## Advisory speed signs

Advisory speed signs are used to tell drivers that a lower speed may be necessary at curves, turns, intersections, and other localized conditions. They add emphasis and specific information to other warning signs, recommending a comfortable and safe speed to drive in these locations. Advisory speeds should not be confused with

enforceable speed limits and they do not imply the maximum operating speed at which skid and rollover occurs.

The advisory speed must be determined by an accepted traffic engineering procedure but no ordinance is required. Signs can be erected by maintenance or sign supervisors and must be in accordance with guidelines in the MUTCD, 2C-35.



As with other traffic signs, advisory speeds should be consistent and reasonable to promote driver respect and compliance. This is not always the case. Research published by the national Transportation Research Board (TRB) found that on the two-lane highways studied, the posted advisory speeds at most curves were well below prevailing traffic speed and also below speeds established using recommended devices and criteria.

One widely used device for establishing advisory speeds on curves is the ball bank indicator. This relatively inexpensive curved level is mounted in an engineer's car. The engineer makes successive trial runs through a curve, taking care to drive parallel to the centerline of the curve, increasing speed by five mph each time. The indicator shows the angle of deflection in degrees. Advisory speeds are set based on average curve speeds for different angles of deflection.



The TRB study reports that the generally accepted criteria, which were established based on tests conducted in the 1930s, produce unrealistically low speeds with modern cars and should be revised upwards. Ballbank readings of 12 degrees above 40 mph, 16 degrees between 30 and 40, and 20 degrees below 30 would better reflect average curve speeds, the authors say.

Ballbank readings tend to fluctuate rather widely during a trial run and can be affected by loose-surfaced roads and vehicle suspension systems. As a result, setting a recommended speed depends to a significant extent on the judgment and experience of the person making the tests. The recommended speed should feel comfortable for the average driver and be lower than the maximum safe speed. It should also be sensible in comparison with prevailing speeds.

## Summary

Establishing and enforcing reasonable and safe speed limits is the responsibility of local officials. This often includes balancing conflicting issues of safety, traffic movement, and community concerns.

Coordination with local law enforcement is vital to effective speed control. Most speed zones should encourage voluntary compliance by using reasonable speed limits. Traffic calming techniques that involve physical and perceptual changes can also be helpful. Enforcement officials should be consulted in determining effective limits and they should work with the community in difficult areas.

The traffic engineering staff of the state Department of Transportation can also be a helpful resource. Since they participate on county Traffic Safety Commissions, this may be an easy way to contact them for assistance.

## References

*Establishing Realistic Speed Limits*, Department of State Police, State of Michigan, 1992, 21 pp.

*Evaluation of Criteria for Setting Advisory Speed on Curves*, Mashrur A. Chowdhury, Davey L. Warren, Howard Bissell, & Sunil Taori, Transportation Research Board Paper No. 980133, Jan. 11-15, 1998, 21 pp.

*Factors Affecting Speed Variance and Its Influence on Accidents*, Nicholas J. Garber & Ravi Gadiraju, Transportation Research Record 1213, Transportation Research Board, 1998, 10 pp.

*Pocket Handbook on Speed Zones*, T.I.C., 1999.

*A Policy on Geometric Design of Highways and Streets*, AASHTO, 1990, pp 62-68.

*Safety Strategies for Rural Roads, Draft Final Report*, DSTI/DOT/RTR/RS8(98)1, Organization for Economic Cooperation and Development, Scientific Expert Group RS8 on "Safety Problems of Rural Roads," October 1998, 131 pp, pp 73-87.

*Spot Speed Studies, Ch.3 of Manual of Transportation Engineering Studies*, Institute of Transportation Engineers, H. Douglas Robertson, Ed., 1994, pp 33-51.

*Speeding and Highway Safety: The U.S. Department of Transportation's Policy and Implementation Strategy*, National Highway Traffic Safety Administration, Federal Highway Administration, November 1996, 4 pp.

*Speed Limits*, Wisconsin Department of Transportation, Division of Highways, pamphlet.

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*Several sample speed limit ordinances are reprinted on the back page of this factsheet.*



## Sample speed limit ordinances

Local boards of elected officials must adopt speed limits in ordinance form. Here are sample ordinances for county and municipal governments. Local ordinances also may include details on forfeitures and law enforcement authority. The ordinance should be reviewed by the agency's attorney.

## Sample amendment to a speed ordinance

### AMENDING CHAPTER 1 OF THE BADGER COUNTY CODE OF ORDINANCES SPEED LIMIT CHANGES

The County Board of Supervisors of the County of Badger does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Badger County Code of Ordinances.

ARTICLE 2. Section(2)(b)(2) is created to read as follows:

- 1) Chestnut Road, City of Centerton. Twenty-five miles per hour from its intersection with USH 51 to its intersection with Winona Drive.



## "Badger County" traffic ordinance

**SPEED LIMITS.** (1) The provision of sections 346.57 and 346.59 of the Wisconsin Statutes, relating to the maximum and minimum speed of vehicles, are hereby adopted as part of this section as is fully set forth herein, except as specified by section 2 of this ordinance, pursuant to section 349.11(3)(c) of the Wisconsin Statutes.

(2) No vehicle shall exceed the following speed limits on the following county trunk highways:

- (a) County Trunk Highway "A"
  - (1) **Unincorporated Village of Estesville, Town of Terry.** Thirty-five miles per hour from its junction with STH 78, in Estesville, southwesterly 0.35 miles.
  - (2) **City of Covington, Town of York.** Thirty-five miles per hour from its intersection with CTH "N" (Veterans Drive), easterly to a point 0.15 miles east of its intersection with Race Track Road.
- (b) County Trunk Highway "AB"
  - (1) **Town of Finis.** Thirty miles per hour from the bridge over the Yahara River located on a line common to sections 13 and 14, Town of Finis, southwesterly to USH 51.
  - (2) **Chestnut Road, City of Centerton.** Thirty miles per hour from the intersection of USH 51, easterly to Droster Road.

## Sample municipal ordinance

Section 3. **SPEED LIMITS.** (Towns, Cities, and Villages) The [Council or Village Board] hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe and imprudent and modifies such speed limits as follows:

- (1) **SPEED LIMITS INCREASED.** Speed limits are increased as follows upon the following designated streets or portions thereof:

### (a) Outlying Districts

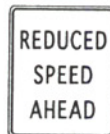
45 miles per hour on \_\_\_\_\_ Avenue  
between \_\_\_\_\_ Street and  
the \_\_\_\_\_ [City or Village] limits;

- (2) **SPEED LIMITS DECREASED.** With the approval of the Wisconsin Department of Transportation, the speed limits are decreased as hereinafter set forth upon the following highways or portions thereof:

### (a) Semi-Urban Districts

25 miles per hour on \_\_\_\_\_ Road between County  
Trunk \_\_\_\_\_ and the \_\_\_\_\_ [City or  
Village] limits;

30 miles per hour on \_\_\_\_\_ Road between  
County Trunk \_\_\_\_\_ and the limits



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**Wisconsin Transportation Bulletin** is a series of fact sheets providing information to local town, municipal and county officials on street and highway design, construction, maintenance, and management. They are produced and distributed by the Wisconsin Transportation Information Center, a project of the University of Wisconsin-Madison Department of Engineering Professional Development, funded as a Local Technical Assistance Center by the Federal Highway Administration, Wisconsin Department of Transportation, and UW-Extension. Copies are available free while supplies last from the Transportation Information Center-LTAP, UW-Madison, Department of Engineering Professional Development, 432 North Lake Street, Madison, WI 53706. Phone: 800/442-4615; fax: 608/263-3160; e-mail: ranum@Engr.Wisc.Edu

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# TRANSPORTATION ELEMENT

## Appendix C-5



The

# WisDOT Connector

Informing Wisconsin on key transportation issues



Fall 2002

## Access Management contact information

WisDOT district office Access Management contacts:

**Madison Transportation District 1**  
Columbia, Dane, Dodge, Grant, Green,  
Iowa, Jefferson, Lafayette, Rock and Sauk  
counties

Adam Clayton  
2101 Wright Street  
Madison, WI 53704-2583  
(608) 242-8009  
adam.clayton@dot.state.wi.us

**Waukesha Transportation District 2**  
Fond du Lac, Kenosha, Milwaukee,  
Ozaukee, Racine, Walworth, Washington  
and Waukesha counties

Susan Voight  
2000 Pewaukee Road  
Waukesha, WI 53187-0798  
(262) 548-8788  
susan.voight@dot.state.wi.us

**Green Bay Transportation District 3**  
Brown, Calumet, Door, Kewaunee,  
Manitowish, Marinette, Menominee,  
Oconto, Outagamie, Shawano,  
Sheboygan and Winnebago counties

David Nielsen  
944 Vandeventer Way  
Green Bay, WI 54324-0080  
(920) 492-0148  
david.nielsen@dot.state.wi.us

**Wisconsin Rapids Transportation District 4**  
Adams, Green Lake, Juneau, Marathon,  
Marquette, Portage, Waupaca, Waushara,  
and Wood counties

Matthew Halada  
1681 Second Avenue South  
Wisconsin Rapids, WI 54495  
(715) 421-8348  
matt.halada@dot.state.wi.us

**La Crosse Transportation District 5**  
Buffalo, Crawford, Jackson, La Crosse,  
Monroe, Richland, Trempealeau and Vernon  
counties

Peter Strachan  
3550 Mormon Coulee Road  
La Crosse, WI 54601  
(608) 785-9058  
peter.strachan@dot.state.wi.us

**Eau Claire Transportation District 6**  
Chippewa, Clark, Dunn, Eau Claire, Pepin,  
Pierce, St. Croix and Taylor counties

Diane Schermann  
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Eau Claire, WI 54701  
(715) 836-3905  
diane.schermann@dot.state.wi.us

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## Access Management – balancing traffic flow and highway access

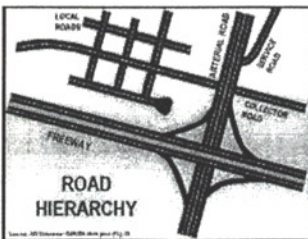


**Access Management:** A process that provides or manages access to land development, while preserving the flow of traffic on the surrounding road system in terms of safety, capacity and speed.

It can be said that highways provide two - sometimes competing - functions. Highways must allow traffic to move smoothly and efficiently through a given area. At the same time, highways must accommodate local traffic and provide access to adjacent property.

However, allowing too many access points along a stretch of highway can create problems for both local and through traffic. That's because access points are also conflict points. Every vehicle that slows to turn off a main highway or enters a main highway from a side street, creates potential hazards for motor vehicle occupants, bikers and pedestrians.

So how do we balance these two competing highway functions? "Access Management" refers to the general concept of balancing the interests of traffic flow and traffic access along our state highway system. This edition of the WisDOT Connector will focus on some of the "driving forces" behind Access Management efforts and will highlight some of the tools that are being utilized to enhance traffic flow, roadway access, and public safety.



Well-planned highway systems enhance safety and traffic flow.

### Cooperation and planning are keys

Highways have different classifications and functions. For example, freeways have very limited access (interchanges) and are designed to move large volumes of traffic quickly and efficiently. A freeway could connect with a county highway, that in turn connects with local streets to access homes, jobs and schools. It's vital that these three highway systems and governmental units - state, county and local - plan and work together to provide the most efficient transportation system possible.

Roadway access that is not well planned often results in congestion, capacity loss, and decreased safety. However, when access locations are planned in conjunction with land use changes and development, a highway can generally accommodate higher traffic volumes without compromising safe and efficient traffic flow.

Access Management efforts can ease traffic congestion and eliminate conflict points that jeopardize safety. At the same time, proper planning can boost economic development and community appearance by facilitating more efficient access to adjacent land development.

### Traffic growth far outpacing highway expansion

It's no secret that the demands on Wisconsin's highway system continue to grow. For example, between 1982 and 1997, total vehicle miles of travel on the State Highway System increased 60%, while the system's total lane mileage increased by only 5%. Meanwhile, over the last 20 years, the number of licensed

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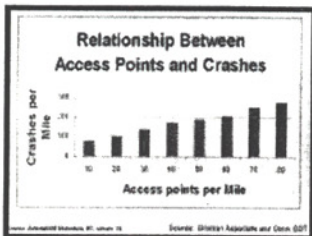


# Transportation In Focus

drivers in Wisconsin has jumped 26%. The bottom line is that the minimal growth in the size of the State Highway System is lagging far behind the dramatic increases in both drivers and traffic.

Highway expansion, while costly and time consuming, is sometimes the only solution to address significant concerns regarding traffic congestion and motorist safety. Still, one way to ease the need for highway expansion is through maximizing the safe use of our existing highway system. Access Management represents a concerted effort to incorporate planning and design features to make the system work as safely and efficiently as possible.

It should come as no great surprise that when highway access points are allowed to increase, so do the number of traffic crashes. Studies throughout the country have shown that highways with limited or managed access are significantly safer than other roadways.



As highway access points increase, so do the number of traffic crashes

## Access Management goals:

- Reduce traffic crashes and injuries
- Improve traffic flow/maximize efficiency of existing roadways
- Avoid the need for costly and disruptive highway expansion or bypasses
- Plan development with safe and efficient access
- Coordinate state, regional and local plans

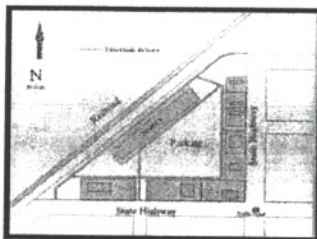
## Access Management benefits

- Less stop and go traffic
- Shorter commute times
- Promotes efficient delivery of business goods and services
- Reduced fuel consumption and pollution
- Preserves public investment in the roadway system

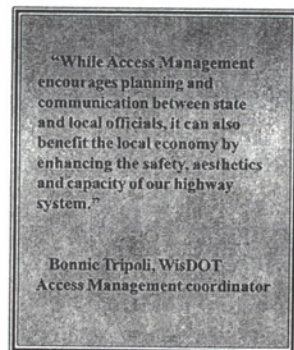
## Tools of Access Management

Successful Access Management efforts involve employing a comprehensive set of strategies or "tools" in order to manage traffic flow and accommodate access to property. The common thread is cooperative planning between state and local governments, developers and the general public. Some of these "tools" include:

**Connectivity** – providing access between adjacent properties in order to minimize the need for drivers to use the highway to reach their destination.

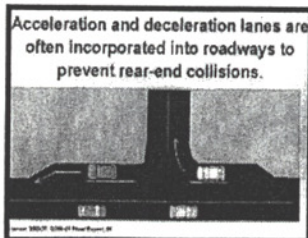


Commercial "connectivity" can mean enhancing traffic circulation within a development to minimize access to surrounding streets.

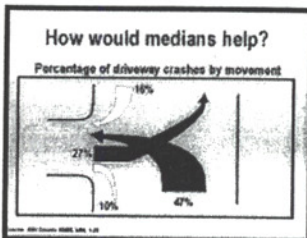


**Joint access** – sharing driveways so that several properties can be served by one driveway. Joint driveways can create more room for parking stalls and also serve to reduce driver confusion. Have you ever been waiting to turn from a driveway and seen a vehicle coming towards you with its signal light on, but been confused about whether they're turning into your driveway, the driveway before you, or the driveway after you? That is an indication of too many closely spaced driveways.

**Turn lanes** – refers to acceleration and deceleration lanes that are often incorporated into roadways to prevent rear-end collisions by providing traffic a separate lane to turn off or merge with traffic.



**Raised medians** – serve to physically separate opposing traffic and can significantly reduce motor vehicle crashes by reducing conflict maneuvers. Most driveway crashes – up to 75% – are a result of motorists turning left into, or out of a driveway.



Medians can reduce conflict maneuvers such as left turns.

## Business and motorist reaction to Access Management

Experience has shown that in general, businesses and motorists have a favorable view of Access Management efforts. For example, people are more likely to patronize a business if they know they can get into and out of a parking lot with relative ease. Shoppers are more likely to return if they can accomplish several errands in a given area without going onto the highway each time. Well-planned development with well thought out traffic access minimizes driveways, maximizes green space, and enhances a community's overall appearance.

An Iowa study showed that 80% of businesses reported neither loss of sales, nor any customer complaints about access to their businesses after an Access Management project. The remaining 20% percent of businesses were mostly highly vehicle dependent such as gas stations and drive-through businesses.

The same Iowa study showed that 90% of motorists surveyed had a favorable opinion of improvements related to Access Management. Most drivers felt the new roadways were safer and more efficient.

## Conclusion

Efforts related to Access Management have been taking place for at least 50 years, so the concept is not necessarily new. Yet with development increasing in Wisconsin and throughout the nation, it's becoming increasingly important for state and local governments to work together in planning development that preserves capacity of the highway system and enhances safety for the motorists who use it. ♦♦♦



## Access Management success stories



Grand Avenue before



Grand Avenue after

### Grand Avenue - Wausau

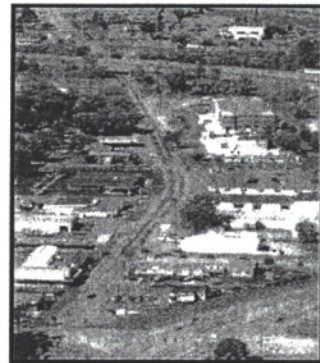
One example of a successful Access Management project can be found in Wisconsin's heartland - the Grand Avenue project (Business US 51) in the cities of Schofield and Wausau in Marathon County. The \$4.2 million project received WisDOT's "Best Urban Design by Consultant" Award in 1999 in recognition of work done by Becher-Hoppe Associates, Inc. of Wausau.

Accident rates along Grand Avenue were between three and five times the state average. The primary type of crash involved rear end collisions, followed by angle collisions. Many of these crashes were attributed to the lack of left or right turn lanes on Grand Avenue and the high density of access points (approximately 40 per mile) along the stretch.

An Access Management plan resulted in 114 access points and 16 side street intersections being decreased to 52 access points and 14 intersecting side streets (54% decrease). The result: following project completion, total annual crashes decreased 37%. An average of 112 crashes occurred along the segment annually between 1990 and 1996. In 1998, 71 crashes were recorded.

Along with an extensive public outreach effort, the project involved reconstruction of approximately 1.4 miles of the four-lane urban section including turn lanes at intersections, wider travel lanes, non-mountable medians, limited access points, plus bicycle and pedestrian accommodations. Two signalized intersections were upgraded while two other signalized intersections were added. Some 10,000 feet of sanitary sewer and water mains were replaced and/or relocated. Construction was staged to keep the road open to traffic during construction. ♦♦♦

Public outreach is a  
key component of  
successful Access  
Management efforts



Stewart Avenue before



Stewart Avenue after

### West Stewart Avenue - Wausau

This project, also designed by Becher-Hoppe Associates, Inc. of Wausau, combined Access Management components with an extensive public outreach process in converting a two-lane rural section to a four-lane urban section. Originally, the entire West Stewart Avenue corridor was virtually one long series of access points. The Access Management plan resulted in approximately 17 access points within the half-mile corridor to serve 27 residential and commercial properties. Five intersecting side streets were closed using cul-de-sacs.

The public involvement process included creation of a mailing list consisting of area business and residential property owners, renters, city, state and local officials, along with bicycle, environmental and other special interest groups. The mailing list was used to invite the public to an informational meeting in May of 1998. At the meeting, some 100 citizens learned more about the draft project scope and a nine-member Citizen's/Business Advisory Committee was created to help develop final recommendations. Over the next 17 weeks, the committee held nine meetings. The audience at each meeting ranged between 20 and 60 persons. In addition, over 25 on-site meetings were held with individual property owners to discuss their concerns.

Transportation needs identified included creation of an Access Management plan to decrease crashes, aesthetic features, accommodating bicycle and pedestrian needs and supporting economic development along the corridor. All concerned parties agreed upon the final compromise project design.

The design included: left and right turn lanes, mountable and non-mountable medians, pavement marking and signing, curb and gutter, bicycle and pedestrian accommodations through a 54-inch curb/gutter section and eight-foot wide sidewalk, storm sewer, three signalized intersections, and placement of utilities underground. Thanks to the cooperative partnership between Becher-Hoppe Associates, Inc., the city of Wausau and WisDOT, the majority of the \$1.9 million project was completed in the year 2000. ♦♦♦

## Access Management contact information

Continued from page 1

### Rhineland Transportation District 7

Florence, Forest, Iron, Langlade,  
Lincoln, Oneida, Price and Vilas  
counties

Robert Severson  
500 Hanson Lake Rd  
Rhineland, WI  
54501-0777  
Phone: 715-365-3490  
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### Superior Transportation District 8

Ashland, Barron, Bayfield,  
Burnett, Douglas, Polk, Rusk,  
Sawyer and Washburn counties

Kathryn Nault  
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knaul@dot.state.wis

### Bonnie Tripoli WisDOT Access Management Coordinator

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### In the next issue: WisDOT's new Web site

After months of planning and preparation, WisDOT recently unveiled its new Web site: [www.dot.wisconsin.gov](http://www.dot.wisconsin.gov). The new site was designed with the Web visitor in mind - to deliver information and services quickly, consistently and efficiently. In the next issue of the WisDOT Connector, we'll take an in-depth look at the new Web site and how it can serve as a useful "link" in connecting our customers with the transportation information they need.

### How to contact us

The **WisDOT Connector** is a quarterly publication of the Wisconsin Department of Transportation. It is intended to inform the public about key transportation issues and how they affect transportation in Wisconsin.

Thomas E. Carlsen, P.E., Secretary  
Linda Thelke, Director, Office of Public Affairs

Editor/designer: Kathy Hegerfeld

Thanks to our many private and public partners for their contributions towards this issue. Comments and questions about this issue can be directed to Rob Miller at:

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Web: [www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)



Or by mail at:  
Wisconsin Department of  
Transportation  
Office of Public Affairs  
P.O. Box 7910  
Madison, WI 53707-7910

## Trans 233 – the impact of land divisions on the highway system

Trans 233 is a revised version of a Wisconsin Administrative Rule that has been in effect since 1956. The recently revised rule establishes requirements for all land divisions occurring along the state highway system and defines restrictions that must be followed when developing lands along state highways. The Trans 233 rule can be viewed as the statutory authority under which WisDOT works with individuals and local communities to plan development and highway access in ways that enhance traffic flow and roadway safety.

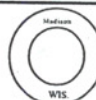
The rule, in effect since February 1, 1999, impacts landowners who wish to divide or combine land parcels adjacent to the state highway system. WisDOT staff can conduct an initial "conceptual review" that takes place as soon as a landowner has a general idea on how they wish to divide their land. This allows developers to receive input on how and where the safest location is for property to access a highway before expending funds on engineering or other items. Once a more formal land division is submitted, WisDOT has 20 days to review it. The fee charged to help cover administrative costs associated with this review is currently \$110.

The rule is designed to evaluate a land division and its impacts upon a highway to protect public safety and the public's investment in the highway system. In general, direct access to the state highway system is not permitted from newly created lots. The Trans 233 evaluation also takes into account: how a development could impact drainage; setback provisions that impact property abutting the state highway; "vision corners" at street and driveway intersections; and potential noise-related issues. In cases where rule provisions cannot be met, landowners may request a special exception.

If a land division is not reviewed and recorded in accordance with the rule, landowners will not receive a driveway or any other permit relating to the highway. At the time of a highway improvement project, WisDOT and other government units may determine if a land division occurred on or after February 1, 1999 (when the rule took effect). If the land division does not conform to the rule's requirements, landowners will be ineligible for compensation for any structures or improvements located within the setback area and acquired by WisDOT. Also, compensation for other property acquired may be lower than expected, and landowners could be liable for drainage.

More information on the Trans 233 rule can be found on the recently re-designed WisDOT Web site at [www.dot.wisconsin.gov/business/rules/trans233.htm](http://www.dot.wisconsin.gov/business/rules/trans233.htm). ♦♦♦

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# TRANSPORTATION ELEMENT

## Appendix C-6



# LOCAL ROADS IMPROVEMENT PROGRAM (LRIP)

Statutory Authority: § 86.31

Admin. Rule: TRANS 206

**Objective:** The Local Roads Improvement Program (LRIP) was established in 1991 to assist local units of governments in improving **seriously deteriorating** county highways, town roads, and municipal streets in cities and villages under the authority of the local unit of government.

**Description:** LRIP is a reimbursement program and pays up to 50% of the total eligible project costs, with the balance matched by the local unit of government. All LRIP projects are locally let and are reimbursed by WisDOT upon project completion.

The program has three basic components that provide funding for road improvements. Counties are eligible for funding under County Highway Improvement component (**CHIP**), towns under Town Road Improvement component (**TRIP**), and cities and villages under Municipal Street Improvement component (**MSIP**).

In addition, three discretionary programs allow towns, counties, and cities and villages to apply for additional funds for high-cost projects. Under these discretionary programs, towns with high cost projects totaling \$100,000 or more in total eligible costs are eligible for the Town Road Discretionary component (**TRIP-D**); counties with high cost projects totaling \$250,000 or more in eligible costs are eligible for the County Road Discretionary component (**CHIP-D**), and cities and villages with high cost projects with total eligible costs of \$250,000 or more are eligible for the Municipal Street Improvement Discretionary component (**MSIP-D**).

**Eligible Projects:** Only work on existing county trunk highways, town roads, and city and village streets, under the authority of the local unit of government, are eligible--no new construction, alleys or parking lots.

*Eligible projects include but are not limited to:*

- Design or Feasibility Studies
- Reconstruction
- Resurfacing
- Bridge Replacement or Rehabilitation
- Asphalt Purchasing

*Ineligible projects include but are not limited to:*

- New Roads
- Seal Coats
- Chip Seals
- Ditch Repairs
- Storm Sewer
- Curb and Gutter
- Crack & Pothole Repair
- Utility Work
- Small Culvert Replacements
- Parking Lots
- Guard rails



**Essential Requirements:**

- All projects **must** be advertised for bids and let to contract.
- All projects must have a design life of ten years.
- Engineering certification is required for all projects costing \$50,000 or more.
- Improvements must be done to appropriate road standards.

**Application Cycle:** LRIP is a biennial program and all funds are distributed the first year of the biennium. Applicants submit project applications for projects meeting the eligibility requirements through the county highway commissioners by November 15 of the odd numbered years.

**Project Selection:** LRIP is managed by BTLR, but it is administered by the local units of government. The County Highway Commissioners serve as the program coordinators and advisors at the county level. They also act as the administrative contacts between the state and the local LRIP recipients in each county.

All LRIP projects are prioritized and selected at the local level by town road committees and municipal street committees for municipalities with populations of less than 20,000. Counties and municipalities with populations of 20,000 or more select their own projects.

- TRIP-D project selections are made by a statewide committee, which consists of six Wisconsin Towns Association district directors and six members at large, appointed by the Secretary of Transportation.
- MSIP-D project selections are made by a statewide advisory committee, consisting of members of the League of Wisconsin Municipalities and the Wisconsin Alliance of Cities, appointed to the committee by the Secretary of Transportation.
- CHIP-D projects are selected by CHIP-D committees established in each of the eight Transportation Districts. The eight district committees are made up of all county highway commissioners within the district.

Selected projects are submitted directly to the BTLR for final approval.

**Funding Level & Type:** LRIP funds do not lapse. Any unused funds from previous biennia are carried over and added to the new statewide funding level in the following biennium. The LRIP budget for the entitlement program is distributed among the program components as follows: 43% to CHIP, 28.5% to TRIP and 28.5% to MSIP. The TRIP-D, CHIP-D, and MSIP-D components receive a direct dollar allocation determined by each biennial budget.

<b>2002-2003 funding:</b>	State Segregated:	\$46,931,400
	Local Matching:	<u>\$46,931,400</u> (minimum)
	Total:	\$93,862,800

# TRANSPORTATION ELEMENT

Appendix  
C-7

# Capital Improvement Programs — Part I

by Michael Chandler

As you know, the comprehensive plan establishes policies for current and future land use throughout a community. However, we often forget that the plan, although an important instrument of public policy, cannot by itself produce change.

Zoning and subdivision regulations are the most familiar "tools" used to implement the plan. Another important implementation tool is the capital improvement program, usually referred to as the CIP.

This column will provide an introduction to the CIP. In the next issue of the PCJ, we will examine the steps in the CIP process with particular emphasis on the role of financial analysis and project review.

## DEFINING THE CIP

The CIP is a management and fiscal planning tool communities can use for financing and constructing needed public improvements. Properly designed, a CIP enables a community to identify its capital needs, rank them by priority, coordinate their scheduling, and determine the best method of paying for them within the community's fiscal capacity.

In most states, localities have the discretion to determine whether they want to prepare a CIP. Usually, the planning commission annually prepares a recommended CIP, and then forwards it to the local governing body for adoption.

Baseline requirements include that the CIP be based on the comprehensive plan and that it schedule capital improvements over a specific number of years (commonly three, five, or six).

Organizationally, CIPs are fairly straightforward documents. Most feature three sections:

The first provides the reader with an overview of the CIP process, and a listing of the benefits a community will derive

from the capital improvements.

The second section presents financial data. It usually includes charts outlining historical revenue and expenditure data, along with projected revenue, expenditure, and debt service.

The third section identifies and describes those projects recommended for funding in the CIP period. It also includes a justification for a project's inclusion in the CIP (usually noting the project's relationship to the comprehensive plan) and how the project is to be financed.

## CAPITAL VERSUS OPERATING EXPENDITURES

CIPs only deal with a community's capital expenditures — not its operating expenditures. Cost and frequency are the primary criteria used to classify whether a project is capital or operating in nature. Both criteria should be determined locally and applied simultaneously to determine if an item is a capital project.

**Cost.** The dollar limit that separates capital from operating projects depends largely on the size of the local budget and on what is considered a "major" expenditure. A commonly used threshold for smaller communities is \$2,500. Expenditures above this amount are considered "capital," and those below it "operating." Some larger localities use \$10,000, or even higher dollar amounts, as the breakpoint.

**Frequency.** A capital project should be non-recurring; that is, it should not occur every year. The Government Finance Officers Association recommends that a capital project should occur no more often than once every three years.

Capital projects that typically fit the cost/frequency criteria cited above include fire engines, bulldozers, landfills, libraries, schools, government buildings, treatment plants, water and sewer lines,

and street construction or reconstruction. Architectural and engineering fees, feasibility studies, land appraisal and acquisition costs, and furnishings are included as capital items. "Gray area" projects often involve vehicle and small equipment purchases, as well as repair and remodeling projects.

## CIP BENEFITS

By requiring a community to balance its capital needs with available financing, a CIP helps foster a sound and stable financing program over a multi-year period.

In addition, using a capital improvement program provides the benefit of:

- Implementing the comprehensive plan's policies by assuring the provision of new facilities and infrastructure improvements that meet the goals and needs of the community.
- Affording the public an opportunity to provide input in the process (and helping to increase public support for the proposed capital improvements).
- Enabling private businesses and citizens to have some assurance as to when public improvements will be undertaken so they can plan more efficiently and effectively.
- Eliminating poorly planned or unnecessary public improvements.
- Helping a community decide what financing techniques and options are needed to pay for capital projects. ♦

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# Capital Improvement Programs – Part II

by Michael Chandler

capital improvement program (CIP) can be prepared in any number of ways, take varying amounts of time, and involve a range of participants. As I noted in my last column, state law and local custom will influence the process. In larger localities, the CIP can easily be a year round function. In smaller communities, the CIP may take only one or two months to complete. For most localities, however, a time frame of four to six months will be required.

This column will highlight 10 basic steps in the preparation of a CIP.

1. *Designing the Process.* Before starting work on a CIP, decisions on how the process will be organized should be made. Most communities set up a CIP committee (with representatives from

*To help you better understand what a capital improvement program looks like, portions of the Blacksburg, Virginia, CIP are excerpted on pages 18 and 19.*

the planning, public works, finance, and administrative departments) to design and coordinate the process.

2. *Establish CIP Procedures.* This step is key. Decisions relative to CIP paperwork, schedules, project request forms, and the like are made at this time. If a CIP committee has been appointed, it will coordinate these decisions.

3. *Establish Criteria for Capital Expenditures.* A definition of capital expenditures should be made at the beginning of the CIP process. Keep in mind the cost and frequency criteria I discussed in the last issue of the PCJ.

4. *Inventory Existing Capital Facilities.* A capital facilities inventory lists the fixed (capital) assets owned or leased by the community. Requests for capital projects will also include replacement, expansion, or repair of existing facilities and equipment. Accordingly, the inventory should include the age, condition, and original acquisition cost of each capital item. Sources of inventory information include the comprehensive plan, insurance policies, fixed asset schedules of audit reports, and various public works and housing studies.

5. *Determine Status of Previously Approved Capital Projects.* Information should be gathered on projects completed, as well as on-going projects and projects to be canceled. This information

*continued on page 18*

## Typical Capital Improvement Program Schedule

JULY	CIP instructions and forms sent to all Department and Agency Heads
EARLY SEPTEMBER	CIP submissions due
MID/LATE SEPTEMBER	CIP submissions reviewed
EARLY OCTOBER	Meetings with Department and Agency Heads to clarify project submissions
MID/LATE OCTOBER	Chief Administrative Officer formulates proposed CIP (note: in some communities the Planning Dept. is responsible for this).
EARLY NOVEMBER	Proposed CIP forwarded to Planning Commission (note: in some communities the CIP also goes to the Governing Body at the same time)
LATE NOVEMBER	Planning Commission and Governing Body work session on proposed CIP
EARLY DECEMBER	Planning Commission holds public hearing on proposed CIP, and forwards CIP to Governing Body with its recommendations
EARLY JANUARY	Governing Body holds public hearing on proposed CIP
LATE JANUARY	Governing Body adopts CIP



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## Capital Improvement Programs

aids in monitoring the CIP and capital budget; it also helps in updating the CIP and preparing the new capital budget.

6. **Prepare Project Requests.** Project requests should be based upon a set of guidelines, and be submitted by the various municipal (or county) departments on a standard project request form. The engineering, financial, or planning staff is usually responsible for providing assistance to the other municipal departments in completing project request forms.

7. **Perform the Financial Analysis.** The purpose of the financial analysis is to estimate how much money is needed for general operations over the life of the CIP, and how much is available to fund approved capital projects. To do this, revenues and expenditures for the preceding five years are analyzed and patterns identified. In like fashion, revenue projections for the next five years are made. Net cash flow (the amount of money remaining after operating expenditures are subtracted from operating revenues) is estimated and, in turn, used to finance capital projects.

8. **Review the Proposed CIP.** Project requests are examined to see that they are complete, accurate, and in conformance with the CIP guidelines. This review also assesses proposed projects as to their feasibility, pricing, and consistency with the comprehensive plan.

9. **Adopt the CIP.** Before adopting the

## SUBMITTED AND RECOMMENDED CAPITAL IMPROVEMENT PROGRAM Fiscal Years 1997/98 - 2001/2002

(TABLE 15)

Project	FY 1997/98		FY 1998/99		FY 1999/00		FY 2000/01		FY 2001/02	
	Submitted	Recommended	Submitted	Recommended	Submitted	Recommended	Submitted	Recommended	Submitted	Recommended
<b>Fire/Rescue Equipment</b>			\$735,000		\$215,000		\$40,000		\$150,000	\$279,572
South Main Street Fire Station										
Traffic Light Priority System	\$135,000				\$215,000	\$0	\$40,000	\$0	\$1,470,000	
Subtotal	\$265,000	\$130,000	\$735,000		\$215,000		\$40,000		\$1,470,000	
<b>Infrastructure Maintenance &amp; Replacement</b>										
Bridge Replacement	\$32,000	\$32,000			\$13,580	\$31,564			\$19,929	\$19,929
Curb, Gutter, & Sidewalk Replacement	\$24,560	\$24,560	\$17,084		\$31,390		\$31,390		\$31,390	
Groundwater Quality Monitoring	\$31,390		\$31,390		\$30,000		\$22,000		\$22,000	
Screen Drain Construction	\$80,500	\$80,500	\$295,000	\$284,304			\$295,000	\$295,000	\$295,000	\$295,000
Screen Repairing	\$295,000	\$295,000	\$70,000		\$70,000		\$70,000		\$70,000	
Tree Trimming/Cut-of-Ways	\$70,000	\$70,000	\$70,000		\$70,000		\$70,000		\$70,000	
Subtotal	\$533,450	\$533,450	\$434,374		\$429,970	\$396,564	\$690,651	\$443,794	\$644,309	\$314,927
<b>Parks and Recreation</b>										
Bicentennial Celebration	\$10,000		\$30,000		\$35,000					
Lyric Theatre Renovation		\$25,000								
Roller Hockey Rink	\$40,000									
Van Conversion	\$12,000		\$30,000		\$15,000		\$0		\$0	\$0
Subtotal	\$62,000	\$25,000	\$30,000		\$15,000		\$0		\$0	\$0
<b>Property Services</b>										\$95,813
Annual Holding Area	\$15,111									
Armored Parking Deck	\$37,574		\$327,538							
Data Center Renovation	\$15,000				\$12,150		\$12,150		\$12,150	
Documents Imaging	\$12,150		\$12,150							
Facility Management Automation	\$11,838									
Fire Alarm Systems	\$18,000		\$10,000		\$22,435		\$10,083		\$18,929	\$18,929
Fleet Management Automation	\$10,000		\$10,000		\$10,000		\$10,000		\$10,000	
Subtotal	\$111,673	\$21,150	\$18,245		\$35,170		\$34,450		\$40,572	
<b>Greenway System Construction</b>										
Major Engineering Services	\$30,000									
Network/Internet Integration	\$16,000		\$10,000		\$10,000		\$10,000		\$10,000	
Power Conditioning and Protection	\$10,000									
Public Works Facility Land Acquisition	\$59,607		\$24,840							
Road Replacements	\$12,000									
Sign Automation	\$22,048									
South Main Street Slope Retention	\$33,600	\$33,600			\$105,074		\$35,000		\$208,518	
Stormwater Management Ponds	\$9,781	\$9,781	\$5,175		\$5,516		\$5,516		\$5,516	
Street Lighting	\$10,579		\$11,000		\$11,442		\$12,000		\$12,000	
Urban Forest Renovation	\$490,948	\$214,638	\$467,864	\$24,840	\$261,587	\$0	\$160,134	\$78,247	\$368,484	\$0
Subtotal	\$490,948	\$214,638	\$467,864	\$24,840	\$261,587	\$0	\$160,134	\$78,247	\$368,484	\$0

CIP, the planning commission and governing body will hold public hearings.

10. **Monitor the CIP.** Once adopted, the planning commission and/or governing body should monitor the CIP — at least on a quarterly basis — relative to individual project status and performance.

In the Summer issue of the PCJ, I will conclude this series on the basics of capital improvement programs with a closer look at the role of financial analysis and review. ♦

Michael Chandler is an Associate Professor and Community Planning Extension Specialist at Virginia Tech in Blacksburg, Virginia. Chandler also conducts planning commissioner training programs across the country, and is a frequent speaker at workshops. His column appears in each issue of the Planning Commissioners Journal.



## BLACKSBURG CAPITAL IMPROVEMENT PROGRAM

### PROJECT DETAIL SHEET

**Department:** Town Manager's Office  
**Project Title:** Lyric Theatre Renovation  
**Project Location:** College Avenue  
**Project Status:** New  
**Project Accomplished with:**  
     % Town Forces      100% Private Contract

**Relationship to Mission and Values:** The effort to "Bring Back the Lyric" reflects the partnership that the Town has with the community. This effort also reflects the value of "An open, accessible government where citizen involvement, individually and collectively, is vital".

**Relationship to Town Council Strategic Goals:** This project relates to the Strategic Goals of Retail Business Retention and Development. Attendance at Lyric events brings significant traffic to Downtown, adding to retail and restaurant business. In addition, renovation efforts for the Lyric are planned to be completed in concert with the Bicentennial Celebration, another Town Council Strategic Goal.

**Relationship to Comprehensive Plan Five-Year Action Strategy:** Supports Programs Action Strategy 2 "Continue Town-business liaison efforts to encourage retention and vitality of existing business." (Economic Development Objective A).

#### Planned Financing of Project:

Source of Funds	Total Project Estimate	Prior Allocation	1997/98	1998/99	1999/00
General Fund	\$25,000		\$25,000		
<b>Total</b>	<b>\$25,000</b>		<b>\$25,000</b>		

**Description and Justification:** The Lyric Council is a private, non-profit, tax-exempt Corporation, is the leader in the collaborative community effort to Bring Back the Lyric. The Lyric Council seeks to promote and encourage the use and development of the Lyric Theatre, and to enhance community awareness and appreciation of the arts through programs, entertainment, and/or education produced at the Lyric.

To best serve the community and enhance retail development in Blacksburg, the Lyric Council is initiating a \$500,000 fundraising campaign for renovations of the theatre. Major renovation is planned for the summer of 1997.

Funds and donated materials and labor are being sought from the community for the renovation.



## BLACKSBURG CAPITAL IMPROVEMENT PROGRAM

### PROJECT DETAIL SHEET

**Department:** Planning and Engineering  
**Project Title:** Greenway System Construction  
**Project Location:** Townwide  
**Project Status:** In Progress  
**Project Accomplished with:**  
     % Town Forces      % Private Contract

**Relationship to Mission and Values:** This project supports the Values of: "Promoting a superior quality of life", and "A community renowned for its beauty and cleanliness".

**Relationship to Town Council Strategic Goals:** Not related to Town Council Strategic Goals.

**Relationship to Comprehensive Plan Five-Year Action Strategy:** Supports Projects Action Strategies 34 "Establish the greenway system in a manner which minimizes the potential impacts of flooding and erosion. Establish and follow construction standards for the greenway system" (Natural Environment Obj. D, E), 55 "Construct the Huckleberry Trail extension from the Library to the Community Center as a greenway demonstration project for the Town Bicentennial in 1998" (Greenways Obj. A), and 31 "Coordinate development of the greenway system with area stormwater management as part of a regional stormwater management program" (Natural Environment Obj. D).

#### Planned Financing of Project:

Source of Funds	Total Project Estimate	Prior Allocation	1997/98	1998/99	1999/00
General Fund	\$207,956		\$32,500		
DCR Grant	\$91,576		\$48,141		
Town's In-Kind Services	\$204,131		\$145,152		
<b>Total</b>	<b>\$503,663</b>		<b>\$225,793</b>		

**Description and Justification:** This project involves the gradual construction of the Townwide Greenway System. The Greenway System will serve as recreational facilities and provide scenic viewing areas. The Greenway priorities include: 1) Bicentennial Greenway - from terminus of Huckleberry Trail at Library through downtown to campus; 2) End of Bicentennial Greenway to Community Center (in conjunction with stormwater management pond); 3) South Main Street; 4) Tom's Creek Greenway; and 5) Stroubles Creek/Hethwood Greenway. In addition, bike racks for locations Downtown will be purchased as a part of the Bicentennial Greenway project.





# Capital Improvement Programs – Part III

by Michael Chandler

In my last column, I outlined ten steps in the preparation of a capital improvement program (CIP). Although each step in the process is important, special consideration must be given to step seven (financial analysis) and step eight (CIP review process), for they constitute the very heart of the process.

## FINANCIAL ANALYSIS

The major fiscal consideration in developing a CIP is deciding how to pay for proposed projects. In most localities the fiscal analysis will cover revenues and expenditures over an eleven year period including: the current budget year; the five preceding fiscal years; and five fiscal years into the future. The analysis will typically include the following steps:

1. *Organize the Data.* Pertinent financial data for the years to be analyzed must be gathered. Audit reports, past budgets, and the current budget will provide essential information.

2. *Analyze the Data.* Data about the past five years of revenue collection and expenditures is analyzed to obtain trends in revenue collections and expenditures.

3. *Make the Five Year Projections.* The trends identified in the preceding step, combined with reasonable expectations about future events, are used to make the five-year revenue and expenditure projections. Assumptions used in making the projections should be explicitly stated. As a rule, projections tend to be conservative and do not rely on possible changes in tax rates.

4. *Determine "Net Cash Flow."* This is done by subtracting operating expenditures from operating revenues.

5. *Determine "Net New Capital Financing Required."* This is done by subtracting the estimated cost of proposed capital projects from the projected "net cash

flow" to determine the amount of "net new money" needed to finance the CIP.

6. *Analyze Alternative Financing Services.* If the capital project costs exceed the "net cash flow" available, alternative funding sources must be identified. These may include:

- **Bonded Indebtedness.** Typically money raised either from revenue bonds (which are financed by user charges) or general obligation bonds (which are amortized by local tax revenues, such as property tax assessments).

- **Tax Rates.** Money obtained by raising taxes.

- **Unappropriated or Unreserved Fund Balance.** Money from operations that accumulates when revenues exceed expenditures.

- **Capital Reserves.** Money specifically set aside for future capital projects.

- **User Fees and Charges.** Fees charged for specific services or commodities (such as admission fees for use of a municipal swimming pool or garbage collection fees).

- **State or Federal Grants.** Often used to match some portion of specific capital projects.

## CIP REVIEW PROCESS

The review and evaluation of proposed CIP projects should be structured and thorough. In most communities, the CIP program committee or coordinator will review each project to determine its scope, purpose, feasibility, and relationship to the criteria and guidelines outlined in the project request form (see step six in the CIP process, discussed in my last column).

During this phase of the review process, each project should be reviewed individually and not be judged relative to other proposals. Projects can fail this initial screening because some important piece of information about the project is

missing. Typically, the person or department who prepared the project request is then asked to resubmit the request with additional information.

It is important to note that projects passing this initial review will not necessarily be included in the proposed CIP. Factors such as need, funding limitations, and compatibility with the comprehensive plan will influence the final selection process. In many smaller communities, a simple three-tier evaluation system that ranks each project as *urgent*, *necessary*, or *desirable* has proven effective in determining fiscal priorities. Larger communities often use more complex scoring or rating criteria. Projects not scheduled for funding by the CIP are known as deferrals, and are usually listed in the CIP under such a heading.

Management expert Peter Drucker has observed that the measure of a plan's value is a function of the financial support it receives. The CIP, by providing a structured look at the community's needs and its financial resources, can provide citizens and decision-makers with a tool to help ensure that the actions the community wants to accomplish — as identified in the comprehensive plan — receive the funding they need. ♦

Michael Chandler is an Associate Professor and Community Planning Extension Specialist at Virginia Tech in Blacksburg, Virginia. He also conducts planning commissioner training programs across the country, and is a frequent speaker at workshops. This concludes his three-part series on capital improvement programs. In the next issue of the PCJ, Chandler will discuss developing a community "planning academy."



# AGRICULTURAL, NATURAL, AND CULTURAL ELEMENT

Appendix  
E-1



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**Appendix E-1**


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**Dry Cliff (Exposed Cliff of Curtis' community classification)**

With dry vertical bedrock exposures, thin-soiled, very dry communities occur on many different rock types, which are thus quite varied in species composition. Scattered pines, oaks, or shrubs often occur. However, the most characteristic plants are often the ferns such as common polypody (*Polypodium vulgare*) and rusty woodsia (*Woodsia ilvensis*). The following herbs are also common, such as: columbine (*Aquilegia canadensis*), harebell (*Campanula rotundifolia*), pale corydalis (*Corydalis sempervirens*), juneberry (*Amelanchier spp.*), bush-honeysuckle (*Diervilla lonicera*), and rock spikemoss (*Selaginella rupestris*), and fringe bindweed (*Polygonum cilinode*).

**Dry Prairie**

This grassland community occurs on dry, often loess-derived soils, usually on steep south- or west-facing slopes or at the summits of river bluffs with sandstone or dolomite near the surface. Short to medium-sized prairie grasses such as little bluestem (*Schizachyrium scoparium*), side-oats grama (*Bouteloua curtipendula*), hairy grama (*B. hirsuta*), and prairie dropseed (*Sporobolus heterolepis*), are the dominants in this community, along with the larger big bluestem (*Andropogon gerardii*). Common shrubs and forbs include lead plant (*Amorpha canescens*), silky aster (*Aster sericeus*), flowering spurge (*Euphorbia corollata*), purple prairie-clover (*Petalostemum purpureum*), cylindrical blazing-star (*Liatris cylindracea*), and gray goldenrod (*Solidago nemoralis*).

**Dry-Mesic Prairie**

This grassland community occurs on slightly less droughty xeric sites than Dry Prairie and has many of the same dominant grasses, but taller species such as big bluestem (*Andropogon gerardii*) and Indian-grass (*Sorghastrum nutans*) dominate and are commoner than little bluestem (*A. scoparius*). Needle grass (*Stipa spartea*) may also be present. The forb-herb component is more diverse than in Dry Prairies, including many species that occur in both Dry and Mesic Prairies.

**Emergent Aquatic**

These open, marsh, lake, riverine and estuarine communities with permanent standing water are dominated by robust emergent macrophytes, in pure stands of single species or in various mixtures. Dominants include are often species of cattails (*Typha spp.*), bulrushes (particularly *Scirpus acutus*, *S. fluviatilis*, and *S. validus*), bur-reeds (*Sparganium spp.*), giant reed (*Phragmites australis*), pickerel-weed (*Pontederia cordata*), water-plantains (*Alisma spp.*), arrowheads (*Sagittaria spp.*), and the larger species of spikerush such as (*Eleocharis smallii*).

**Floodplain Forest**

(Replaces in part the **Southern Wet** and **Southern Wet-Mesic Forests** of Curtis)

This is a lowland hardwood forest community that occurs along large rivers, usually stream order 3 or higher, that flood periodically. The best development occurs along large southern rivers in southern Wisconsin, but this community is also found in the northern Wisconsin. Canopy dominants may include silver maple (*Acer saccharinum*), river birch (*Betula nigra*), green ash (*Fraxinus pennsylvanica*), hackberry (*Celtis occidentalis*), swamp white oak (*Quercus bicolor*), and cottonwood (*Populus deltoides*). Buttonbush (*Cephalanthus occidentalis*) is a locally dominant shrub and may form dense thickets on the margins of oxbow lakes, sloughs, and ponds within the forest. Nettles (*Laportea canadensis* and *Urtica dioica*), sedges, ostrich fern (*Matteuccia struthiopteris*), and gray-headed coneflower (*Rudbeckia laciniata*) are important understory herbs, and lianas such as Virginia creepers (*Parthenocissus spp.*), grapes (*Vitis spp.*), Canada moonseed (*Menispermum canadense*), and poison-ivy (*Toxicodendron radicans*), are often common. Among the striking and characteristic herbs of this community are green-headed coneflower (*Rudbeckia laciniata*), cardinal flower (*Lobelia cardinalis*), green dragon (*Arisaema dracontium*), and false dragonhead (*Physostegia virginiana*).

**Forested Seep**

These are shaded seepage areas with active spring discharges in (usually) hardwood forests that may host a number of uncommon to rare species. The oversotry dominant is frequently black ash (*Fraxinus nigra*), but yellow birch (*Betula allegheniensis*), American elm (*Ulmus americanan*), and many other tree species maybe present including conifers such as hemlock (*Tsuga Canadensis*) or white pine (*Pinus strobes*). Undersotry species include skunk cabbage (*Symplocarpus foetidus*), water-pennywort (*Hydrocotyle americanan*), marsh blue violet (*Viola cucullata*), swamp saxifrage (*Saxifraga pennsylvanica*), golden saxifrage (*Chyososplenium americanum*), golden ragwort (*Sececio aureus*), silvery spleenwort (*Athyrium thelypteroides*), and the rare

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sedeges (*Carex scabrata* and *C. prasina*). Most documented occurrences are in the Driftless area, or locally along major rivers flanked by steep bluffs.

**Ephemeral Pond**

These ponds are depressions with pockets of impeded drainage (usually in forest landscapes), which hold water for a period of time following snowmelt but typically dry out by mid-summer. Common aquatic plants of these habitats include yellow water crowfoot (*Ranunculus flabellaris*), mermaid weed (*Proserpinaca palustris*), Canada bluejoint grass (*Calamagrostis canadensis*), floating manna grass (*Glyceria septentrionalis*), spotted cowbane (*Cicuta maculata*), smartweeds (*Polygonum spp.*), orange jewelweed (*Impatiens capensis*), and sedges. Ephemeral ponds provide critical breeding habitat for certain invertebrates, as well as for many amphibians such as frogs and salamanders.

**Shrub-Carr**

This primarily Southern wetland community is usually dominated by tall shrubs such as red-osier dogwood (*Cornus stolonifera*), but meadow-sweet (*Spiraea alba*), and various willows (*Salix discolor*, *S. bebbiana*, and *S. gracilis*) are frequently also important. Canada grass bluejoint grass (*Calamagrostis canadensis*) is often very common. Other herbs Associates are similar to those found in Alder Thickets and tussock-type Sedge Meadows. This type is common and widespread in southern Wisconsin but also occurs in the north.

**Southern Sedge Meadow**

Widespread in southern Wisconsin, this open wetland community is most typically a tussock marsh dominated by tussock sedge (*Carex stricta*) and Canada bluejoint grass (*Calamagrostis canadensis*). Common associates are water-horehound (*Lycopus uniflorus*), panicled aster (*Aster simplex*), blue flag (*Iris virginica*), Canada goldenrod (*Solidago canadensis*), spotted joe-pye-weed (*Eupatorium maculatum*), broad-leaved common cattail (*Typha latifolia*), and swamp milkweed (*Asclepias incarnata*). Reed canary grass (*Phalaris arundinacea*) may be dominant in grazed and/or ditched stands. Ditched stands can succeed quickly to Shrub-Carr.

**Wet-Mesic Prairie**

This herbaceous grassland community is dominated by tall grasses including big bluestem (*Andropogon gerardii*), Canada bluejoint grass (*Calamagrostis canadensis*), cordgrass (*Spartina pectinata*), and Canada wild-rye (*Elymus canadensis*). The forb component is diverse and includes azure aster (*Aster oolentangiensis*), shooting-star (*Dodecatheon meadia*), sawtooth sunflower (*Helianthus grosseserratus*), prairie blazing-star (*Liatris pycnostachya*), prairie phlox (*Phlox pilosa*), prairie coneflower (*Ratibida pinnata*), prairie docks (*Silphium integrifolium* and *S. terebinthinaceum*), late and stiff goldenrods (*Solidago gigantea* and *S. rigida*), and culver's-root (*Veronicastrum virginicum*).

**Hemlock Relict**

These are isolated hemlock (*Tsuga canadensis*) stands occurring in deep, moist ravines or on cool, north- or east-facing slopes in southwestern Wisconsin. Associated trees include white pine (*Pinus strobus*) and yellow birch (*Betula allegheniensis*). The groundlayer includes herbaceous species with northern affinities such as shining clubmoss (*Lycopodium lucidulum*), bluebead lily (*Clintonia borealis*), Canada mayflower (*Maianthemum canadense*), woodferns (*Dryopteris spp.*), and mountain maple (*Acer spicatum*). Cambrian sandstone cliffs are usually nearby and often prominent.

**Mesic Prairie**

This grassland community occurs on rich, moist, well-drained sites. The dominant plant is the tall grass, big bluestem (*Andropogon gerardii*). The grasses little bluestem (*Andropogon scoparius*), indian grass (*Sorghastrum nutans*), porcupine grass (*Stipa spartea*), prairie dropseed (*Sporobolus heterolepis*), tall switchgrass (*Panicum virgatum*), and switch grass (*Bouteloua curtipendula*) are also frequent. The forb layer is diverse in the number, size, and physiognomy of the species. Common taxa include the prairie docks (*Silphium spp.*), lead plant (*Amorpha canescens*), heath and smooth asters (*Aster ericoides* and *A. laevis*), sand coreopsis (*Coreopsis palmata*), prairie sunflower (*Helianthus laetiflorus*), rattlesnake-master (*Eryngium yuccifolium*), flowering spurge (*Euphorbia corollata*), beebalm (*Monarda fistulosa*), prairie coneflower (*Ratibida pinnata*), and spiderwort (*Tradescantia ohioensis*).

**Moist Cliff (Shaded Cliff of the Curtis community classification)**

This "micro-community" occurs on shaded (by trees or the cliff itself because of aspect), moist to seeping mossy, vertical exposures of various rock types, most commonly sandstone and dolomite. Common species

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are columbine (*Aquilegia canadensis*), the fragile ferns (*Cystopteris bulbifera* and *C. fragilis*), wood ferns (*Dryopteris* spp.), polypody (*Polypodium vulgare*), rattlesnake root (*Prenanthes alba*), and wild sarsaparilla (*Aralia nudicaulis*). The rare flora of these cliffs vary markedly in different parts of the state; Driftless Area cliffs might have northern monkshood (*Aconitum noveboracense*), those on Lake Superior, butterwort (*Pinguicula vulgaris*), or those in Door County, green spleenwort (*Asplenium viride*).

**Oak Opening**

As defined by Curtis, this is an oak-dominated savanna community in which there is a less than 50% tree canopy. Historically, oak openings occurred on wet-mesic to dry sites. The few extant remnants are mostly on drier sites; the mesic and wet-mesic openings are almost totally destroyed by conversion to agricultural or residential uses, and by the encroachment of other woody plants due to fire suppression. Bur, white, and black oaks (*Quercus macrocarpa*, *Q. alba* and *Q. velutina*) are dominant in mature stands as large, open-grown trees with distinctive limb architecture. Shagbark hickory (*Carya ovata*) is sometimes present. American hazelnut (*Corylus americana*) is a common shrub, and while the herb layer is similar to those found in oak forests and dry prairies, with many of the same grasses and forbs present, there are some plants and animals that reach their optimal abundance in the "openings".

**Pine Barrens**

This savanna community is characterized by scattered small jack pines (*Pinus banksiana*), or less commonly, red pines (*P. resinosa*), often sometimes mixed with scrubby Hill's and bur oaks (*Quercus ellipsoidalis* and *Q. macrocarpa*), interspersed with openings in which shrubs (such as hazelnuts (*Corylus* spp.) and prairie willow (*Salix humilis*)) and herbs dominate. The flora often contains species characteristic of "heaths" such as blueberries (*Vaccinium angustifolium* and *V. myrtilloides*), bearberry (*Arctostaphylos uva-ursi*), American hazelnut (*Corylus americana*), sweet fern (*Comptonia peregrina*), and sand fire cherry (*Prunus pensylvanica*). Also present are dry sand prairie species such as June grass (*Koeleria macrantha*), little bluestem (*Schizachyrium scoparium*), silky and sky-blue asters (*Aster sericeus* and *A. azureus*), lupine (*Lupinus perennis*), blazing stars (*Liatris aspera* and *L. cylindracea*), and western sunflower (*Helianthus occidentalis*). Pines may be infrequent, even absent, in some stands in northern Wisconsin and elsewhere because of past logging, altered fire regimes, and an absence of seed source.

**Pine Relicts**

These isolated stands of white pine (*Pinus strobus*) and red pine (*P. resinosa*) or, less commonly, jack pine (*P. banksiana*), which occur on sandstone outcrops or in thin soils over sandstone in the Driftless Area of southwestern Wisconsin, have historically been referred to as relicts. The understories often contain species with northern affinities such as blueberries (*Vaccinium* spp.), huckleberry (*Gaylussacia baccata*), wintergreen (*Gaultheria procumbens*), pipsissewa (*Chimaphila umbellata*), and partridge berry (*Mitchella repens*), sometimes mixed with herbs typically found in southern Wisconsin's oak forests and prairies.

**Sand Barrens**

Sand Barrens are herbaceous upland communities that are best developed on unstable or semi-stabilized alluvial sands along major rivers such as the Mississippi and Wisconsin Rivers. They are partly or perhaps wholly anthropogenic in origin, occurring on sites historically disturbed by plowing or very heavy past grazing. Unvegetated "blow-outs" are characteristic features. Barrens, Dry Prairie and Sand Prairie species such as false-heather (*Hudsonia tomentosa*), bearberry (*Arctostaphylos uva-ursi*), sedges (*Cyperus filiculmis* and *C. schweinitzii*), sand cress (*Arabis lyrata*), three-awn grasses (*Aristida* spp.), rock spikemoss (*Selaginella rupestris*), and the earthstar fungi (*Geaster* spp.) are present in this community. Many exotics are present, and as well as rare disturbance dependent species such as fame flower (*Talinum rugospermum*) occur in some stands.

**Sand Prairie** (or Dry Sand Prairie)

This dry grassland community is composed of little bluestem (*Schizachyrium scoparium*), junegrass (*Koeleria macrantha*), panic grass (*Panicum* spp.), and crab grass (*Digitaria cognata*). Common herbaceous species are western ragweed (*Ambrosia psilostachya*), the sedges (*Carex muhlenbergii* and *C. pensylvanica*), poverty-oat grass (*Danthonia spicata*), flowering spurge (*Euphorbia corollata*), frostweed (*Helianthemum canadense*), common bush-clover (*Lespedeza capitata*), false-heather (*Hudsonia tomentosa*), long-bearded hawkweed (*Hieracium longipilum*), stiff goldenrod (*Solidago rigida*), horsebalm (*Monarda punctata*), and spiderwort (*Tradescantia ohioensis*). It is often the remnant of an Oak Barrens. At least some stands are Barrens remnants now lacking appreciable woody cover, though extensive stands may have occurred historically on broad level terraces along the Mississippi, Wisconsin, Black, and Chippewa Rivers.

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**Appendix E-1**

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**Southern Dry-Mesic Forest**

Red oak (*Quercus rubra*) is a common dominant tree of this upland forest community type. White oak (*Q. alba*), basswood (*Tilia americana*), sugar and red maples (*Acer saccharum* and *A. rubrum*), and white ash (*Fraxinus americana*) are also important. The herbaceous understory flora is diverse and includes many species listed under Southern Dry Forest, plus jack-in-the-pulpit (*Arisaema triphyllum*), enchanter's-nightshade (*Circaea lutetiana*), large-flowered bellwort (*Uvularia grandiflora*), interrupted fern (*Osmunda claytoniana*), Lady Fern (*Athyrium Filix-femina*), tick trefoils (*Desmodium glutinosum* and *D. nudiflorum*), and hog peanut (*Amphicarpa bracteata*). To the detriment of the oaks, mesophytic tree species are becoming increasingly important under current management practices and fire suppression policies.

**Southern Mesic Forest**

This upland forest community occurs on rich, well-drained soils. The dominant tree species is sugar maple (*Acer saccharum*), but basswood (*Tilia americana*) and (near Lake Michigan) beech (*Fagus grandifolia*) may be co-dominant. Many other trees are found in these forests, including those of the walnut family (*Juglandaceae*). The understory is typically open (sometimes brushy with species of gooseberry (*Ribes* spp.) if there is a past history of grazing) and supports fine spring ephemeral displays. Characteristic herbs are spring beauty (*Claytonia virginica*), trout-lilies (*Erythronium* spp.), trilliums (*Trillium* spp.), violets (*Viola* spp.), bloodroot (*Sanguinaria canadensis*), blue cohosh (*Caulophyllum thalictroides*), mayapple (*Podophyllum peltatum*), and Virginia waterleaf (*Hydrophyllum virginianum*).



# AGRICULTURAL, NATURAL, AND CULTURAL ELEMENT

Appendix  
E-2

**Appendix E-2**

<b>Group</b>	<b>Common</b>	<b>Status</b>	<b>Date Listed</b>
FISH	OZARK MINNOW	THR	1927
FISH	SLENDER MADTOM	END	1976
FROG	BLANCHARD'S CRICKET FROG	END	1997
BIRD	HENSLOW'S SPARROW	THR	1996
BIRD	GRASSHOPPER SPARROW	SC/M	1996
BIRD	UPLAND SANDPIPER	SC/M	1996
MAMMAL	EASTERN PIPISTRELLE (Bat)	SC/N	1948
PLANT	GREAT INDIAN-PLANTAIN	SC	1993
PLANT	AMERICAN FEVER-FEW	THR	1993
PLANT	GLADE MALLOW	SC	1987
PLANT	YELLOW GENTIAN	THR	1898
PLANT	TWINLEAF	SC	1991
COMMUNITY	SOUTHERN DRY-MESIC FOREST	NA	1973

Federal Status Definitions

LE = listed endangered  
 LT = listed threatened  
 LE-LT = listed endangered in part of its range, threatened in another part  
 XN = nonessential experimental population in part of its range  
 LT,PD = listed threatened, proposed for de-listing  
 C = candidate for future listing

Wisconsin Status Definitions

END = endangered  
 THR = threatened  
 SC = special concern  
 SC/P = fully protected  
 SC/N = no laws regulating use, possession, or harvesting  
 SC/H = take regulated by establishment of open closed seasons  
 SC/FL = federally protected as endangered or threatened, but not so designated by WDNR  
 SC/M = fully protected by federal and state laws under Migratory Bird Act

# LAND USE ELEMENT

## Appendix H -1

TOWNSHIP OF MINERAL POINT

## GOOD NEIGHBOR POLICY

The preservation of agricultural opportunities is a strong component of life in the township. Sometimes, conflicts arise between farm and non-farm neighbors. Farming practices, such as tractor road traffic, manure hauling, weed control and night-time fieldwork must be considered a part of living in the country. This “Good Neighbor” policy will strive to minimize conflicts by increasing understanding between farm and non-farm neighbors.

Good communication can go a long way in understanding other points of view. Introduce yourself to your neighbors. Taking a minute to talk about the upcoming planting or harvesting season is not only an ice-breaker, it’s also part of a neighborly tradition that goes back hundreds of years.

### Non-farm residents should:

- understand that farming is a **highly valued component** of life in the township. Farms, farm buildings, croplands, pastures, and the open areas that are an integral part of agricultural operations help create the rural character of the township. Additionally, many farms have stayed in the same family for decades and the preservation of **family farms** and traditions are valuable assets to the township. In most cases, farm operations were in place before rural residential areas. You are choosing to live in an agricultural area, so carefully consider all aspects of rural life before making an investment.
- be **tolerant of farm practices** that may be unfamiliar to you. The hauling and spreading of manure may be unpleasant for a day or two but is an important part of agriculture. For safety, farm equipment must travel more slowly on roadways than your automobile. Be patient when following farm machinery.
- take responsibility for **controlling weeds** on your property. For example, allowing Canadian Thistle to blossom and go to seed can create problems for neighboring landowners.
- understand that “good fences make good neighbors.” It is important to maintain **appropriate fencing** per animal type and coordinate any fence changes with your neighbors. When purchasing real estate, be sure any fencing issues are understood.
- learn more about local farming operations and **support the agricultural community**.



## Farmers should

- be sensitive to the fact that new neighbors may not be familiar with agricultural practices. Use **judgment** when burning fields, spraying crops and dealing with downed cattle. Place a call to the fire department for advice and recommendations on proper burning practices.
- maintain **fences** to prevent the escape of livestock.
- understand that careless farm practices can have a serious effect on **groundwater**, streams and drinking water supplies.
- be sure that **farm equipment** that operates on public roadways has proper running lights, slow-moving-vehicle signs and all other safety equipment.
- understand that **farms exceeding 500 animal units** must be reviewed by the proper governmental authorities, including Iowa County regarding conditional use permits.