

## Chapter III

# RELATED PLANS, REGULATIONS, AND PROGRAMS

This third update to the Racine County land and water resource management plan is built upon the first three plans and it complements other planning and resource management efforts and programs linking local level planning with regional and watershed level plans. The plan, therefore, provides an integrated framework within which Racine County will conduct activities to protect and rehabilitate the land and water resource base of the County and contribute to the environmentally sound management of these valuable resources in a coordinated and compatible manner with watershed wide needs and resource management programs. One of the first steps to be undertaken in the land and water resource management planning program is the inventory, collation, and review of the recommendations of relevant previously prepared reports and plans.

A number of plans currently exist which focus on the natural resources of Racine County. These plans include programs which address the interconnection of the natural resources of Racine County with those of the related watersheds and the Southeastern Wisconsin Region, as well as the importance of natural resources at the County and community level. The plans collated and reviewed for input into this current planning program were generally most relevant to actions undertaken by the County or potentially to be undertaken by the County. In addition, selected plans prepared at the local level, including local land use plans, park and open space plans, lake and water quality management plans, 9 key element plans, and sewer service area plans prepared for individual communities or for special-purpose units of government were considered. All of these documents provide the basis for developing an integrated scheme for the sustainable management of the natural resources of Racine County through the coordinated efforts of Federal, State, County, and local governments, special-purpose units of government, and community groups. The land and water resource management plan provides an opportunity to promote detailed action at the local level while achieving strategic objectives within the boundaries of Racine County, its watersheds, and the Southeastern Wisconsin Region. This plan takes into account planning objectives identified by local officials and also those reflected in locally-adopted land use plans and ordinances. Accordingly, an important step in the planning process was a review of the existing framework of areawide and local plans and related land use regulations. This chapter presents a summary of that review.

## REGIONAL PLANS

### Regional Land Use Plan

The regional land use plan sets forth the fundamental concepts that are recommended to guide the development of the seven-county Southeastern Wisconsin Region. The recommended regional land use plan table, as it pertains to Racine County. The key recommendations of the plan include:

- ***Environmental Corridors***  
The regional land use plan recommends that development within primary environmental corridors be limited to transportation and utility facilities, compatible outdoor recreational facilities, and, on a limited basis, rural density housing located at the fringes of upland environmental corridor using conservation design principles at a maximum density of one dwelling unit per five acres. The plan further recommends the preservation, to the extent practicable, of the remaining secondary environmental corridors and isolated natural resource areas, as determined through county and local planning efforts. Primary environmental corridors are shown on Map 14 of Chapter II of this report. The regional land use plan recommends preservation of the remaining primary environmental corridors in essentially natural and open land uses.

- ***Urban Development***  
The regional land use plan recommends a centralized regional settlement pattern within defined urban service areas. New urban development is encouraged to occur largely as infill in existing urban centers and in urban growth areas emanating outward from existing urban centers. The regional plan also recommends that existing developed areas be conserved and enhanced; that new urban development occur at densities which can efficiently and effectively support public sanitary sewerage, water supply, and other services; and that urban development occur only in those areas that are covered by soils suitable for such development and which are not subject to special hazards such as flooding or erosion.
- ***Prime Agricultural Land***  
The regional land use plan recommends that prime agricultural land be preserved for long-term agricultural use and not be converted to either urban development or to other forms of rural development. An exception is prime agricultural land located adjacent to existing urban centers and within planned urban growth/sewer service areas, which is proposed to be converted to urban use to provide for orderly growth of those urban centers. The regional plan defers to county plans to identify prime agricultural land. Prime agricultural land is identified by the Racine County farmland preservation plan, which was originally adopted in 1981 and updated in 2013. The Racine County park and open space plan (3rd Edition) 2010, updated the farmland preservation areas to reflect farmland converted to urban uses since 1981.
- ***Other Agricultural and Rural-Density Residential Lands***  
In addition to preserving prime agricultural lands and environmental corridors, the regional land use plan seeks to maintain the rural character of other lands located outside planned urban service areas. The plan encourages continued agricultural and other open space uses in such areas. The plan seeks to limit development in such areas primarily to rural-density residential development, with an overall density of no more than one dwelling unit per five acres. Where rural residential development is accommodated, the regional plan encourages the use of conservation design, with homes grouped together on relatively small lots surrounded by permanently preserved agricultural, recreational, or natural resource areas such as woodlands, wetlands, or prairies sufficient to maintain the maximum recommended density of no more than one home per five acres.

### **VISION 2050: A Regional Land Use and Transportation Plan**

VISION 2050 recommends a long-range vision for land use and transportation in the seven county Southeastern Wisconsin Region. It makes recommendations to local and State government to shape and guide land use development and transportation improvement, including public transit, arterial streets and highways, freight, and bicycle and pedestrian facilities, to the year 2050. We have reached a pivotal moment in our Region's development, and more than ever we will need to compete with other areas to attract residents and businesses. To increase our competitiveness, VISION 2050 builds on our strengths as a Region and seeks to improve areas where we do not compete well with our peers.

### **Regional Natural Areas Plan**

A regional natural areas and critical species habitat protection and management plan for Southeastern Wisconsin was adopted by SEWRPC as an amendment to the regional park and open space plan in September 1997. The regional plan refers to Natural Areas on Map 12 in Chapter II and Critical Habitat Sites on Map 13 in Chapter II. The planning effort was undertaken to identify the most significant remaining natural areas-irreplaceable, bio diverse remnants of the pre-European landscape-as well as other areas vital to the maintenance of endangered, threatened, and rare plant and animal species in the Region.

Promoting biodiversity, the plan represents an important additional element of the evolving comprehensive plan for Southeastern Wisconsin. It also provides an important supplement to the open space preservation recommendations of the regional land use, and park and open space plans. Under the plan, natural areas are defined as tracts of land or water so little modified by human activity, or which have sufficiently recovered from

the effects of such activity, that they contain intact native plant and animal communities believed to be representative of the pre-European-settlement landscape. Critical species habitats are defined as additional tracts of land or water which support endangered, threatened, or rare plant or animal species. As amended through 2010, the plan identified a total of 494 natural areas and 271 critical species habitat sites.

### **Regional Water Quality Management Plan**

In 1979, the SEWRPC completed and adopted a region wide water quality management plan for Southeastern Wisconsin as a guide to achieving clean and healthy surface waters within the seven-county Region. The plan was designed, in part, to meet the Congressional mandate that the waters of the United States be made “fishable and swimmable” to the extent practical. It is set forth in SEWRPC Planning Report No. 30, *A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000*, Volume One, Inventory Findings, September 1978; Volume Two, Alternative Plans, February 1979; and Volume Three, Recommended Plan, June 1979. Subsequently, SEWRPC completed a report documenting the updated content and implementation status of the regional water quality management plan: SEWRPC Memorandum Report No. 93, *A Regional Water Quality Management Plan for Southeastern Wisconsin: An Update and Status Report, March 1995*. This status report also documents the extent of progress, which had been made toward meeting the water use objectives and supporting water quality standards set forth in the regional plan.

The regional water quality management plan update,<sup>1</sup> resulted in the reevaluation and, as necessary, revision of the three major elements comprising the original plan including; the land use element, the point source pollution abatement element, and the nonpoint source pollution abatement element. In addition, in cooperation with the MMSD, the regional water quality management plan update work was reviewed with a Citizens Advisory Council and was presented at forums of elected officials. The planning update was subject of a series of public hearings, and adopted by SEWRPC in 2007. The updated plan is set forth in SEWRPC Planning Report No. 50, *A Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds*.

### **Regional Water Supply Plan**

The Commission is conducting a regional water supply study for the Southeastern Wisconsin Region.<sup>2</sup> The regional water supply plan together with past SEWRPC groundwater inventories and a ground water simulation model<sup>3, 4</sup> will form the SEWRPC regional water supply management program. The preparation of these three elements includes interagency partnerships with the U.S. Geological Survey, the Wisconsin Geological and Natural History Survey, the University of Wisconsin-Milwaukee, the Wisconsin Department of Natural Resources, and many of the area’s water supply utilities.

The regional water supply plan will include the following major components:

- Water supply service areas and forecast demand for water use.
- Recommendations for water conservation efforts to reduce water demand.
- Evaluation of alternative sources of supply, recommended sources of supply, and recommendations for development of the basic infrastructure required to deliver that supply.

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<sup>1</sup>SEWRPC Planning Report No. 50, *A Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds, December 2007*.

<sup>2</sup>SEWRPC Planning Report No. 52, *A Regional Water Supply Plan for Southeastern Wisconsin, December 2010*.

<sup>3</sup>SEWRPC Technical Report No. 37, *Groundwater Resources of Southeastern Wisconsin, June 2002*.

<sup>4</sup>SEWRPC Technical Report No. 41, *A Regional Aquifer Simulation Model for Southeastern Wisconsin, June 2005*.

- Identification of groundwater recharge areas to be protected from incompatible development.
- Specification of new institutional structures necessary to carry out plan recommendations.
- Identification of constraints to development levels in certain areas of the region due to water supply sustainability concerns.

The recommendations and guidance for groundwater sustainability set forth in SEWRPC Planning Report No. 52 should be considered by municipalities in Racine County when evaluating the sustainability of proposed developments and in conducting local land use planning. The plan was completed in 2009.

## COUNTY AND MULTI-JURISDICTIONAL PLANS

### **Racine County Multi-Jurisdictional Comprehensive Plan: 2035**

The Multi-Jurisdictional Comprehensive Plan for Racine County: 2035 was completed in November, 2009. The local government bodies participating with Racine County in this planning process are listed below:

City of Burlington	Village of Union Grove
City of Racine	Village of Waterford
Village of Caledonia	Village of Wind Point
Village of Elmwood Park	Village of Yorkville
Village of Mt. Pleasant	Town of Burlington
Village of North Bay	Town of Dover
Village of Raymond	Town of Norway
Village of Rochester	Town of Waterford
Village of Sturtevant	

Racine County staff and officials worked with local governments, SEWRPC, and UW-Extension to produce the comprehensive plan. SEWRPC staff drafted the plan chapters for review by County and UW-Extension staff, and the advisory committee composed of local government representatives, local and County officials, and County residents and landowners. The County provided the local match required by the grant. Participating local governments were not asked for any direct financial contribution for preparation of the multi-jurisdictional comprehensive plan. The importance of the comprehensive plan as a basis for decision-making is reinforced by consistency requirements in the State planning law, which specify that zoning, land division, and official mapping regulations must be consistent with the plan.

In addition, the comprehensive plan serves to increase the awareness and understanding of County and city, village and town planning goals and objectives by landowners, developers, and other private interests. With an adopted comprehensive plan in place, private sector interests can proceed with greater assurance that proposals developed in accordance with the plan will receive required approvals.

### **Racine County Park and Open Space Plan**

A County Park and Open Space Plan<sup>5</sup> was most recently amended in 2010. That plan consists of both an open space preservation element and an outdoor recreation element, intended to, respectively, protect areas containing important natural resources and to provide major parks, areawide trails, and resource-oriented recreational facilities. Major parks are defined as publicly-owned parks at least 100 acres in size providing opportunities for such resource-oriented activities as camping, golfing, picnicking, and swimming. Responsibility for providing community parks, neighborhood parks, and local trails is assigned to cities, villages, and towns. Map 15 in Chapter II of this report shows County and State-owned park and open space sites in Racine County: 2010.

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<sup>5</sup> Documented in SEWRPC Community Assistance Planning Report No. 134, A Park and Open Space Plan for Racine County, Wisconsin, 3<sup>rd</sup> Edition February 2013.

The regional park and open space plan, as amended by the park and open space plan for Racine County, contains recommendations which, if implemented, would provide residents of Racine County with opportunities to participate in a wide range of resource-oriented outdoor recreation activities. Those recommendations are concerned with the provision of major parks, which provide opportunities for intensive resource-oriented outdoor recreation activities, and recreation corridors, which provide opportunities for various trail-oriented activities. In addition, the plan contains recommendations for the protection and preservation of open space lands, including natural resource features such as woodlands, wetlands, and floodplains, located within environmental corridors and isolated natural resource areas.

### **Racine County Farmland Preservation Plan**

Prime agricultural lands are those lands which, in terms of farm size, the aggregate area being farmed, and soil characteristics, are best suited for the production of food. A number of important public purposes are served by the preservation of prime agricultural lands. Such public purposes include maintenance of agricultural reserves; maintenance of open space; control of public costs by avoiding the need to provide urban services such as sanitary sewer, public water, and full-time police and fire protection; and preservation of the local economic base.

Prime agricultural lands in Racine County were identified by the Racine County farmland preservation plan,<sup>6</sup> which was adopted by the Racine County Board in June 1981 and updated in 2013. In this plan, prime agricultural land is determined by exclusive agricultural zoning and at least 50 percent of the farm unit must be covered by soils which meet USDA Natural Resources Conservation Service criteria for “Prime Farmland” or “Farmland of Statewide Importance” (generally Class I, II, or III soils); and the farm should be located in a contiguous farming area at least 100 acres in size. Farmland preservation is recommended by a number of local land use and comprehensive plans.

### **Racine County Land and Water Resources Management Plan 2000-2004, Updated 2008-2012 and Updated 2013-2022**

The original land and water resources management plan<sup>7</sup> was adopted by the County Board in September 2000. The plan update<sup>10</sup> was adopted by County Board in September 2007. The plans identified a set of priority issues related to County land and water resources, including: stormwater management, sedimentation, animal waste runoff, yard waste management, illicit dumping of waste, excessive fertilizer and pesticide application, wetland resource protection, groundwater degradation, loss of farmland and open space, and lack of riparian buffers. These concerns and issues were used as a basis for developing the goals, objectives, and recommended actions for the plan. Recommendations specific to each of the County’s five watersheds were divided into the following categories: agricultural land use, nonagricultural and urban land use, water quality and wildlife habitat, educational programming, and groundwater. To address these issues the plan identifies the following goals: reduce agricultural and non-agricultural nonpoint source pollution; reduce sedimentation in agricultural drainageways; encourage urban density land use only within identified urban service areas; improve the overall water quality and wildlife habitat; continue to implement and enhance the County’s shoreland management

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<sup>6</sup> Documented in SEWRPC Community Assistance Planning Report No. 46 A Farmland Preservation Plan for Racine County, Wisconsin, 2<sup>nd</sup> Edition December 2013.

<sup>7</sup> Documented in SEWRPC Community Assistance Planning Report No. 259, A Land and Water Resources Management Plan for Racine County, Wisconsin, September 2000.

<sup>10</sup> Documented in SEWRPC Community Assistance Planning Report No. 259 (2<sup>nd</sup> edition), A Land and Water Resources Management Plan for Racine County, Wisconsin, September 2008.

program; reduce the threat to groundwater contamination; and increase educational efforts related to groundwater resources, natural resources, and the environment. The plan sets forth the objectives and actions that will be carried out in order to achieve the goals associated with each issue and identifies the agency or organization responsible for carrying out the listed action steps.

## **CITY, TOWN, AND VILLAGE PLANS**

### **Local Land Use, Master, and Comprehensive Plans**

Section 62.23 of the *Wisconsin Statutes* grants cities and villages the authority to prepare and adopt local master plans or plan elements, such as a community land use plan. Section 60.10(2)(c) of the *Statutes* gives towns the authority to prepare and adopt a local master plan under Section 62.23 provided a town adopts village powers and creates a town plan commission. All towns in Racine County that have incorporated as a Village have created a plan commission.

### **City and Village Land Use, Master, and Comprehensive Plans**

Racine County's city and village future land use plans include a variety of land uses such as residential, commercial, industrial, parks, environmental corridors, government and institutional, and other land uses. City and village planning areas generally extend beyond corporate boundaries to include areas outside of those boundaries that are expected to be annexed by the city or village within the planning period. City and village planning areas are often related to the extraterritorial plat approval area granted to cities and villages under Section 236.10 of the *Statutes*.

### **Town Land Use and Comprehensive Plans**

Town land use and comprehensive plans include a variety of recommended land uses, including agricultural, residential, commercial, industrial, parks, environmental corridors, government and institutional, and other land uses. Because towns do not have extraterritorial planning authority, town planning areas do not extend beyond town boundaries. The overlapping planning authority demonstrates the importance of intergovernmental cooperation in the comprehensive planning process.

## **WATERSHED PLANS**

### **Southeastern Wisconsin Fox River Commission Implementation Plan: 2011-2020<sup>8</sup>**

The implementation of the SEWFRC's work program over the next decade is recommended to build upon the practices and procedures adopted during the initial decade of the SEWFRC's operations. In addition to addressing the mandated issues of selective dredging and channel clearance, development of water use and dam operating plans, streambank and shoreline erosion control, and public access and water safety, the emerging issues of the modification of the Commission boundary and composition of the Board of Commissioners, funding and project selection, issues related to the Great Lakes-St. Lawrence River Basin Water Resources Compact, and partnerships were identified. While the SEWFRC's role in maintaining a watching-brief over issues such as ordinance development, nonnative species infestations, and coordination of activities within the Middle Fox River basin are largely no-cost activities, other (ongoing) activities require the continued and sustained application of funds and other resources. Thus, it is recommended that the SEWFRC work to implement the county-based funding process as envisioned by the Wisconsin Legislature in Subchapter VI of Chapter 33 of the Wisconsin Statutes, while continuing to seek additional external sources of funds through grants and other funding sources. To this end, the establishment and/or continuation of partnerships with other governmental entities and nongovernmental organizations is recommended.

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<sup>8</sup> SEWRPC Memorandum Report No. 199, *Southeastern Wisconsin Fox River Commission Implementation Plan: 2011-2020, September 2011.*

### **Eagle Lake Management Plan 2017-2026<sup>9</sup>**

The Eagle Lake Management District and the Eagle Lake Improvement Association jointly funded the effort to update the original plan from 2007. The plan was contracted by the ELMD due to their status as a governmental entity. The purpose of the update is to identify, quantify, and prioritize the sources of runoff pollution and recommend ways to protect the watershed and Eagle Lake, which has a total phosphorus goal below 0.10 mg/l.

The plan will include new technologies used by rural and urban communities as well new state and local regulations out in place to reduce negative impacts of resource concerns within the watershed. This update includes priorities of action. Eagle Lake is retained in its present condition by a dam and has a surface water area of 531 acres. The lake is classified as eutrophic, but can support full recreational use and a warm water fishery.

The Eagle Lake Watershed covers approximately 4,225 acres of land in the Town of Dover, Racine County. Agriculture is the dominant land use, including some livestock operations, but much of the agricultural land is used for cash grain. Woodlands and wetlands cover approximately 18% of the watershed. Eagle Lake receives runoff from its direct watershed and tributary watersheds. Most of the channels carrying runoff to the Lake have been historically deepened, widened and relocated.



*Oakcrest Creek Restoration – Remove legacy sediment, grade/seed eroding banks, create two-stage channel*

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<sup>9</sup> Prepared for the Eagle Lake Improvement Association and the Eagle Lake Management District by Racine County Land Conservation: Eagle Lake Watershed Management Plan 2017-2026

Sediment that has eroded from upland slopes over past decades, during years of intensive land clearing, agriculture and construction has altered and continues to impair the hydrologic, biologic, aquatic, riparian, and water quality functions of pre-settlement conditions. These depositions have been identified as “Legacy Sediment”. The legacy sediment often accumulated in flat, low flow environments, resulting in thick accumulations of fine grained sediment that contains significant amounts of nutrients. To achieve the pollution reduction targets and improve the water quality within Eagle Lake, legacy sediment, as well as other nonpoint sources of pollution in the watershed, must be addressed. Legacy sediment may need to be inventoried, identified and removed to more quickly enhance water quality and the biodiversity that will come with a more natural tributary system. This will also prevent sediment from moving further downstream and into Eagle Lake.

Eagle Lake Watershed Plan’s success is not possible without the efforts and cooperation of many people and programs. This plan recommends a variety of sources of technical and financial assistance to reduce nonpoint sources of pollution and help “clean-up” the watershed and protect Eagle Lake.

### **9 Key Element Plans in Racine County**

Racine County has multiple watershed-based plans that are consistent with EPA’s Nine Key Elements. Watershed plans consistent with EPA’s nine key elements provide a framework for improving water quality in a holistic manner within a geographic watershed. The nine elements help assess the contributing causes and sources of nonpoint source pollution, involve key stakeholders and prioritize restoration and protection strategies to address water quality problems. Development of watershed-based plans funded with Section 319 funds must be consistent with EPA’s nine elements. The elements can be used in watersheds with impaired waters or used to protect watersheds not yet impaired. The nine elements are:

1. Identify the causes and sources
2. Estimate pollutant loading into the watershed and the expected load reductions
3. Describe management measures that will achieve load reductions and targeted critical areas
4. Estimate technical and financial assistance and relevant authorities needed to implement the plan.
5. Develop an information/education component
6. Develop a project schedule
7. Develop the interim, measurable milestones
8. Identify indicators to measure progress and make adjustments
9. Develop a monitoring component

Root-Pike Watershed Initiative Network (Root-Pike WIN) is a non-profit organization that seeks grants and awards grants to projects that will preserve, promote, and protect watershed health. They have established three 9 Key Element Plans in Racine County; the Pike River Watershed Plan 2013, the Root River Watershed Restoration Plan 2014, and the Wind Point Watershed Restoration Plan 2015.

### **Pike River Watershed Plan 2013<sup>10</sup>**

The Pike River Watershed Plan includes an “Action Plan” developed to provide stakeholders with recommendations to address plan goals. The Action Plan includes both programmatic recommendations and site-specific recommendations. Programmatic recommendations are general watershed-wide remedial, preventative, and regulatory actions. Site specific recommendations include actual locations where projects can be implemented to improve surface and groundwater quality, green infrastructure, and aquatic and terrestrial habitats.

The Pike River Watershed is located in portions of Racine and Kenosha counties, and consists of three sub-basins; the North Branch, South Branch and the Main Pike River. The North Branch originates near County Highway C

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<sup>10</sup> Prepared for Root-Pike WIN by Applied Ecological Services, Inc: Pike River Watershed Restoration Plan, August 2013



in the Village of Mount Pleasant. The South Branch is a drainage way that originates near Highway 50 in Kenosha County. From there, it flows north alongside the Union Pacific Railroad, picking up contributions from agriculture drainage tiles, Airport Branch, Somers Branch and other unnamed tributaries. The North Pike and South Branch meets at Petrifying Springs Park, forming the Main Branch of the Pike River. From Petrifying Springs, the Pike River flows east, then south through the City of Kenosha before emptying into Lake Michigan. The major tributary to the Pike River is Sorenson Creek. The one named lake found in this watershed is Petrified Springs Park Pond, which covers approximately three acres. Land cover is primarily rural, with agriculture dominant (52%). Urban land uses account for 19 percent of the land area, while grasslands (14%) and forests (8%) represent the other major rural uses. Wetlands cover less than two percent of the land area. The municipalities include the City of Kenosha, the Village of Sturtevant, Village of Mount Pleasant and the Town of Somers.

The Pike River Watershed Restoration Plan has been adopted by seven municipalities and the University of Wisconsin–Parkside. These municipalities and entities all have some part of their jurisdiction that includes the Pike River watershed. Adopters of the plan include Kenosha County, Racine County, City of Racine, Village of Mount Pleasant, Village of Sturtevant, Village of Pleasant Prairie, Village of Somers and University of Wisconsin – Parkside.

Watershed planning and implementation is a voluntary effort and relies upon existing authorities/ordinances. Active watershed stakeholders are needed to put this watershed plan into action. The Pike River Education & Public Outreach Committee (PREPOC) or Pike River Advisory Group is in place to support plan implementation and future planning efforts.

In 2016, Root-Pike WIN begun implementing the Pike River Watershed Restoration Plan. Implementation includes the planning, design and construction of both municipal and private landowner projects. Root-Pike WIN's role is to serve as educator and facilitator of the plan's recommendations.

#### **Root River Watershed Restoration Plan 2014<sup>11</sup>**

The Root River Watershed is located in portions of Waukesha, Milwaukee, and Racine counties and drains almost two-thirds of the entire Root-Pike River Basin (198 square miles). Nine sub-watersheds contribute flow: the Upper Root, Whitnall Park Creek, East Branch, Lower Root, Middle Root, Root River Canal, West Branch Root River Canal, East Branch Root River Canal, and Hoods Creek. There are a total of 117 miles of rivers and streams in the Root River watershed. The headwaters begin in west central Milwaukee and eastern Waukesha counties. From there, the river flows southeast, picking up contribution from eight sub-watersheds, and ultimately emptying into Lake Michigan in the City of Racine. Each sub-watershed serves a different land use.

The Upper Root is heavily urbanized. Whitnall Park Creek and the East Branch drainage areas are changing from mixed residential/agriculture to strictly residential as Milwaukee County is further developed. The Root River Canal system, the Middle Branch of the Root, Husher Creek and Hoods Creek primarily drain agricultural land. The Root River Watershed ranges from heavily urbanized at the headwaters and mouth, to agricultural use in the middle drainage area, and back to urban near the City of Racine. All told, agricultural use dominates land usage, at 49 percent, followed by grassland at 16 percent. Urban land uses cover about 14 percent of the land area. The remaining land uses consist of five percent wetland, and five percent barren and shrubland.

The health of a river system is usually a direct reflection of the use and management of the land within its watershed. The Root River watershed in southeastern Wisconsin is not in the best of health and has shown signs of degradation over several decades. The Root River Watershed Restoration Plan is a comprehensive resource

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<sup>11</sup> Prepared for Root-Pike WIN and Southeastern Wisconsin Watersheds Trust, Inc by SEWRPC: Root River Watershed Restoration Plan, July 2014

developed to provide a set of specific, targeted recommendations to improve the Root River and its tributaries to a total phosphorus goal below 0.075 mg/l. The recommendations are for focused implementation from 2014 to 2019, but the plan is comprehensive in scope and it is likely that it will be implemented well beyond 2019.

The plan is coordinated with other recent plans and recommendations. Notably, the 2007 SEWRPC regional water quality management plan update provides comprehensive recommendations related to land use, pollution abatement, and water quality management that are directly related to the Root River watershed. The 2014 Root River plan includes a detailed review of the status of implementation of these recommendations

The Root River Watershed Restoration Plan has been adopted by five municipalities and the Milwaukee Metropolitan Sewerage District, who reside in the watershed. Adopters of the plan include Milwaukee County, Racine County, Village of Mount Pleasant, Milwaukee Metropolitan Sewerage District, City of Greenfield and the City of Racine.

In 2016, Root-Pike WIN began implementing the Root River Watershed Restoration Plan. Implementation includes the planning, design and construction of both municipal and private landowner projects. Root-Pike WIN's role is to serve as educator and facilitator of the plan's recommendations. Racine County included many recommendations in the plan and has implemented multiple agricultural BMP's noted in the plan.

### **Wind Point Watershed Restoration Plan 2015<sup>12</sup>**

The Root-Pike WIN received grant funding from the Fund for Lake Michigan and SC Johnson Fund to undergo a watershed planning effort and produce a comprehensive "Watershed-Based Plan" for Wind Point watershed that meets requirements as defined by the United States Environmental Protection Agency (USEPA). Improvement projects identified within the watershed plan are eligible for state and federal grants.

The Wind Point Watershed is located in the extreme eastern portion of Racine County, north of the City of Racine, around the Village of Wind Point. Two unnamed perennial tributaries, totaling 4.4 miles, receive runoff from the watershed and drain a combined area of almost 19 square miles. Land cover for the Wind Point Watershed is pretty evenly split between urban and rural. Urban land uses account for 36 percent of the water basin. Rural uses include 20 percent grassland, 19 percent agriculture, and 14 percent forest. Other uses include shrubland (4%), and wetland (2%). The streams support forage fish communities. The remainder of the watershed is overland flow. The watershed has a considerable urban component. Residential development varies in lot sizes and the watershed further consists of parks, other open space, light industrial use, a coal plant, and sanitary facility. Its locally famous lighthouse is listed on the National Register of Historic Places.

The Wind Point Watershed Restoration Plan, completed in July 2015, is the first Nine Element plan for the watershed, which comprises portions of Racine and Milwaukee Counties and the Cities of Racine; Oak Creek, South Milwaukee and the Villages of Caledonia, North Bay, and Wind Point.

The Wind Point Watershed Restoration Plan was reviewed by the Department of Natural Resources and the Environmental Protection Agency and has been deemed "consistent with" (or approved according to) the Environmental Protection Agency's Nine Key Element standards for watershed restoration. In addition, the plan has been adopted by the Village of Wind Point. Root-Pike WIN has begun implementing the Wind Point plan in cooperation with the Villages of Wind Point and Caledonia and the City of Racine.

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<sup>12</sup> Prepared for Root-Pike WIN by Applied Ecological Services, Inc: *Wind Point Watershed Restoration Plan, July 2015*

## **COUNTY AND LOCAL ORDINANCES**

Good community development depends not only on quality planning at all levels of government, but on practical implementation measures as well. Land use and development regulations affect the type of uses allowed, as well as the detailed design and site layout of proposed developments. The following presents a summary of general zoning, subdivision, and official mapping regulations adopted by the county and local governments.

### **General Zoning**

Zoning is a tool used to regulate the use of land in Racine County in a manner that serves to promote the general welfare of its citizens, the quality of the environment, and the conservation of its resources. Zoning is also used to implement a land use plan. Zoning in and of itself is the delineation of areas or zones into specific districts which provides uniform regulations and requirements that govern the use, placement, spacing, land size and structures. Cities in Wisconsin are granted general, or comprehensive, zoning powers under Section 62.23 of the *Wisconsin Statutes*. The same powers are granted to villages under Section 61.35 of the *Wisconsin Statutes*. Counties are granted general zoning powers within their unincorporated areas under Section 59.69 of the *Wisconsin Statutes*. However, a county zoning ordinance becomes effective only in those towns that ratify the county ordinance. Towns that have not adopted a county zoning ordinance may adopt village powers and subsequently utilize the city and village zoning authority conferred in Section 62.23 of the *Wisconsin Statutes*. Town zoning, however, is subject to county board approval where a general county zoning ordinance exists. Alternatively, towns may adopt a zoning ordinance under Section 60.61 of the *Wisconsin Statutes* where a general county zoning ordinance has not been adopted, but only after the county board fails to adopt a county ordinance at the petition of the governing body of the town concerned. General zoning is in effect in all communities in Racine County. The Racine County Development Services Division administers the state mandated Private Sewage System Program for all unsewered areas of Racine County. Development Services staff also conduct general zoning functions for the Village of Yorkville, the townships of Burlington, Dover, Norway, and Waterford. In addition, the office is responsible for shoreland, floodplain and shoreland-wetland zoning for all unincorporated areas in the County. The City of Racine, City of Burlington, the Villages of Caledonia, Elmwood Park, Mt. Pleasant, North Bay, Raymond, Rochester, Sturtevant, Union Grove, Waterford, and Wind Point have adopted and enforce their own general zoning ordinance.

### **Floodland Zoning**

Section 87.30 of the *Wisconsin Statutes* requires that cities, villages, and counties, with respect to their unincorporated areas, adopt floodland zoning to preserve the floodwater conveyance and storage capacity of the floodplain areas and to prevent the location of new flood damage-prone development in flood hazard areas. The minimum standards that such ordinances must meet are set forth in Chapter NR 116 of the *Wisconsin Administrative Code*. The required regulations govern filling and development within a regulatory floodplain, which is defined as the area subject to inundation by the 100-year recurrence interval flood event, the event which has a 1 percent chance of occurring in any given year. Under Chapter NR 116, local floodland zoning regulations must prohibit nearly all forms of development within the floodway, which is that portion of the floodplain required to convey the 100-year recurrence peak flood flow. Local regulations must also restrict filling and development within the flood fringe, which is that portion of the floodplain located outside of the floodway that would be covered by floodwater during the 100-year recurrence flood. Permitting the filling and development of the flood fringe area, however, reduces the floodwater storage capacity of the natural floodplain, and may thereby increase downstream flood flows and stages. The County Shoreland and Floodplain Zoning Ordinance applies in all of the unincorporated areas of the Towns in Racine County. All incorporated cities and villages where floodplains have been identified have adopted floodland zoning ordinances. The two municipalities without floodland ordinances, the Villages of Elmwood Park and North Bay, have no identified flood hazard areas within their boundaries.

### **Shoreland and Shoreland-Wetland Zoning**

Under Section 59.692 of the *Wisconsin Statutes*, counties in Wisconsin are required to adopt zoning regulations within statutorily defined shoreland areas, or, those lands that are within 1,000 feet of a navigable lake, pond, or flowage, or 300 feet of a navigable stream, or, to the landward side of the floodplain, whichever distance is

greater, within their unincorporated areas. Minimum standards for county shoreland zoning ordinances are set forth in Chapter NR 115 of the *Wisconsin Administrative Code*. Chapter NR 115 sets forth minimum requirements regarding lot sizes and building setbacks; restrictions on cutting of trees and shrubbery; and restrictions on filling, grading, lagooning, dredging, ditching, and excavating that must be incorporated into county shoreland zoning regulations. Most projects requiring a shoreland permit from Racine County will require a corresponding Wisconsin Department of Natural Resources and possibly a U.S. Army Corps of Engineers permit. Racine County shoreland permits are not valid without the necessary Town, State, or Federal permits. In addition, Chapter NR 115 requires that counties place all wetlands five acres or larger and within the statutory shoreland zoning jurisdiction area into a shoreland – wetland overlay district to ensure their preservation after completion of appropriate wetland inventories by the Wisconsin Department of Natural Resources. Aside from wetlands within the shoreland zone, selected wetlands generally five acres and larger are also placed into conservancy zoning outside the shoreland zone in the unincorporated areas of the County.

In 1982, the State Legislature extended shoreland-wetland zoning requirements to cities and villages in Wisconsin. Under Sections 62.231 and 61.351, respectively, of the *Wisconsin Statutes* cities and villages in Wisconsin are required to place wetlands five acres or larger and located in statutory shorelands into a shoreland-wetland conservancy zoning district to ensure their preservation. Minimum standards for city and village shoreland-wetland zoning ordinances are set forth in Chapter NR 117 of the *Wisconsin Administrative Code*.

It should be noted that the basis for identification of wetlands to be protected under Chapters NR 115 and NR 117 of the *Wisconsin Administrative Code* is the Wisconsin Wetlands Inventory. Mandated by the State Legislature in 1978, the Wisconsin Wetlands Inventory resulted in the preparation of wetland maps covering each U.S. Public Land Survey Township in the State. The inventory was completed for counties in Southeastern Wisconsin in 1982, the wetlands being delineated by the Regional Planning Commission in 1980, one inch equals 2,000 feet scale, ratioed and rectified aerial photographs. The most current wetland layer was produced by the Wisconsin DNR in 2010 and can be viewed on the WI DNR website under the Surface Water Data Viewer.

The Shoreland Zoning Ordinance was revised and adopted by the Racine County Board of Supervisors on April 13, 2021. This section adds impervious surface standards from Chapter NR 115.05 (1) (e) of the *Wisconsin Administrative Code* to the Shoreland Zoning ordinance, which restricts impervious surfaces to 30% of the parcel for residential purposes or 40% for non-residential purposes on highly developed shorelines. These impervious surface limits can be increased to no greater than 40% for residential purposes and 60% for commercial, industrial or business land uses through implementation on mitigation. Non highly developed shorelines are limited to 15% and up to 30% through mitigation.

County shoreland-wetland zoning ordinances are in effect in all unincorporated areas of Racine County. The incorporated Cities of Burlington and Racine, Villages of Caledonia, Mt. Pleasant, Raymond, Rochester, Sturtevant, Waterford, and Wind Point, have adopted their own shoreland-wetland zoning ordinances pursuant to Sections 62.231 and 61.351, respectively, of the *Wisconsin Statutes*. The remaining three Villages of Elmwood Park, North Bay, and Union Grove, did not contain shoreland wetlands and were thus not required to adopt such ordinances.

### **Subdivision Regulations**

Chapter 236 of the *Wisconsin Statutes* requires the preparation of a subdivision plat whenever five or more lots of 1.5 acres or less in area are created either at one time or by successive divisions within a period of five years. The *Statutes* set forth requirements for surveying lots and streets, for plat review and approval by State and local agencies, and for recording approved plats. Section 236.45 of the *Statutes* allows any city, village, town, or county that has established a planning agency to adopt a land division ordinance, provided the local ordinance is at least as restrictive as the State platting requirements. Racine County adopted a Land Division Ordinance in 1956 and modified and on June 11, 1985 adopted *Chapter 18 Racine County Subdivision*. Local land division ordinances may include the review of other land divisions not defined as “subdivisions” under Chapter 236, such as when fewer than five lots are created or when lots larger than 1.5 acres are created.

The subdivision regulatory powers of Towns and the County are confined to unincorporated areas. City and Village subdivision control ordinances may be applied to extraterritorial areas, as well as to the incorporated areas. It is possible for both the County and a town to have concurrent jurisdiction over land divisions in unincorporated areas, or for a city or village to have concurrent jurisdiction with a town or the County in the city or village extraterritorial plat approval area. In the case of overlapping jurisdiction, the most restrictive requirements apply. Each of the incorporated communities in Racine County has adopted its own subdivision control ordinance. Racine County has objecting authority for land divisions carried out under the provision of these local ordinances.

#### **Municipal Separate Storm Sewer System (MS4)**

The WI DNR requires MS4 Permits for municipalities that meet one of the following criteria:

1. The municipality is located within a federally-designated Urbanized Area.
2. The population equals 10,000 or more based on the latest decennial census.
3. The Department of Natural Resources designates the municipality for permit coverage in accordance with s. NR 216.025.

As a result of these requirements, Racine County, the City of Racine, City of Burlington, the Villages of Caledonia, Mt. Pleasant, Sturtevant, Wind Point and the Town of Norway are required to obtain MS4 permits. The MS4 permits are effective for a period up to five years, at which point the permits are updated and re-issued.

The MS4 permits require municipalities to reduce polluted storm water runoff by implementing storm water management programs with best management practices. The MS4 permits usually do not contain numerical effluent limits like other WPDES permits.

Municipal storm water management programs cover a wide array of activities that occur within a municipality. The permits usually contain requirements for the following:

1. Public Education and Outreach
2. Public Involvement and Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Pollutant Control
5. Post-Construction Storm Water Management
6. Pollution Prevention Practices for the Municipality
7. Developed Urbanized Area Standard
8. Storm Sewer System Maps

The DNR may review the programs and activities that municipalities will use to comply with the MS4 permit. Municipalities are also required to submit an annual / biennial report to the DNR to document progress and compliance with the permit requirements. Municipalities implementing their MS4 permit requirements is an important milestone described within the nine-key element watershed-based plans in Racine County.

### **Nonmetallic Mining Reclamation Ordinance**

Effective May 22, 2001 Racine County adopted *Chapter 12.5 Racine County Non-Metallic Reclamation* and revised on May 7, 2007. The purpose of this chapter is to maintain a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in the County of Racine. The requirements of this chapter apply to all operators of nonmetallic mining sites within the County of Racine operating on or commencing to operate after August 1, 2001 except as exempted in sec. 12.5-7(b). Also exempt are nonmetallic mining site located in a city, village or town within the County of Racine that has adopted an ordinance pursuant to W.S.A. § 295.14, and Section NR 135.32(2), *Wisconsin Administrative Code*. This chapter does not apply to nonmetallic mining sites where nonmetallic mining activity permanently ceased before August 1, 2001.



*Baumeister Pit – Town of Burlington*

### **Animal Waste Management Ordinance**

Effective June 26, 2012 *Chapter 20, Article XII Animal Waste Management* was adopted by the Racine County Board of Supervisors. The purpose of this article is to regulate new, expanding, altered, and abandoned animal waste storage facilities to prevent water pollution, thereby protect the health, safety and promote prosperity and the general welfare of the citizens of Racine County. The requirements of this article also include animal waste setbacks from property lines as well as the nutrient management component as required by the State of Wisconsin.

### **Procedures for Siting Livestock Facilities Ordinance**

Racine County officially adopted procedures for siting and permitting livestock facilities under Sec. 20-1167 Procedures for Siting Livestock Facilities in 2006 and was updated and adopted on April 13, 2021. The procedures apply to livestock facilities that require a conditional use permit under this chapter which are all new or expanded livestock facilities that will have five hundred (500) or more animal units or existing livestock facilities as required. The County standards for issuing a permit shall follow the state livestock facility siting standards adopted under ATCP 51, *Wisconsin Administrative Code*.



*DAIRY FARM – TOWN OF DOVER*

### **STATE NONPOINT POLLUTION STANDARDS AND PROHIBITIONS**

Through 1997 Wisconsin Act 27, the State Legislature required the WDNR and DATCP to develop performance standards for controlling nonpoint source pollution from agricultural and nonagricultural land and from transportation facilities. The performance standards are set forth in Chapter NR 151, “Runoff Management,” of the *Wisconsin Administrative Code*, which became effective on October 1, 2002, revised in July 2004 and February 2012, and revised again in July 2018. Below is a summary of the standards and prohibitions that apply to the Racine County Land and Water Resource Management plan:

#### **Agricultural Performance Standards and Prohibitions**

Performance standards relate to four areas of agriculture: cropland soil erosion control, soil loss from riparian lands, manure management, and nutrient management.

The agricultural performance standards are:

- Soil erosion rates on all cropland must be maintained at or below “T” (Tolerable Soil Loss).
- All areas receiving application of manure or other nutrients to croplands must be done in accordance with a nutrient management plan, designed to meet state standards for limiting the entry of nutrients into groundwater or surface water resources.

- Clean water runoff must be diverted away from contacting feedlots, manure storage facilities, and barnyards in water quality management areas (areas within 300 feet of a stream, 1000 feet from a lake, or areas susceptible to groundwater contamination).
- All new or substantially altered manure storage facilities must meet current engineering design standards to prevent surface or groundwater pollution.
- No tillage operations may be conducted within 5 feet of the top of the channel of surface waters.
- Croplands, pastures, and winter grazing areas shall average a phosphorus index of 6 or less over the accounting period and may not exceed a phosphorus index of 12 in any individual year within the accounting period.
- There may be no significant discharge of process wastewater to waters of the state.

The manure management prohibitions are:

- No direct runoff from animal feedlots to “waters of the state”.
- No overflowing manure storage facilities.
- No unconfined manure piles in shoreland areas (areas within 300 of a stream, 1000 feet from lakes).
- No unlimited livestock access to “waters of the state” where the livestock prevent sustaining an adequate vegetative cover.

The Silurian bedrock standards are:

- No manure application on areas within 0-2 feet depth to bedrock
- Bedrock depth verification using best available data either through maps or in field verification.
- Pre-tillage requirements prior to liquid manure application

### **Confined Animal Feeding Operations**

Chapter NR 243, Confined Animal Feeding Operations (CAFO’s) of the *Wisconsin Administrative Code* sets forth rules for concentrated animal feeding operations and other animal feeding operations for the purpose of controlling the discharge of pollutants to waters of the State. Concentrated animal feeding operations are defined as livestock and poultry operations with more than 1,000 animal units. Animal units are calculated for each different type and size class of livestock and poultry. For example, facilities with 1,000 beef cattle, 700 milking cows, or 200,000 chickens each would be considered to have the equivalent of 1,000 animal units. All concentrated animal feeding operations and certain types of other animal feeding operations must obtain WPDES permits. In general, animal feeding operations are defined as feedlots or facilities, other than pastures, where animals are fed for a total of 45 days in any 12-month period. The Wisconsin DNR issues and verifies compliance with CAFO permits

### **Buffer Standards**

It is important to note that non-agricultural performance standards set forth in section NR 151.12 (post-construction performance standard for new development and redevelopment) also generally requires impervious area setbacks of 50 feet from streams, lakes, and wetlands. This setback distance is increased to 75 feet to protect Chapter NR 102-designated Outstanding or Exceptional Resource Waters or Chapter NR 103-designated wetlands of special natural resource interest. Reduced setbacks from less susceptible wetlands and drainage channels of not less than 10 feet may be allowed.

### **Multi-Discharge Variance and other Phosphorus compliance options**

Wastewater facilities with a WPDES permit may be required to reduce phosphorus level in their point source discharge. The upgrades can be very expensive. The multi-discharge variance (MDV) for phosphorus extends the timeline for complying with low-level phosphorus limits. In exchange, point sources commit to step-wise reductions of phosphorus within their effluent as well as helping reduce nonpoint sources of phosphorus from farm fields, cities or natural areas via projects designed to improve water quality. The MDV is similar to an individual variance. However, multiple point sources can be covered under the MDV, whereas an individual variance only applies to a single facility.



There are two other phosphorus compliance options other than the MDV. One is adaptive management and the other is phosphorus trading. Although they are similar, adaptive management differs from phosphorus trading. In both cases, point sources may take credit for phosphorus reductions in a watershed that leads to phosphorus standards compliance. While the practices for generating phosphorus reductions may be similar, these two compliance options have different permit requirements which affect the overall permit process and timing.

### **Adaptive Management**

Adaptive management (AM) is a compliance option that allows owners of point and nonpoint sources of phosphorus to work together to improve water quality and to meet water quality standards. Adaptive management recognizes that excess phosphorus in lakes and rivers is the result of a variety of activities and sources; both point and nonpoint source reductions are often needed to achieve water quality standards. Facilities that discharge phosphorus can work with landowners, municipalities and counties to target nonpoint sources (runoff) of phosphorus to minimize their overall fiscal outlays while achieving compliance with water quality-based criteria and improving water quality. Unlike water quality trading, however, adaptive management focuses on improving water quality, rather than simply offsetting a permit limit.

Water quality trading allows point sources to offset their pollution load and comply with phosphorus limits by taking credit for other phosphorus source reductions within the watershed to offset a permit limit.

## **CONSERVATION PROGRAMS**

### **Federal Programs**

The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) has several programs directed at agricultural producers to alleviate cropland erosion, and to protect natural resources, as well as provide a financial incentive. There are multiple programs that help to reduce erosion, protect wildlife habitat, restore wetlands, and improve water quality. All programs involve cost-share assistance from the federal government, provided the landowner follows the prescribed practices of each program.

#### ***Agricultural Conservation Easement Program***

The Agricultural Conservation Easement Program (ACEP) protects the agricultural viability and related conservation values of eligible land by limiting non-agricultural uses which negatively affect agricultural uses and conservation values, protect grazing uses and related conservation values by restoring or conserving eligible grazing land, and protecting and restoring and enhancing wetlands on eligible land.

#### ***Conservation Reserve and Conservation Reserve Enhancement Program***

The U.S. Department of Agriculture (USDA) administers several programs that contribute to water quality, reduce erosion, and provide wildlife habitat in agricultural areas. The USDA Conservation Reserve Program (CRP) encourages farmers to voluntarily convert highly erodible cropland and other environmentally sensitive land to permanent vegetative cover. Farmers receive an annual rent payment for a period of 10 years or more; cost-share assistance is available to establish vegetative cover. The Farm Service Agency (FSA) administers the Conservation Reserve Program. The USDA Conservation Reserve Enhancement Program (CREP) is an off-shoot of the CRP. The CREP is an opportunity for Racine County landowners to voluntarily enroll agricultural lands into conservation practices, such as riparian buffers, filter strips, wetland restorations, waterways and establishment of native grasslands. Enrollment can be made with a 15-year or perpetual easement application. Eligibility determinations are made on a first-come, first serve basis. Racine County has been allocated cost-share annually for the implementation of this program.

#### ***Conservation Stewardship Program***

The Conservation Stewardship Program (CSP) is a voluntary conservation program that helps farmers build on their existing conservation efforts while strengthening their operation. The CSP offers guidance to farmers in regards to improving cattle gains per acre, increasing crop yields, decreasing inputs, increasing wildlife

population, and better resilience to extreme weather through the usage of cover crops, grazing plans, implementing no-till to reduce erosion and managing forested areas.

### ***Environmental Quality Incentives Program***

The Environmental Quality Incentives Program (EQIP) is a voluntary conservation program that supports agriculture and environmental quality as compatible goals. Through EQIP, farmers may receive financial and technical help with structural and management conservation practices on agricultural land. EQIP offers contracts for practice implementation for periods ranging from one to 10 years, and it pays up to 100 percent of the costs of eligible conservation practices. Incentive payments and cost share payments may also be made to encourage a farmer to adopt land management practices such as nutrient management, manure management, integrated pest management, or wildlife habitat management.

## **State and Local Programs**

### ***Wisconsin Farmland Preservation Program***

The Wisconsin Farmland Preservation Program provides income tax credits to eligible farmland owners. The program is administered by County and local governments, but the Wisconsin Land and Water Conservation Board (LWCB) must first certify that the county farmland preservation plan meets the standards specified in Chapter 91 of the *Wisconsin Statutes*. Of the 72 counties in Wisconsin, 70 have certified farmland preservation plans. Racine County's farmland preservation plan was certified in 1981 and updated in 2013. Farmland owners may participate in one of two ways: through exclusive agricultural zoning or through Farmland Preservation Agreements. Participation through exclusive agricultural zoning may occur only when the local jurisdiction having zoning authority (city, village, or county) has a zoning ordinance that is certified by the LWCB as having met the standards of Chapter 91 of the *Statutes*. The only uses permitted in exclusive agricultural zoning districts are agricultural uses and uses consistent with agricultural use, which are specified in the *Statutes*. Racine County has zoning ordinances that have been certified by the LWCB. Landowners in the Town of Burlington and Town of Waterford are eligible to participate in the Farmland Preservation Program because they are governed by the County zoning ordinance.

The Racine County farmland preservation plan and exclusive agricultural zoning were certified by the State in 1982, enabling many farmland owners in Racine County to participate in the Farmland Preservation program. Twenty-three landowners in Racine County claimed a Farmland Preservation Program tax credit in 2020, with an average credit amount of \$1350.

In addition to the Farmland Preservation program, landowners can also claim an income tax credit under the Wisconsin Farmland Tax Relief Credit program. The acreage and production requirements of this separate program are the same as for the Wisconsin Farmland Preservation program, indicated above; however, this is solely a tax relief program which the credit is not affected by the claimant's household income. In addition, there are no land use planning requirements or compliance with county soil and water conservation standards. A total of 33 owners of farmland residing in Racine County claimed an income tax credit under the Wisconsin Farmland Tax Relief Credit program in 2020, with an average credit amount of \$1,112.

### ***Working Lands Initiative***

In 2005, the Department of Agriculture, Trade, and Consumer Protection (DATCP) launched the Working Lands Initiative and established a steering committee to develop a consensus vision on managing Wisconsin's valuable land assets. The Working Lands Initiative Steering Committee in August 2006 issued a report with a set of recommendations intended to update and expand upon policies and programs affecting Wisconsin's working lands. To promote investment and protection of Wisconsin's agricultural base, the Working Lands Initiative, *Wis Act 28*, was signed into law on June 30, 2009. This Act made significant revisions to the existing components of the Farmland Preservation Program, Ch. 91 Wisconsin Statutes, which had been the farmland preservation law since 1977. The Working Lands Initiative comprised of three programs to preserve farmland.

- Farmland Preservation Program (FPP)
- Agricultural Enterprise Area Program (AEA)
- Purchase of Agricultural Conservation Easement Program (PACE)

***Wisconsin Producer-Led Watershed Protection Program***

In 2016, DATCP started to provide funding to producer-led groups that focus on nonpoint source pollution abatement activities through the Producer-Led Watershed Protection Grant Program (PLWPG). The goal of the program is to improve Wisconsin's soil and water quality by supporting and advancing producer-led conservation solutions by increasing the practices and farmer participation in these efforts. In order to apply for grant funding the application must come from a group of at least 5 farmers in the same watershed, collaboration with conservation agencies, institutions or nonprofit organizations. A total of 31 projects that have been funded since the program's inception. In 2020, 27 groups were awarded a total of \$750,000.

The Watershed Protection Committee of Racine County (WPCR) consists of a group of local farmers leading efforts in soil health, regenerative agriculture, erosion control, water quality improvements, and providing information to farmers and rural landowners on best management practices such as no-till and cover crops. The WPCR aims to accomplish these goals through incentive, research, and education programs. The Racine County LWCD collaborates with the WPCR to achieve its goals of promoting soil health and improving water quality.



*Watershed Protection Committee of Racine County – Summer Field Day at Case Eagle Park*

### ***Soil and Water Resource Management Program***

The current version of Chapter ATCP 50, “Soil and Water Resource Management Program,” of the *Wisconsin Administrative Code* became effective on October 1, 2002, and was most recently revised in February 2018. The administrative rule relates specifically to agricultural programs and it establishes requirements and standards:

- Soil and water conservation on farms,
- County soil and water programs, including land and water resource management plans,
- Grants to counties to support county conservation staff,
- Cost-share grants to landowners for implementation of conservation practices,
- Design certifications by soil and water professionals,
- Local regulations and ordinances, and
- Cost-share practice eligibility and design, construction, and maintenance.

### ***Racine County Tree & Shrub Program***

Racine County Tree & Shrub Program has been offered for 39 years and has sold over one million trees. The program encourages area residents to plant native trees and shrubs for the purpose of conservation and wildlife enhancement. The program offers a variety of pines, hardwoods, and shrubs. This sale is open to the interested public in our area. The tree program also offers an opportunity to introduce the community to conservation staff and programs.



*Seedling trees bagged and ready to be delivered*



*Two bundles of American Arborvitae*

### ***Managed Forest Law Program***

A number of landowners in Racine County participate in the Managed Forest Law Program (MFL), a State incentive program intended to encourage sustained yield forestry on private woodlands. Under this program, lands enrolled in the “closed” category are not available to the public while the “open” lands are accessible for such recreation activities as hunting, fishing, and cross-country skiing. Enrollment is by contract between the Wisconsin Department of Natural Resources and the landowner; the landowner can choose a 25- or 50-year contract; landowners make payments in lieu of property taxes amounting to less than what the property tax would be; and must consist of at least 10 acres of contiguous forest land located in the same municipality. Landowners must agree to follow a forest management plan. The MFL Program was created in 1985, replacing similar programs—the Wisconsin Forest Crop Law program and Wisconsin Woodland Tax Law program. Some contracts under the Forest Crop Law program remain in effect in Wisconsin; all Woodland Tax Law program contracts have expired.

### ***Wildlife Damage and Abatement Program***

The Wildlife Damage and Abatement Claims Program is a cooperative effort with the County, DNR and USDA Wildlife Services to control damage to agricultural crops against deer, goose, turkey, and bear damages. This program provides farmers, growers and producers the necessary technical and/or operational assistance in identifying, abating, controlling, and assessing deer, goose, turkey, and bear damages to agricultural interests. Agricultural producers must contact the USDA Wildlife Services within 14 days after first notice of damages to their crops to be eligible for abatement and or compensation.

### ***Deer Donation Program***

The Wisconsin Deer Donation Program began in the year 2000. Hunters donate their deer to selected sites to have the deer processed into ground venison. Racine County is one of 56 counties participating in the program annually. State-wide, since 2000, over 83,000 deer have been donated and provided more than 3.7 million pounds of ground venison.

### ***Gypsy Moth Suppression Program***

The Gypsy Moth Suppression Program is a voluntary partnership involving state, county, municipality and landowner in a state-organized aerial insecticide treatment to suppress damaging gypsy moth populations. These populations can cause tree defoliation. The areas determined for aerial spraying are surveyed in the fall. The suppression program sprays are completed the following May and June.

### ***Lake Districts and Associations***

In order to maintain, protect, and improve the quality of a lake and its watershed, Public Inland Lake Protection and Rehabilitation Districts have been formed under Chapter 33 of the Wisconsin Statutes<sup>11</sup>. Similar to sanitary districts, lake districts are established by orders or resolutions adopted by town, village, county boards, or city councils upon petition of the landowners within the district. Lake management districts are governmental bodies, and as such they have strictly defined boundaries. Lake districts, however, are special purpose governmental bodies with elected leaders as well as an adopted annual budget, but limited powers outside of their lake management function. In addition to lake districts, lake associations are voluntary organizations that often participate in lake management projects. They possess no authority over their membership or others using the lake, and both membership and dues are voluntary. Some lake associations may be incorporated and many are registered charitable organizations able to engage in fund-raising activities, in addition to their informational programming and advocacy roles. All of these organizations depend on the cooperation of general purpose units of government to address many of the jurisdictional issues that affect the use of the lakes. In Racine County, the eight public inland lake management districts and town sanitary districts having Lake District powers are:

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<sup>11</sup> *University of Wisconsin-Extension Publication No. G3818, People of the Lakes: A Guide for Wisconsin Lake Organizations: Lake Associations & Lake Districts, 11th Edition, 2006.*

- Bohners Lake Sanitary District #1;
- Browns Lake Sanitary District;
- Eagle Lake Improvement Association;
- Eagle Lake Management District;
- Honey Lake Protection & Rehabilitation District;
- Long Lake Protection District;
- Waterford Waterways' Management District;
- Waubeesee Lake Protection District;
- Wind Lake Management District.

Of the eight districts, a lake management plan for Wind Lake was completed in 1991 and updated in June 2008 to enhance the water quality conditions, biological communities, and recreational opportunities of the Lake. In addition, a lake management plan was completed for the Waterford Impoundment in October 2007. In 1997, the Eagle Lake District developed a Watershed Planning Project was updated in 2007 and updated again in 2017.

The updated Eagle Lake Management Plan was produced by the Racine County, the Eagle Lake Management District, Eagle Lake Watershed Task Force and Wisconsin DNR in 2017. Lake Districts have offered to fund specific conservation practices and educational efforts. The Racine County LWCD continues to encourage mutually beneficial relationships with Lake Districts and Associations.

#### ***Great Lakes – St. Lawrence River Basin Water Resources Compact***

The Great Lakes Compact is a formal agreement between the Great Lakes states which details how the states will work together to manage and protect the Great Lakes-St. Lawrence River Basin. A parallel agreement (the Sustainable Water Resources Agreement) includes Ontario and Québec, the two Canadian provinces that border the Great Lakes and the St. Lawrence Seaway. Through these agreements, the states and provinces manage the water in the Great Lakes watershed collectively. As part of the Great Lakes Compact, Wisconsin registers water withdrawals, receives and analyzes water use reports, requires water use permits, implements a conservation program and manages Great Lakes diversions.

The Great Lakes Compact became effective on Dec. 8, 2008, after final consent from the U.S. Congress. This date began the ban on diversions of water out of the basin, with limited exceptions. To implement the compact, Wisconsin passed implementing legislation in 2008 and has an active management program.

Two regional organizations oversee the implementation of the compact and the parallel agreement with the provinces. The Great Lakes-St. Lawrence River Basin Water Resources Council includes Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin. The Great Lakes-St. Lawrence River Basin Water Resources Regional Body includes the eight Great Lakes states plus Ontario and Québec.

#### ***Total Maximum Daily Loads (TMDL's)***

Impaired waters in Wisconsin are largely addressed through an analysis known as a Total Maximum Daily Load (TMDL). A TMDL is the amount of pollutant a waterbody can receive and still meet water quality standards. While some waters may be restored through alternative projects such as watershed restoration plans, many issues are addressed through TMDL's.

In Racine County, the Illinois-Fox River Watershed is undergoing the development of a TMDL. The initial analysis and models are being completed with the final approved TMDL to occur within the next couple years.

### ***Targeted Runoff Management Grant Program***

To help control polluted runoff from both agricultural and urban sites. Targeted Runoff Management (TRM) grants are available to address high-priority resource problems. Eligibility is limited to local units of government, special purpose districts (i.e., school or storm water utility districts), tribal commissions, and regional planning agencies. Governmental units may be granted 70 percent of eligible costs for various (urban or rural) best management practices (BMPs), up to a cap of \$225,000. Property purchases (from willing sellers only) granted at 50 percent of WDNR-approved appraised value can be included in the \$225,000 grant cap. Rural easements, funded at 75 percent of the WDNR-appraised value, can also be included in the \$225,000 grant cap. For rural BMPs (i.e., barnyard relocation, manure storage), units of government (county land conservation departments) hold contracts on behalf of county residents. Funds are disbursed on a reimbursement basis at completion of the project according to the two-year grant contract terms.

### **SUMMARY**

Racine County and its communities have a rich history of planning. Numerous plans have been developed at the regional level including a regional land use plan, transportation system plan, natural areas plan, regional water supply and a water quality management plans. Plans developed at the County level include a Farmland Preservation Plan, County Park and Open Space Plan, Hazard Mitigation Plan, Land and Water Resources Management Plan, Shoreland Development Management Study, Lake Michigan Coastal Erosion Study, and Des Plaines River Watershed Plan. Three 9-Key element watershed plans have been developed with the efforts of Root Pike WIN to identify areas of concern and solutions. The Southeast Wisconsin Fox River Commission has developed an implementation plan. In addition, the Towns of Dover, Burlington, Waterford and the Village of Rochester have all adopted long-range land use plans, and many of the communities in the County have developed park and open space plans. These existing plans and programs provide the guidelines for natural resource management in Racine County.