

LAND USE

EXISTING LAND USE REGULATIONS

The Village of Deer Park and Town of Emerald have adopted a variety of regulations that affect land use in each community. The chart below summarizes the regulations that each community has adopted, the year the regulation was adopted or last updated and additional land use regulations available to the village or town. The chart also identifies the land use regulations adopted by St. Croix County and the Town of Cylon, which affect the Town of Emerald and the Village of Deer Park.

**Regulation by Minor Civil Division - 2010
Deer Park – Emerald**

REGULATION	DEER PARK	EMERALD	CYLON	ST. CROIX COUNTY
Village Incorporated	1913	N/A	N/A	N/A
Village Powers Adopted	N/A	Yes '02	Yes '78	N/A
Official Map Ordinance	No	No	No	No
County Zoning	N/A	Yes, '79	Yes '77	Yes '74
Exclusive Ag Zoning	N/A	No	Yes '85	Yes
Standards to zone out of Exclusive Ag	N/A	No	Yes	Yes
Floodplain Zoning	Yes '03	N/A	N/A	Yes '05
Shoreland/Wetland Zoning	Yes	N/A	N/A	Yes '74
Land Division/Subdivision Ordinance	Yes '00	No	Yes '07	Yes '06
Minimum Lot Size	Yes 0.5 Acre Subdivisions 70'x125' R Zone	N/A	Yes, 2 Acres	Yes 1.5 acre min., 2 acre avg.
Allow Majors w/ POWTS*	Yes, 3 Ac.	N/A	No	Yes
Allow Minors w/ POWTS*	Yes, 3 Ac.	N/A	Yes	Yes
Erosion Control/Stormwater Mngt.	Yes	N/A	No	Yes '06
Sanitary Ordinance	Yes	N/A	No	Yes '05
Animal Waste Ordinance	Yes	No	No	Yes '85
Nonmetallic Mining Ordinance	Yes	N/A	No	Yes '04
Tire Management Ordinance	Yes	N/A	No	Yes '85
Agricultural Shoreland Mngt. Ordinance	No	No	No	No
Historic Preservation Ordinance	No	No	No	No
Mobile Home Park Ordinance	Yes	No	No	N/A
Development Impact Fees	Yes	No	No	N/A
Cooperative Boundary Agreement	No	No	No	N/A
Water Utility District	No	No	No	N/A
Reinvestment Neighborhoods	No	No	No	N/A
Business Improvement District	No	No	No	N/A
Architectural Conservancy Dist.	Yes	No	No	N/A
Sanitary District	Yes	Yes '69	No	N/A

N/A – The authority is either “Not Applicable” for example the County can not adopt village powers, or the authority is “Not Available” for example the County has floodplain regulation authority but towns do not.

*POWTS-- Private Onsite Wastewater Treatment Systems

**The County's Subdivision Ordinance may be more restrictive than a town's, in which case the County's standards would be followed.

Sources: Town of Emerald, Village of Deer Park, St. Croix County Development Management Plan, 2000, St. Croix County Planning and Zoning Department.

Exclusive ag zoning has not been adopted in the Town of Emerald as one of the tools to regulate land use. The decision to adopt or not adopt exclusive ag zoning generally came from information provided in the St. Croix County Farmland Preservation Plan which was adopted in 1980 by the St. Croix County Board of Supervisors.

The Farmland Preservation Plan took a comprehensive approach to land use regulation. Unfortunately, the actual implementation of the plan was not comprehensive and much of what was in the plan was never used. The plan also allowed individual farmers to enter into farmland preservation contracts. At one time over 40 farmers had farmland preservation contracts with the state and received tax credits. However, most of those have expired and as of 2010 there were only five contracts left in Emerald.

St. Croix County is in the process of updating the 1980 Farmland Preservation Plan to address changes in agriculture and changes in the state laws regarding farmland preservation zoning and other programs to protect farmland.

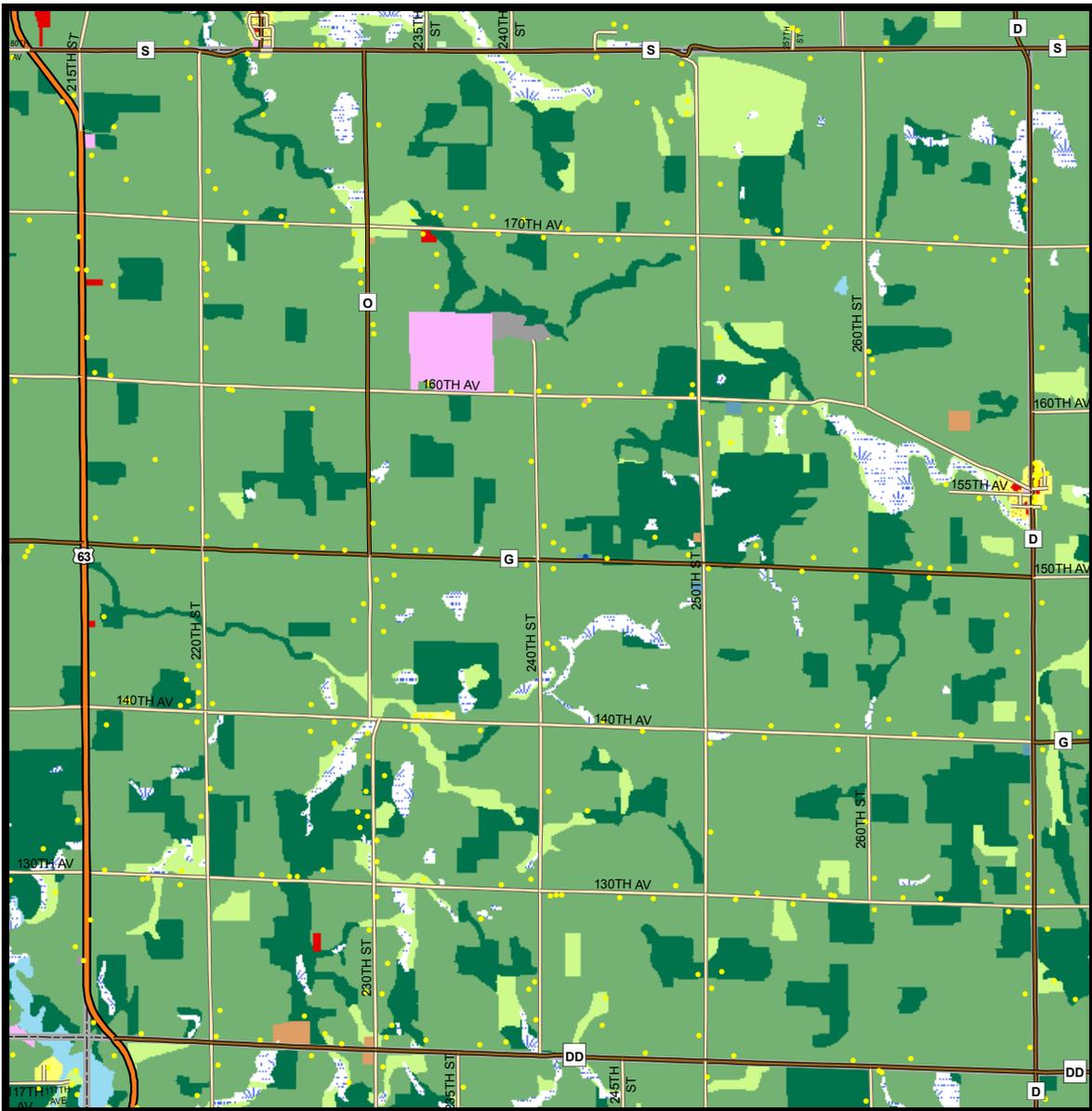
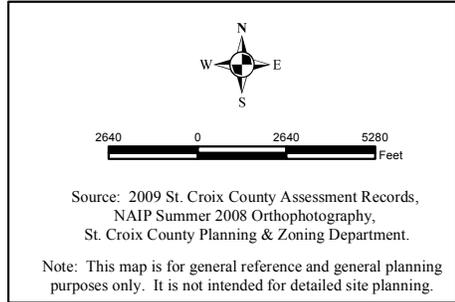
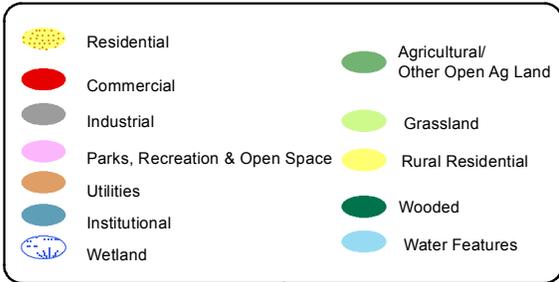
In addition to the regulations identified in the table above, the following County regulations are or can be in effect in the Town of Emerald. These regulations are adopted by the County and are in effect in all unincorporated areas of St. Croix County; no town adoption or action is required. County regulations are not in effect in the Village of Deer Park, except for on-site wastewater treatment, which is regulated by the Sanitary Ordinance, and recycling, which is regulated by the Recycling Ordinance.

- St. Croix County Development Management Plan
- St. Croix County Outdoor Recreation Plan
- St. Croix County Farmland Preservation Plan
- St. Croix County Erosion Control Plan
- St. Croix County Solid Waste Management Plan
- St. Croix County Land and Water Conservation Plan
- St. Croix County Sanitary Ordinance
- St. Croix County Subdivision Ordinance
- St. Croix County Shoreland/Wetland District Regulations
- St. Croix County Floodplain District Regulations
- St. Croix County Erosion Control/Stormwater Management Regulations
- St. Croix County Nonmetallic Mining Regulations
- St. Croix County Animal Waste Regulations
- St. Croix County Solid Waste and Recycling Regulations

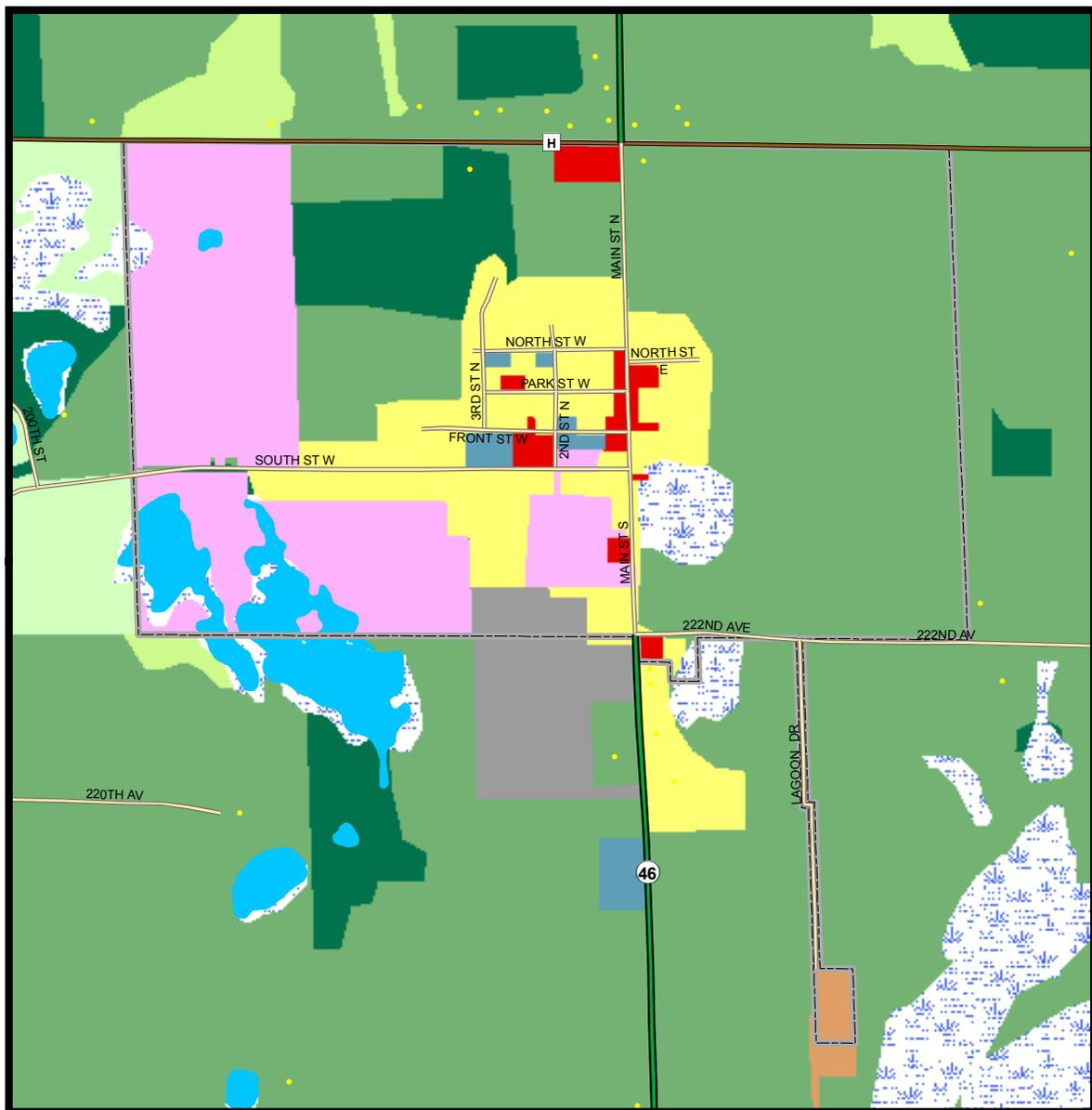
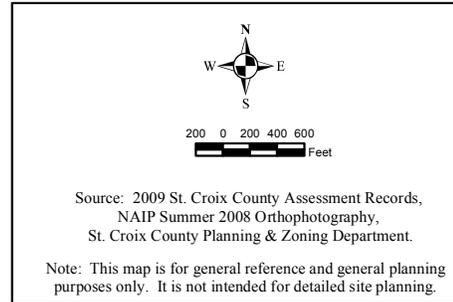
EXISTING LAND USES

The existing land uses in the Village of Deer Park and Town of Emerald are shown on the following maps. These maps were created by combining the 1993 land use and land cover maps from the St. Croix County Development Management Plan with 2008 aerial photography and the 2009 parcel assessment data from the Real Property Lister's office. The maps were also checked against the 2009 zoning maps for commercial and industrial land uses. Major subdivisions are categorized as residential while isolated rural homes and minor subdivisions of four lots or less are categorized as rural residential. Commercial and industrial land use is the land used for commercial or industrial activities according to the town assessor. Parks, recreation and open space land uses include public, private and nonprofit parks, recreation and open space land uses.

Existing Land Use / Land Cover Town of Emerald, St. Croix County, WI



Existing Land Use / Land Cover Village of Deer Park, St. Croix County, WI



LAND USE TRENDS

From 1994 to 2009 there have been significant changes in how property is assessed in Wisconsin. Those changes are reflected in the property tax charts below. Use value assessment, which was implemented between 1996 and 2000, shifted land uses from the agricultural real estate classification to the undeveloped (which was formerly swamp and waste), ag forest and ag buildings and sites classifications.

According to a 2002 report by the Department of Revenue the reported use for agricultural land may be misleading. There is a significant tax advantage from use-value assessment so owners and sales reports may be indicating future land use as agriculture when development is intended in a short time frame of just a few years.

Undeveloped land includes areas commonly called marshes, swamps, thickets, bogs or wet meadows. This class also includes fallow tillable land (assuming agricultural use is the land's highest and best use), road right-of-way, ponds, depleted gravel pits and land that, because of soil or site conditions, is not producing or capable of producing commercial forest products.

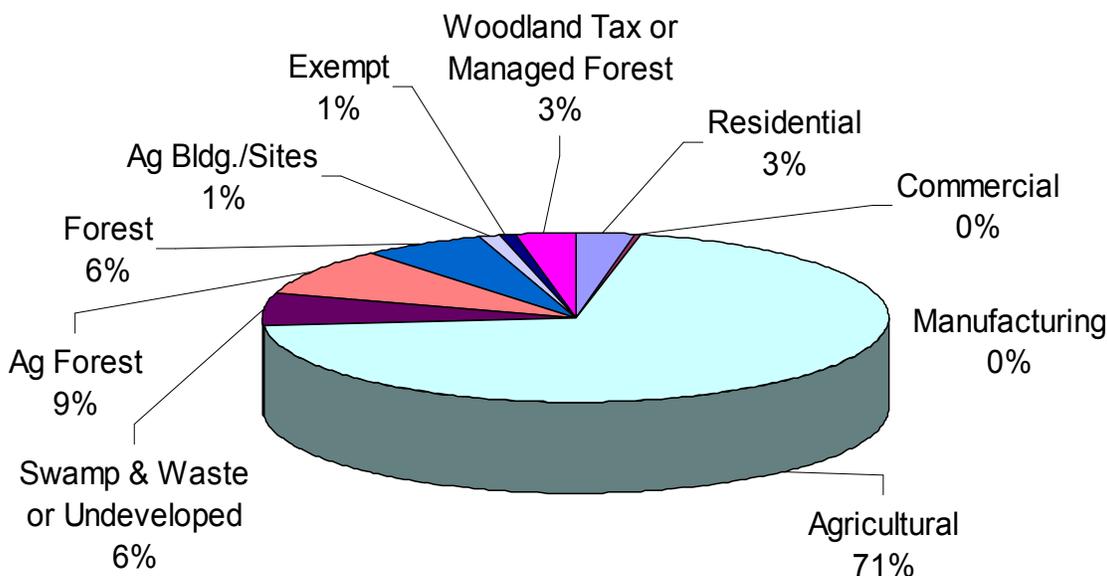
Property Tax Classifications Town of Emerald – 1994 to 2009

REAL ESTATE CLASS	1994		1997		2000		2003		2006		2009	
	Acres	% of Total										
Residential	306	1.4%	529	2%	643	3%	787	4%	679	3%	720	3.3%
Commercial	31	0.1%	32	0%	23	0%	23	0%	18	0%	17	0.1%
Manufacturing	0	0.0%	0	0%	45	0%	45	0%	45	0%	45	0.2%
Agricultural	19,202	87.9%	18,769	86%	15,651	72%	15,400	70%	15,841	73%	15,830	73.0%
Undeveloped or Swamp & Waste	194	0.9%	198	1%	1,302	6%	1,490	7%	1,336	6%	1,400	6.5%
Ag Forest	0	0.0%	0	N/A	0	N/A	0	0%	2,059	9%	1,967	9.1%
Forest	2,112	9.7%	2,081	10%	3,716	17%	3,822	17%	1,505	7%	1,444	6.7%
Ag Bldg./Sites	0	0.0%	168	1%	430	2%	306	1%	261	1%	260	1.2%
Totals	21,845	100%	21,777	100%	21,810	100%	21,873	100%	21,744	100%	21,683	100%

Source: Wisconsin Department of Revenue & St. Croix County Statistical Report of Property Values 1994 - 2009

- The vast majority of the land in the Town of Emerald is assessed as agricultural, 15,830 acres in 2009.
- Although there seems to be a significant decrease in the amount of land in the agricultural real estate classification from 1994 to 2009, approximately 3,400 acres; the actual amount was less because of the changes in how property is assessed.
- Residential land use in Emerald saw its greatest increase of over 200 acres between 1994 to 1997. From 1997 through 2003 residential uses increased by over 100 acres per year until it peaked at almost 800 acres. Since then it has decreased slightly to about 720 acres.
- The commercial assessment category has decreased since 1994 by 13 acres while manufacturing has increased to 45 acres.

Town of Emerald 2009 Real Estate Assessment



- The pie chart above combines the assessment land categories, the exempt land and woodland tax or managed forest land for 2009.
- The “exempt acres” category generally includes all publicly-owned local, county, state and federal land and institutionally-owned land, such as churches. Exempt acres are exempt from assessment but not all of this land is exempt from taxes. For instance, the WDNR provides a payment in lieu of taxes to the town each year.
- As the pie chart shows, agricultural land is now separated into several categories, swamp & waste or undeveloped, agriculture, ag forest and ag buildings and sites. If combined into one category, it would account for almost 90 percent of the land in Emerald.
- The next largest category is forest at seven percent, followed by residential at three percent.
- Woodland Tax or Managed Forest is another land classification not included in the general assessment categories, because it is taxed at a special reduced rate. In 2009, the Town of Emerald had 707 acres in this category, also about three percent.
- In 2009, the Town of Emerald had 183 exempt acres, about one percent.

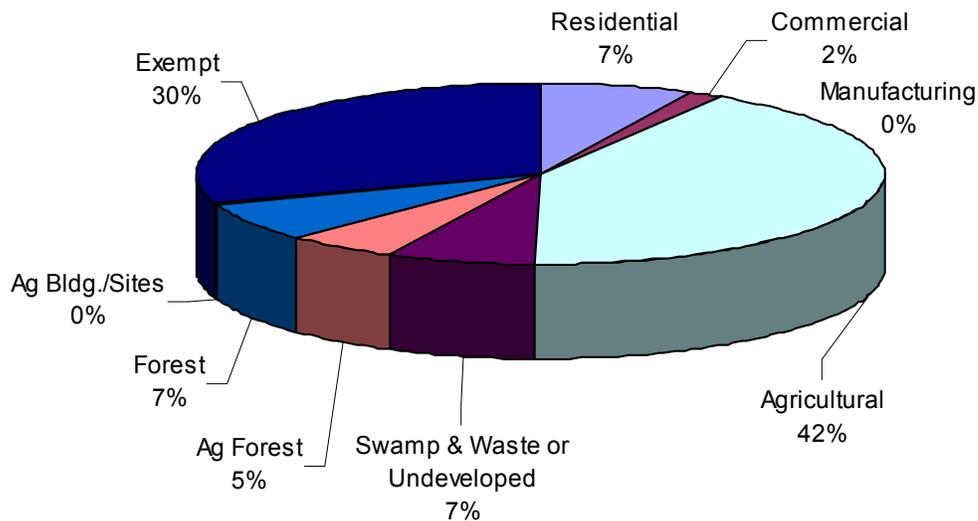
**Property Tax Classifications
Village of Deer Park – 1994 to 2009**

REAL ESTATE CLASS	1994		1997		2000		2003		2006		2009	
	Acres	% of Total										
Residential	33	9.9%	39	10.9%	36	10.1%	36	10.1%	31	8.8%	39	10.5%
Commercial	3	0.9%	3	0.8%	5	1.4%	5	1.4%	5	1.4%	9	2.4%
Manufacturing	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Agricultural	296	89.2%	314	88.0%	181	50.7%	181	50.7%	196	55.5%	221	59.2%
Undeveloped or Swamp & Waste	0	0.0%	0	0.0%	67	18.8%	67	18.8%	53	15.0%	37	9.9%
Ag Forest	0	N/A	0	N/A	0	N/A	0	0.0%	0	0.0%	28	7.5%
Forest	0	0.0%	0	0.0%	66	18.5%	65	18.2%	66	18.7%	37	9.9%
Ag Bldg./Sites	0	0.0%	1	0.3%	2	0.6%	3	0.8%	2	0.6%	2	0.5%
Totals	332	100%	357	100%	357	100%	357	100%	353	100%	373	100%

Source: Wisconsin Department of Revenue & St. Croix County Statistical Report of Property Values 1994 - 2009

- The majority of the land in the Village of Deer Park was assessed as agricultural, 221 acres in 2009. However, this is a decrease of 75 acres since 1994.
- During the last 15 years, the changes in how property is assessed have been dramatically reflected in the changes in Deer Park’s assessment categories. From 1997 to 2000 the forest category shifted from zero acres to 66. Then from 2006 to 2009 ag forest shifted from zero acres to 28 and forest decreased to 37 acres.
- Residential land use in Deer Park has been very consistent with only small shifts in acreage from 33 acres in 1994’s to 39 acres in 2009.
- From 1994 to 2009, the commercial assessment category tripled from three to nine acres.

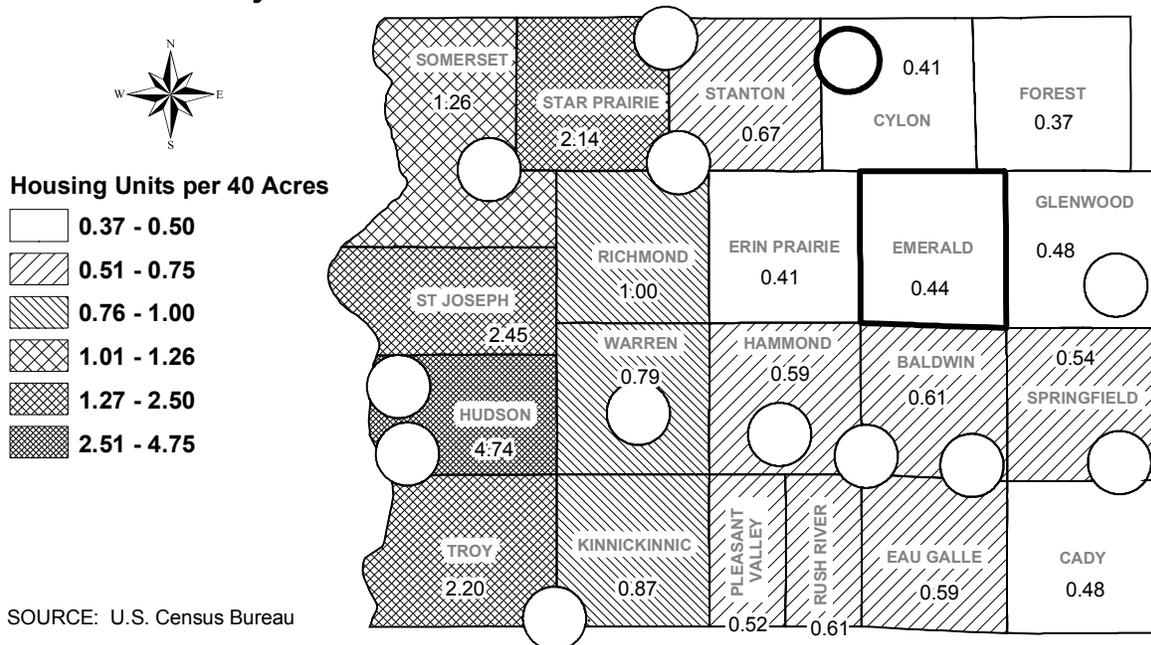
**Village of Deer Park
2009 Real Estate Assessment**



- The pie chart above combines the assessment land categories and the exempt land category for 2009.
- The “exempt acres” category generally includes all publicly-owned local, county, state and federal land and institutionally-owned land, such as churches. Exempt acres are exempt from assessment but not all of this land is exempt from taxes. For instance, the U.S. Fish and Wildlife Service provides a payment in lieu of taxes to Deer Park each year.
- As the pie chart shows, agricultural land is now separated into several categories, swamp & waste or undeveloped, agriculture, ag forest and ag buildings and sites. If combined into one category, it would account for almost 55 percent of the land in Deer Park.
- In 2009, the Village of Deer Park had 161 exempt acres, about 30 percent of the total land.
- The next largest categories are residential and forest both at seven percent.

DENSITIES

**Housing Units Per 40 Acres - 2000
St. Croix County - Emerald**



- As the graphic above shows, density throughout St. Croix County is higher in the west than in the east and higher along the I-94 corridor. The Twin Cities’ job market and highway access have heavily influenced housing preferences in St. Croix County.
- Emerald’s density is very similar to the surrounding towns of Cylon, Erin Prairie, Glenwood and Baldwin despite three of the towns adopting exclusive ag zoning and subdivision ordinances to limit development in their communities.
- While the density of the Village of Deer Park is not calculated per 40 acres and is not shown on the graphic, cities and villages in St. Croix County have followed the same pattern as the towns, with heavier population growth occurring in the west and along the I-94 corridor.

Housing Unit Density - 2000
St. Croix County

COMMUNITY	HOUSING UNITS PER SQ. MILE	HOUSING UNITS PER 40 ACRES
Baldwin	9.8	0.61
Cady	7.7	0.48
Cylon	6.6	0.41
Eau Galle	9.5	0.59
Emerald	7.0	0.44
Erin Prairie	6.6	0.41
Forest	5.9	0.37
Glenwood	7.7	0.48
Hammond	9.5	0.59
Hudson	75.8	4.74
Kinnickinnic	13.9	0.87
Pleasant Valley	8.3	0.52
Richmond	16.0	1.00
Rush River	9.7	0.61
St. Joseph	39.2	2.45
Somerset	20.1	1.26
Springfield	8.7	0.54
Stanton	10.7	0.67
Star Prairie	34.3	2.14
Troy	35.2	2.20
Warren	12.6	0.79
C. Glenwood City	198.1	N/A
C. Hudson	709.2	N/A
C. New Richmond	521.0	N/A
C. River Falls	555.2	N/A
V. Baldwin	498.0	N/A
V. Deer Park	104.8	N/A
V. Hammond	319.2	N/A
V. N. Hudson	1036.3	N/A
V. Roberts	748.9	N/A
V. Somerset	357.5	N/A
V. Star Prairie	102.4	N/A
V. Wilson	44.5	N/A
V. Woodville	362.5	N/A
St. Croix County	33.6	2.1

Source: U.S. Census Bureau 2000 Project communities are designated in bold type.

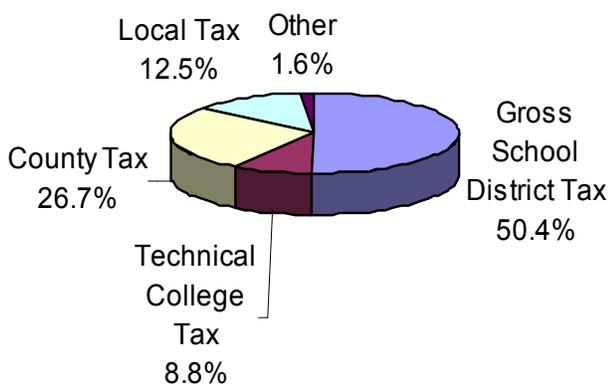
- The low housing units per 40 acres in the Town of Emerald as of 2000 indicates the town is still very rural in nature and the majority of housing in the town is very spread out.
- Rural residential development through 2000 had not had an impact on the housing density of the town.
- The Village of Deer Park has more housing units per square mile than similar communities such as Star Prairie and Wilson.

PROPERTY TAXES

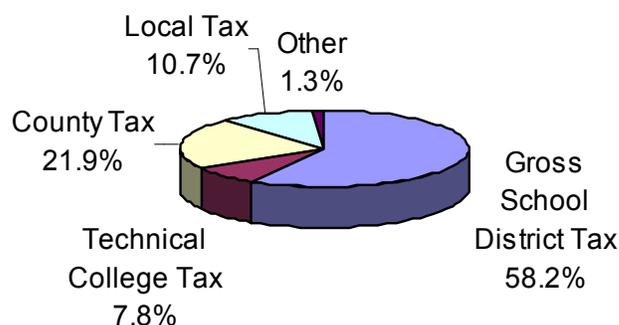
Property taxes can have a significant impact on land use and land use decisions. The state’s use value assessment of agricultural land is a good example of how taxation can impact decisions. Because the holding cost of agricultural land has been decreased by use value assessment, there are more opportunities for investors in the agricultural land market.

Taxation is analyzed for each community based on the 2005 and 2008 taxes using Department of Revenue data and tax analysis software. The first set of graphs looks at the breakdown of each municipality’s tax bill.

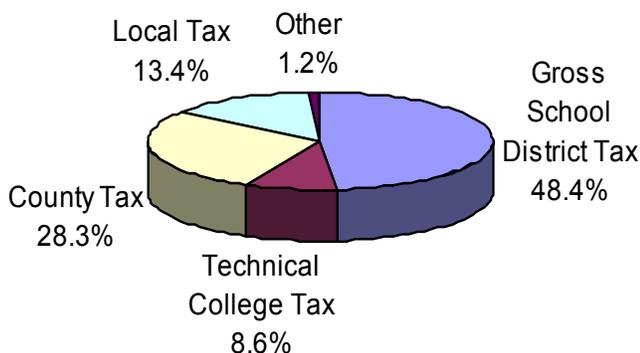
**Property Taxes by Source – 2005
All Wisconsin Towns**



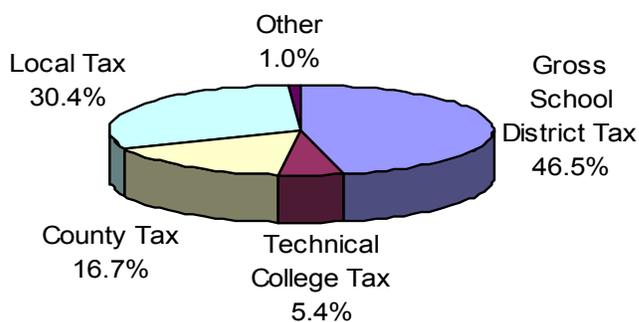
**Property Taxes by Source – 2005
All St. Croix County Towns**



**Property Taxes by Source – 2005
County Towns 501-1000 Population**

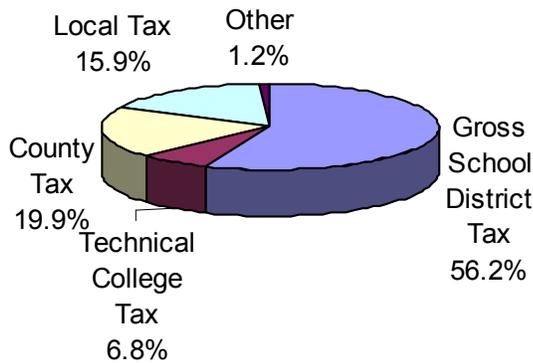


**Property Taxes by Source - 2005
Town of Emerald**

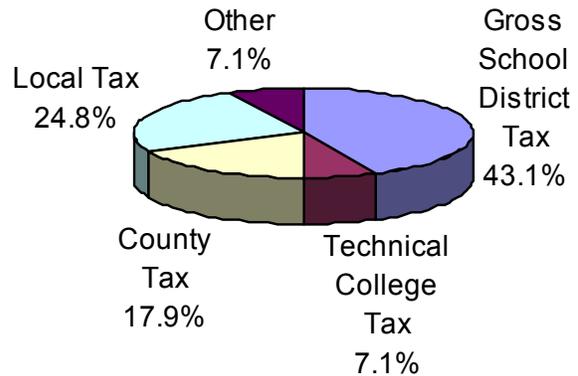


- Generally, the local schools account for the greatest share of local property taxes, ranging from 40 to almost 60 percent of all property taxes.
- In 2005, Emerald’s local tax share was around 30 percent, generally about 10 percent higher than similar-sized towns and other towns in St. Croix County and Wisconsin.
- The County tax share is lower in Emerald than in similar sized towns and other towns in St. Croix County and Wisconsin, this is probably due to the large amount of agricultural land in that town that is under use-value assessment.

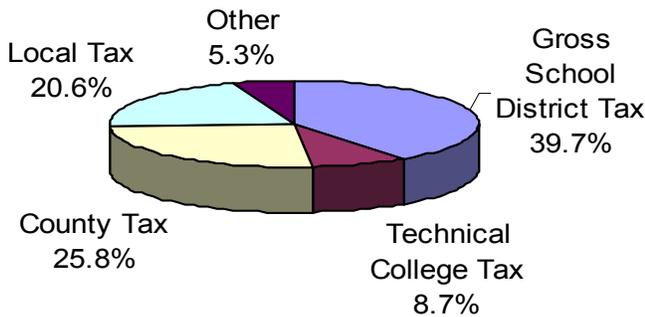
**Property Taxes by Source – 2005
Village of Deer Park**



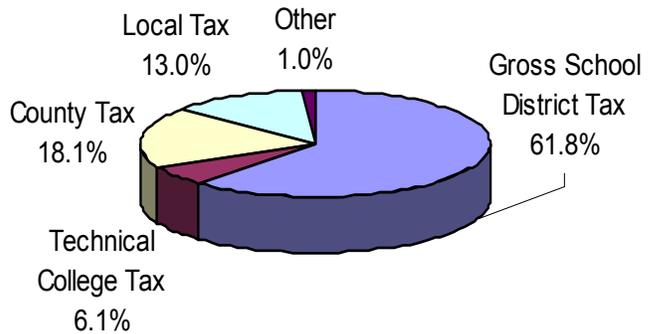
**Property Taxes by Source - 2005
All Wisconsin Villages**



**Property Taxes by Source – 2005
All Wisconsin Villages Below 500 Pop.**



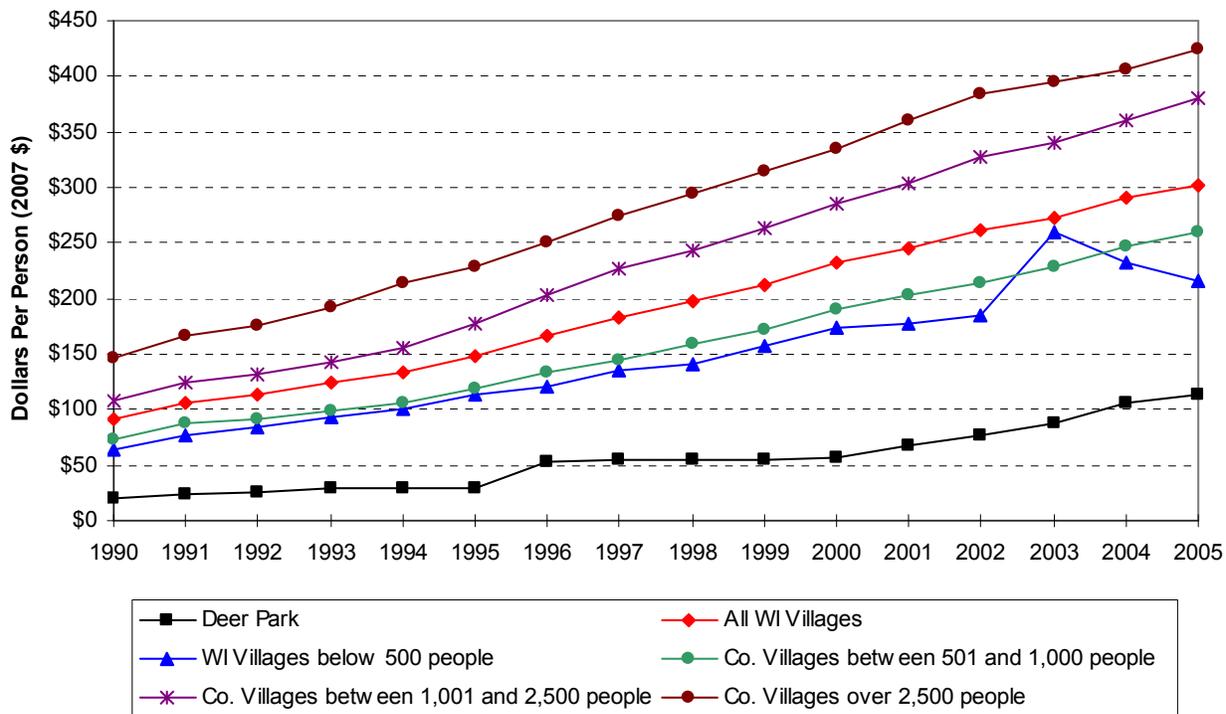
**Property Taxes by Source – 2008
Village of Deer Park**



- In 2005, the Village of Deer Park’s local taxes and other taxes, except school taxes, were lower than similar-sized communities and all Wisconsin villages.
- The school district portion of Deer Park’s tax bill was very high at 56 percent.
- In 2008, Deer Park had a very similar tax distribution by source, except that the school district taxes increased to almost 63 percent of the tax bill and all other categories decreased.

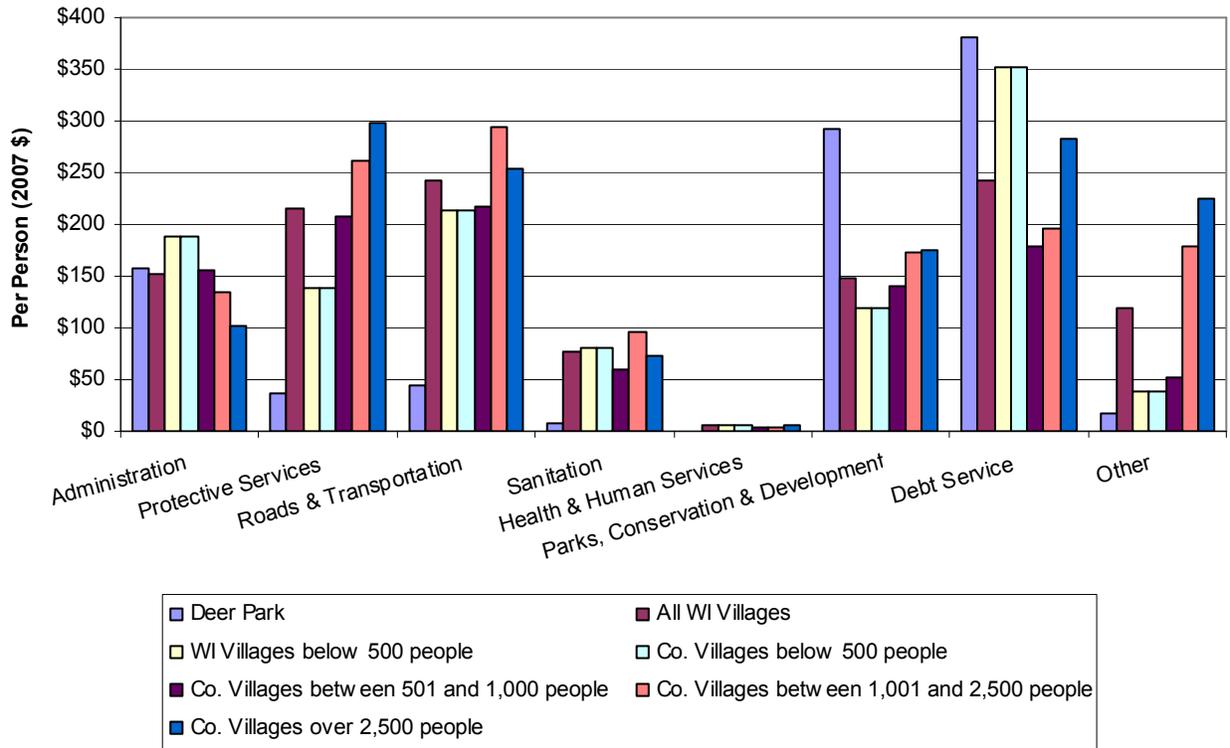
The next two graphs show how taxes per citizen have changed over a 15-year time frame and the local taxes per capita are then broken down by budget categories for each community in 2005.

Per Capita Local Tax – 1990 -- 2005
Village of Deer Park

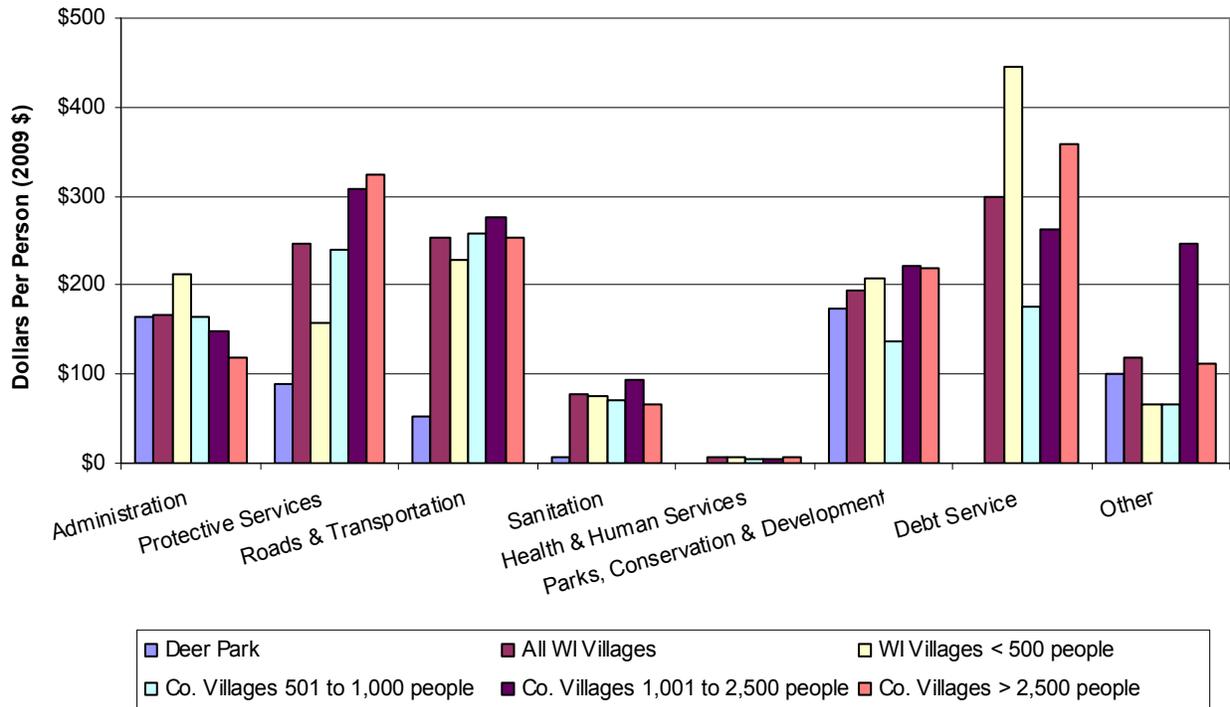


- From 1990 to 2005, the Village of Deer Park’s per capita tax rate was extremely low and remained below the per capita tax rate for similar sized Wisconsin villages and for all villages in St. Croix County.
- However, taxes per capita in the village quadrupled during that time frame, going from \$20 per capita to \$108 per capita.
- During the 1990s Deer Park had steady rates with slight increases except for a jump in 1996. However, starting in 2001 there were larger yearly increases, with the per capita tax rate increasing \$55 in 2000 to \$108 in 2005.
- By 2008, Deer Park’s local tax rate had increased to \$125 per capita.
- The steady increases in the tax rate can generally be attributed to the Village Board’s decision to increase the mill rate by the statutory allowed amount each year, bringing an additional \$800 annually in revenue.

**Per Capita Expenditures of Village Revenues -- 2005
Village of Deer Park**

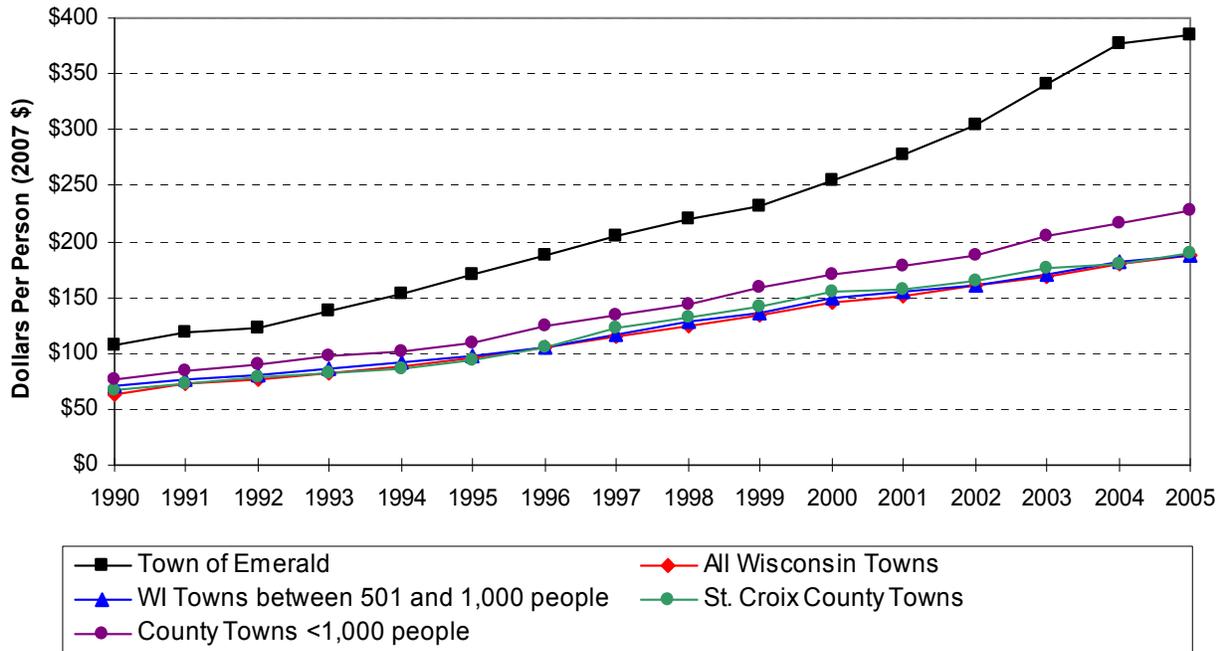


**Per Capita Expenditures of Village Revenues -- 2008
Village of Deer Park**



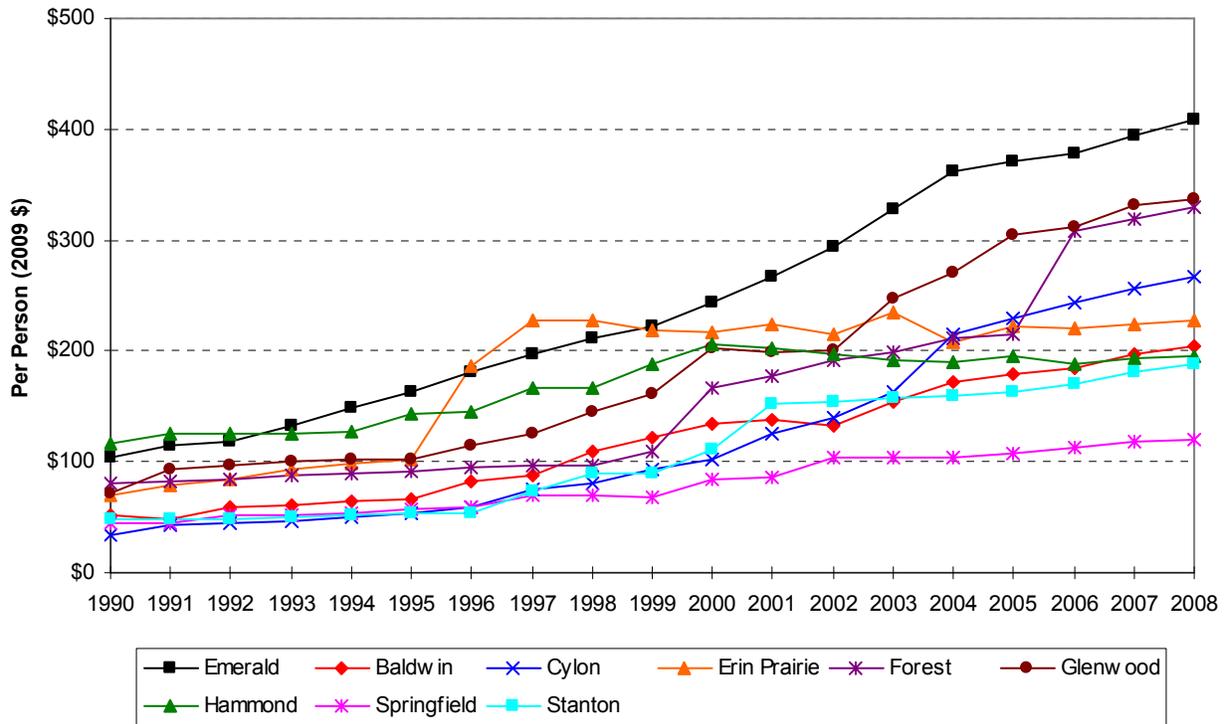
- In 2005, Deer Park's largest local expense was debt service which was \$381 per capita. This expense was also higher than other villages in the state and county.
- The second largest expense was parks, conservation and development at \$293 per capita. Both these expenses are significantly higher than other per person costs in the village.
- Generally Deer Park has very low expenses in comparison to other villages: roads and transportation \$45 per person, protective services \$37 per person, sanitation \$7 per person and health and human services \$0 per person. The cost of administration is slightly higher at \$157 per person.
- Generally Deer Park's expenses are less than similar-sized communities and all towns in the County and State, except for parks, conservation & development and debt service.
- Deer Park's 2005 debt service cost can be attributed to improvements to the sewage treatment system. Those costs are now being paid off through the monthly sewer bills.
- By 2008, Deer Park's debt service had dropped to zero; however, parks, conservation and development continued to be its highest expense at \$173 per person.
- The parks, conservation and development expenses are generally attributed to park acquisition, improvements and costs related to the deer herd.
- Other costs in 2008 were similar with some increases and some decreases from 2005: roads and transportation \$53 per person, protective services \$90 per person, sanitation \$6 per person, health and human services \$0.50 per person, other \$99 per person and administration \$164 per person.
- The 2008 protective services cost increased due to the purchase of a new rescue pumper truck.
- It should be noted that Deer Park's relatively small population can cause any increase in costs to have a seemingly large impact per capita. Also the village has experienced slight declines in population which has raised the per capita impact.

Per Capita Local Tax -- 2005
Town of Emerald



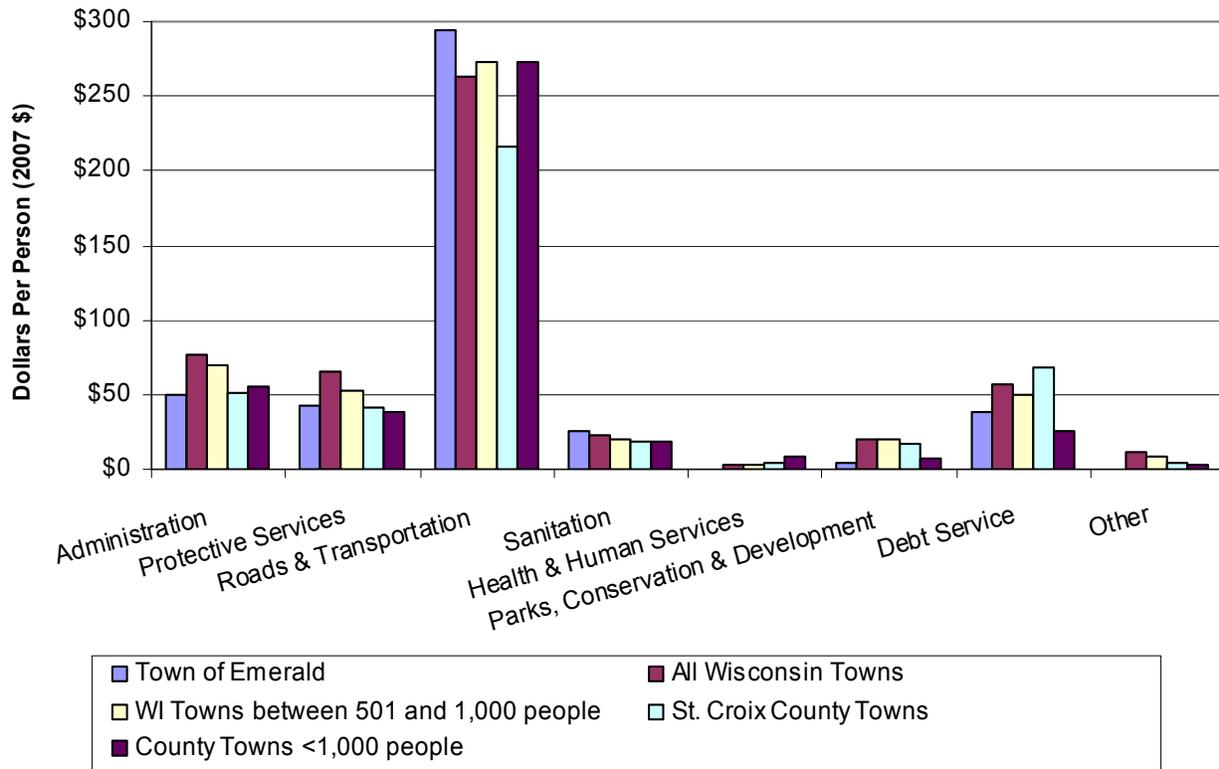
- From 1990 to 2005, the Town of Emerald’s per capita tax rate was well above the per capita tax rate for similar-sized towns and for all towns in St. Croix County and all of Wisconsin.
- During that time frame, Emerald’s taxes per capita increased steadily from \$108 per person to almost \$385 per person per year; an increase of 350 percent.
- Emerald’s taxes increases were consistent in the 1990, about \$15 per year. Since then they have increased more rapidly, about \$25 per year from 200 to 2002 and then in 2003 and 2004 jumping to \$35 per year. In 2005 the increase dropped to about \$10 per capita.
- The steady increases during a time of economic and population growth suggest expanding services and increasing costs for those services.
- The town has always had an aggressive program of road improvement and during that time frame replaced the town hall with a new site and structure.

**Per Capita Local Tax -- 2008
Emerald & Neighboring Towns**



- From 1990 to 2008, the Town of Emerald’s per capita tax rate was generally above the per capita tax rate for all neighboring towns.
- In the 1990’s the Town of Hammond had the closest per capita costs as Emerald.
- Since 2000 the Town of Glenwood and in recent years the Town of Forest had the closest per capital costs, although they were still \$60 to \$100 per capita below Emerald’s.

**Per Capita Expenditures of Town Revenues -- 2005
Town of Emerald**



- In 2005, Emerald’s largest local expense was town roads. The town’s road costs were higher than similar-sized towns and all towns in the County and all of Wisconsin.
- At \$295 per person, road costs are approximately six times the cost of the next largest budget item.
- Sanitation was another budget area where the cost was higher than similar-sized communities and all communities in St. Croix County and Wisconsin.
- Emerald’s other costs, administration, protective services, debt services, parks, and others are less than similar sized communities and all towns in the County and State.
- Administration costs \$50 per person, protective services costs \$43 per person; debt service \$40 per person; sanitation \$26 per person; and parks, conservation & development \$4 per person.
- Emerald’s sanitation expenses are relatively high because they include the drop-off site at the town drop-off center.

CONFLICTING LAND USES

Conflicting land uses in the Town of Emerald are related to the largely agricultural nature of the town. Generally conflicts can be seen between some residential uses, and agricultural uses, especially those related to large-scale farming operations, both animal and crop. There are also conflicts from non-metallic mining operations and residential uses whether in conjunction with agricultural operations or rural residential housing. Other possible conflicts stem from the diverse expectations of those people moving to the country and long-time residents. A final conflict is seen in the limited commercial, industrial and home occupation activities which occur in rural areas. The lack of convenient access to commercial facilities can be viewed very differently by rural residents.

Conflicting land uses in the Village of Deer Park are related to the fast-moving, heavy traffic on STH 46 and the very small community atmosphere found in the rest of the village. Generally conflicts can be seen between residents who wish to walk and enjoy the village's amenities and those who are just traveling through as fast as they can.



Town of Emerald has many sand and gravel deposits, as shown by this quarry in the town. As the site is reclaimed it may become part of the Emerald Valley Prairie Habitat Restoration Area. Photo by Rene' Speer.

Generally good information disseminated to all is one of the best ways to decrease or control conflicts. A rural living guide to help educate new rural residential residents about what to expect when choosing to live in a rural agricultural community has been developed by St. Croix County and a similar document has been developed by the Village of Deer Park for small-town living. These documents can help educate new residential residents about what to expect when choosing to live in an agricultural or small-town community and should improve understanding about conflicting uses. The County guide can be customized with local information regarding issues of concern, rules and regulations and where to find assistance specific to the Town of Emerald.

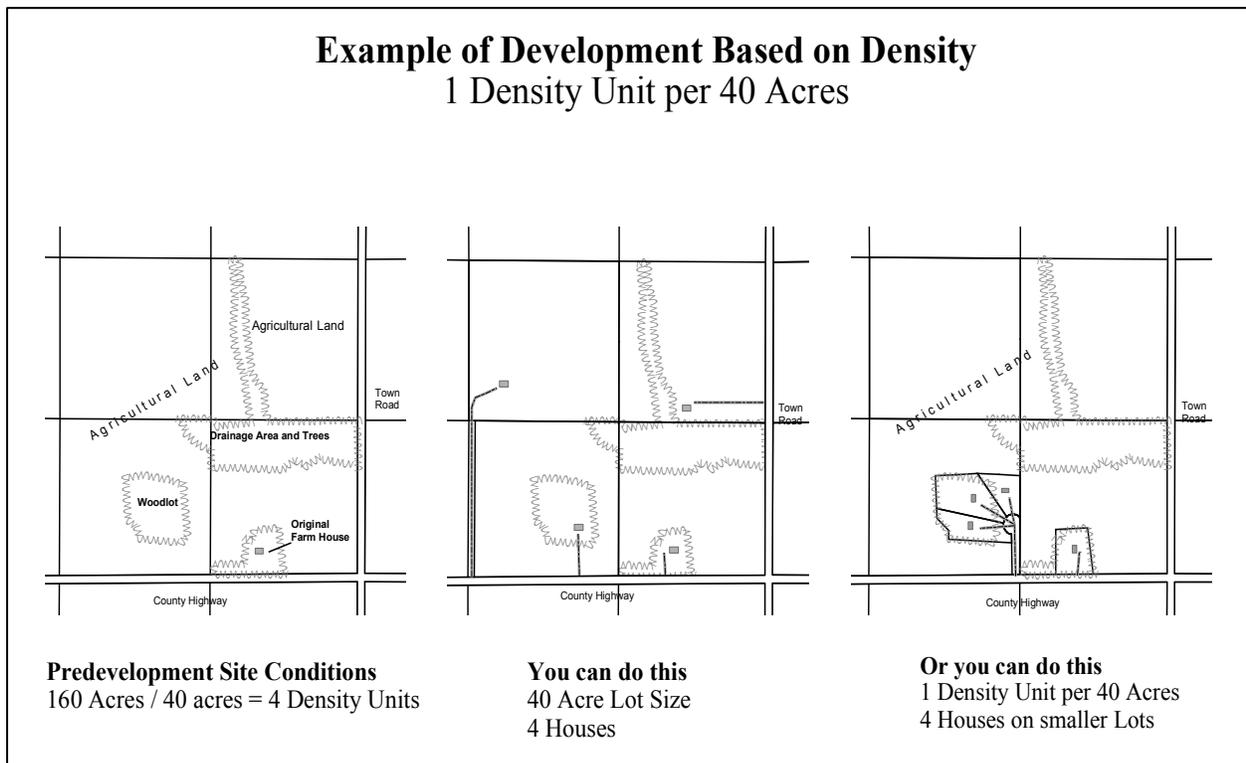
Another possibility is to develop a website where information on living in the community, upcoming meetings, minutes, plans and regulations will be posted for convenient public access.

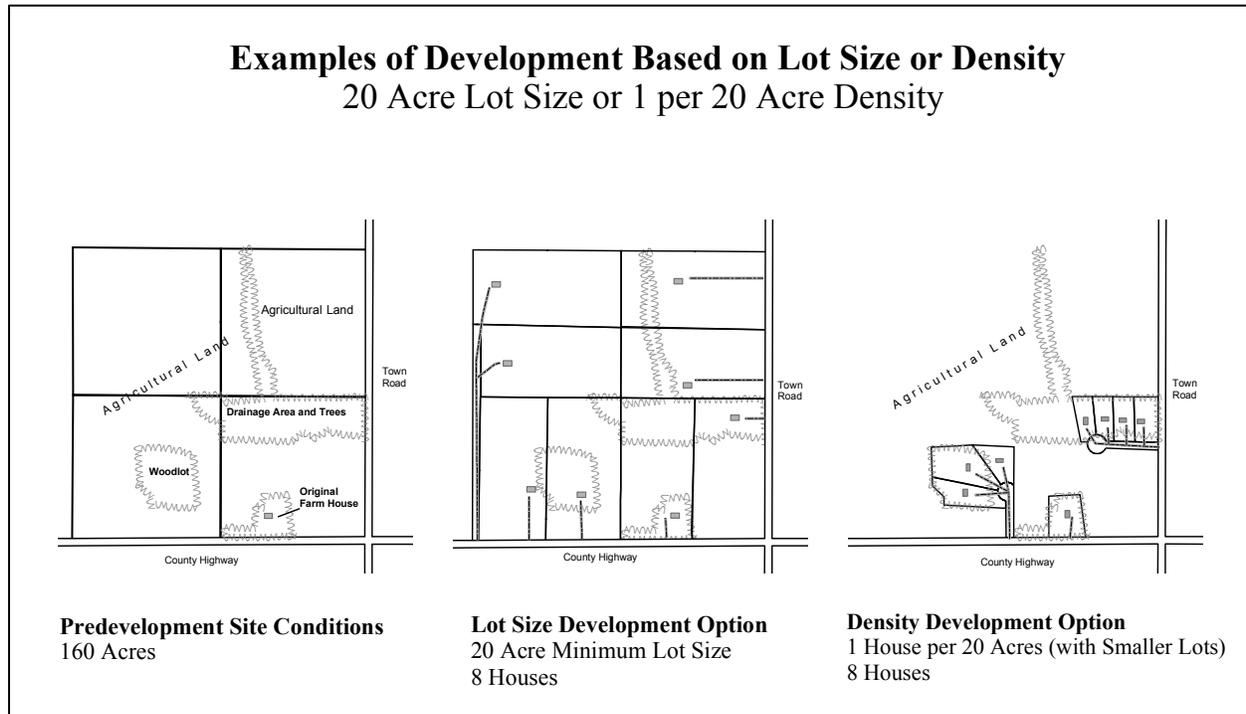
Since 2007, the downturn in the economy and housing slump has created a new set of issues for village and town residents. Foreclosures, empty houses and vacant lots have created concerns regarding property maintenance, property values, conversion of land back to agriculture and declining sales and values. Better information allows informed decisions regarding existing and future land uses and their impact on the community.

LAND USE ALTERNATIVES

DENSITY BASED DEVELOPMENT REGULATION

Density based development regulation is a tool to allow communities to regulate the amount of development and the size of lots separately from each other. Historically, communities have set the amount of development (maximum density) and the minimum lot size at the *same* number, i.e. 35 acre minimum lot size = 1 house every 35 acres, 5 acre minimum lot size = 1 house every 5 acres. With a density-based approach these two standards are separated. Minimum lot size regulations set how big individual home sites or lots must be. Maximum density regulations set how many home sites or lots can be divided from a larger parcel regardless of how big individual home sites or lot size must be. Establishing maximum density standards in addition to minimum lot sizes is density based development regulation. The figures below illustrate this concept.



**Advantages:**

- Often provides low to medium income housing.
- Enables the developer to earn a greater return on their investment.
- Focus increased development density within selected portions of the community.
- Can achieve environmental, agricultural and social benefits of greater variety of housing types, required open space, agricultural preservation and protection of environmentally sensitive areas.

Disadvantages:

- Limits flexibility on what can be constructed and where.
- Focuses more development in rural areas where land is readily available and relatively inexpensive.
- Consumers may not want development.
- Occasionally promotes monotonous development patterns.

TRANSFER OF DEVELOPMENT RIGHTS

Transfer of Development Rights (TDR) is an incentive-based tool used by some communities to help achieve land use goals – generally at little or no public expense. TDR is usually used in concert with other land use tools such as zoning and subdivision regulations. Although it is used to achieve community objectives, the concept of TDR is fundamentally linked to private property rights. All owners of private property in the United States hold with it an interest in a “bundle of rights.” Sticks in the bundle may include the right to maintain the present land use, the right to mine or excavate and the right to build or subdivide. These rights may be limited through laws like zoning enacted by government. TDR suggests that the right to develop property can be transferred from one property owner’s bundle to another owner’s bundle.

TDR programs can be modest or broad in scope they can include a few or nearly all property owners. However, there are some essential features shared by nearly all TDR programs.

A TDR program allow the transfer of one or more rights to develop from properties that a community desires to preserve or prefers not to see developed to properties where a community is willing to accept development. A community can identify and designate areas to preserve or limit development for a variety of reasons including protecting productive farmland, environmentally sensitive areas, open spaces, scenic areas, historic buildings, etc. Landowners in these areas are restricted from developing their land to its maximum economic use through zoning and other regulation. These landowners, however, can move, send or sell their development rights to areas where the community encourages development.

- The sale (“transfer”) of one parcel’s development rights (the “sending” parcel) to the owner of another parcel (the “receiving” parcel) allows more development on the receiving parcel while reducing or preventing development on the sending parcel. A conservation easement or deed restriction is placed on the sending parcel to prevent further development in either the short term or long term depending on the adopted regulations.

When a land owner sells development rights, development of that property is prevented through a deed restriction or conservation easement. All other rights remain with the property. For example, a farmer who transfers a development right retains title to the land and may continue farming. Through the sale of development rights, TDR allows property owners to achieve some to all of the economic gain that could otherwise be realized through actual development of their property.

A conservation easement is:

A less-than-fee, non-possessory interest in a parcel of land, recorded by a real estate deed. Acquired by public agencies or private conservation organizations through purchase or donation.

The holder of the underlying possessory interest retains certain rights to the land (e.g., the right to sell, the right to farm, the right to hunt).

The holder of the easement has the right to prevent certain activities on the land consistent with the terms of the easement.

May prohibit all ground-disturbing activity on a parcel. May last for a specified term or be a perpetual restriction on the use of land.

A deed restriction is:

A limitation recorded against a deed and filed in the Register of Deeds Office.

Landowners may purchase development rights from other landowners. Communities usually designate on a land use map where new or additional development is appropriate. Criteria for determining areas where development should be located could include: good access to transportation networks, poorer farm lands, access to public sewer and water systems.

Typically the use of transferred development rights allows the areas where development is acceptable to develop at higher densities than would otherwise be allowed. For example, a land owner may be permitted to building only 1 house under her property’s base zoning but with the use of transferred development rights, the property owner may be able to develop 4, 6, etc. houses. The system must be constructed so that landowners that purchase development rights

can enjoy a greater economic return on their properties by purchasing and using development rights than by developing under the standard rules.

Development rights or TDRs are bought and sold in a private market much like real estate. Their price, therefore, is dictated by the laws of supply and demand. Public involvement and expense is generally limited once a program is established.

Advantages:

- Provides landowners with options.
- Can protect large tracts of sensitive areas, such as endangered resources, viable agricultural soils and drinking water supplies.
- Provides financial incentives for landowners in both sending and receiving areas.
- Can allow developers in receiving areas to build increased density developments above and beyond normal zoning regulations.
- Provides certainty about where development will happen.
- Creates incentive for developers to buy development rights.
- Creates a competitive market between buyers and sellers.

Disadvantages:

- Complex and difficult to administer.
- For this program to work there must be development pressures in both sending and receiving areas.

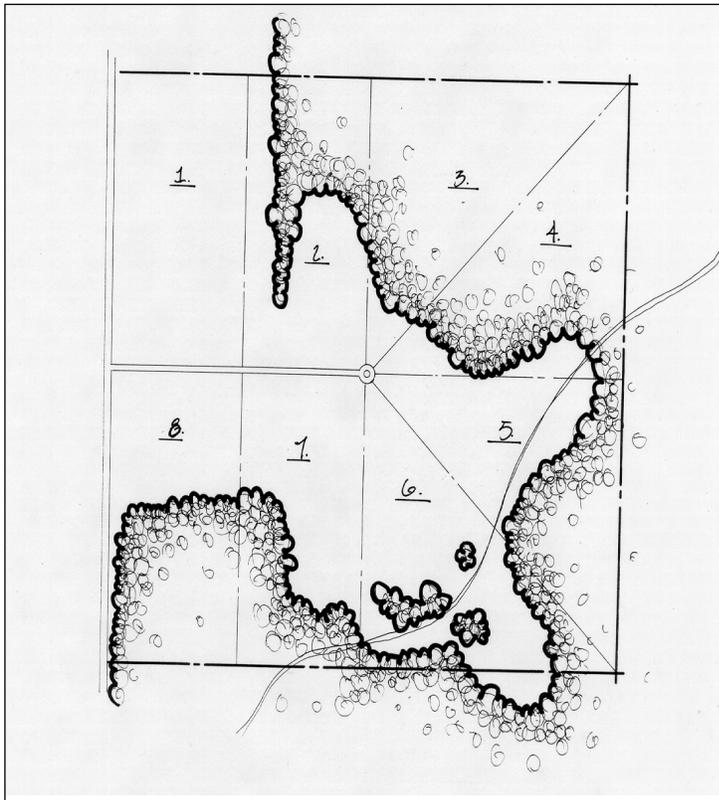
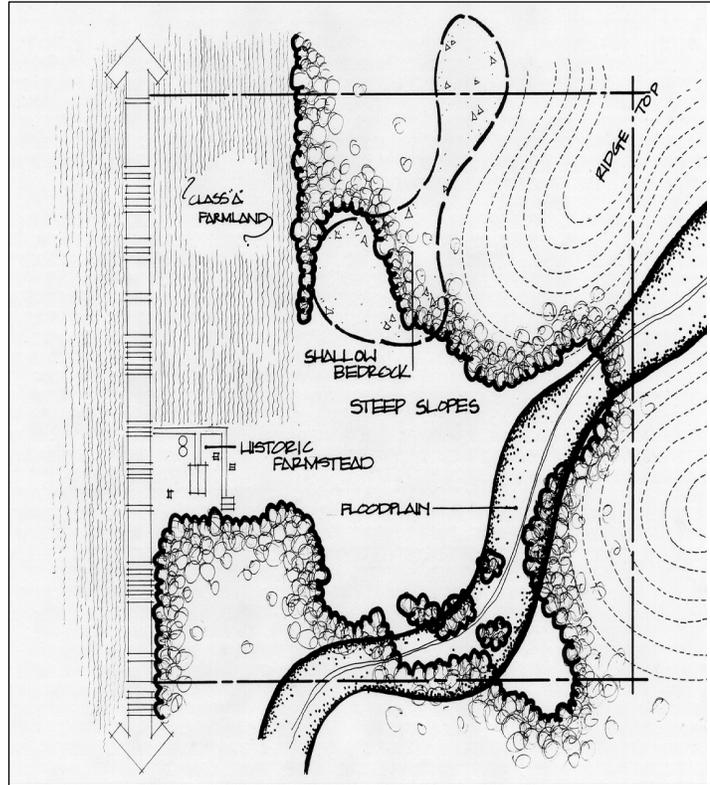
CONSERVATION DESIGN SUBDIVISIONS

Conservation design development, or conservation design, is a subdividing method that focuses on maintaining open space and conserving significant natural and cultural features. This is accomplished by preserving a significant portion of a development site as undivided open space with the remaining land used for the house lots and necessary roads. The open space is permanently preserved through conservation easements. It is important to note **that a conservation design subdivision provides the developer with the same number, or possibly more, lots than could be accomplished through a conventional subdivision.**

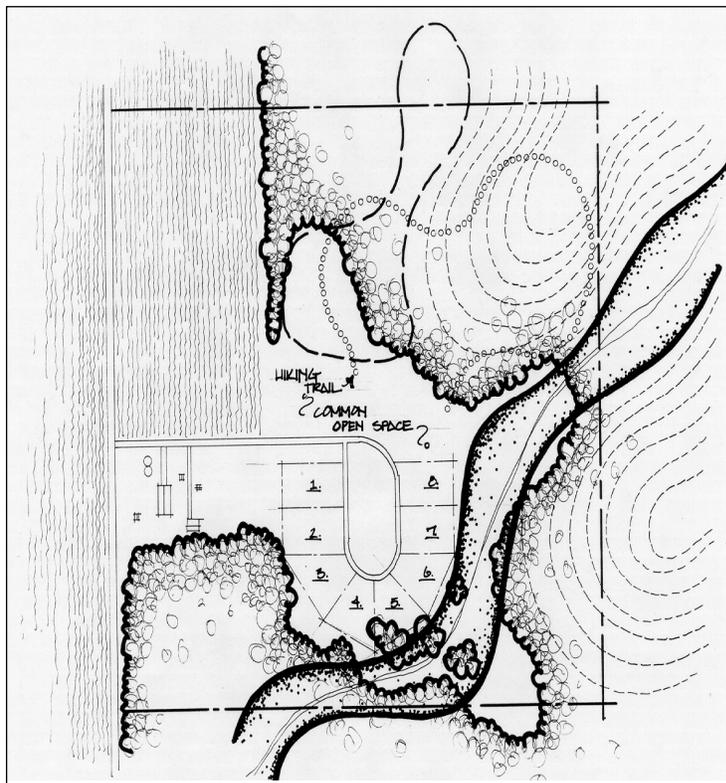
As a method for maintaining desired rural character in towns that allow major subdivisions, the conservation design development concept can be a key tenet of the comprehensive plan. This technique can help towns preserve many of the natural and agricultural features that first attracted new residents by improving the design of future residential developments.

The conservation design example below uses the same number of house lots from the conventional layout but completely alters the design by simply reducing the lot size and being sensitive to the environmental features in order to preserve farmland. The following sketches are from “A Model Ordinance for a Conservation Subdivision” prepared by the University of Wisconsin Extension.

Step 1: Inventory and mapping of existing resources for a hypothetical 40-acre site.



Step 2: Development yield as permitted under existing ordinances (zoning, etc.) for the 40-acre site and assuming a 5-acre minimum lot size zoning standard. Eight lots would be permitted under this scenario.



Step 3: Concept map of the conservation subdivision showing the eight lots that would be permitted, plus the historic farmhouse, which would be preserved, for a total of nine dwelling units.

The following are some observations from comparing the conventional subdivision to the conservation design subdivision:

- Conventional layout – all parts of the tract are either house lots or roads.
- Conservation layout – close to half of the site is undivided open space or agricultural land that can be permanently preserved.
- Conventional layout – view from across the road to the trees and creek is disrupted, and houses can be seen in all parts of the development.
- Conservation layout – view from across the road to trees and creek is almost entirely preserved.
- Conventional layout – only four property owners have access to parts of the creek.
- Conservation layout – all property owners have access to the length of the creek.
- Conventional layout – no common space; each lot owner only has use of his own five-acre parcel.
- Conservation layout – creates a number of common open space areas with a large area remaining for active agricultural use.
- Conventional layout – no pedestrian-ways unless sidewalks are included in the construction of the roads.
- Conservation layout – trail network can be completed and can link with neighboring subdivisions.
- Conventional layout – no area for neighborhood facilities.

- Conservation layout – central green area can include children’s play area, shelter, or other amenities.

Given the strong desire of residents to retain rural character and preserve natural features and farmland, conservation design subdivisions offer a preferable alternative to typical subdivisions with large house lots blanketing entire tracts of land.

There are several recommendations relating to conservation design developments.

They include:

- Conservation design should be the preferred method for future major residential subdivisions.
- Require a minimum of 50 percent or more of the acreage of the conservation design subdivision to be dedicated to open space, natural areas or agricultural uses. The 50 percent or more requirement can include undevelopable land, such as wetlands, creeks and other water features, in the calculation.
- Prime agricultural land, in addition to natural resource features, such as wetlands, steep slopes and floodplains, should be included within the preserved open space to the greatest extent possible. Additional features that the town feels adds to its rural character, such as blocks of upland woods, should be identified as secondary conservation areas and are preferred for the balance of the open space areas, if needed.
- The open space within the conservation design subdivisions should be owned by any of the following four entities: land trust, homeowners association, individual landowner or town and should be spelled out and agreed upon in writing before the subdivision is approved.

NATURAL LIMITATIONS TO DEVELOPMENT

Decisions on land use are based on a variety of factors both internal and external to a particular site. Some factors are beyond a property owner’s control, i.e. government regulation, the economy, interest rates and market demand. Other factors, such as management, are completely controlled by the property owner. However, these factors can and will change over time, whereas the natural physical features of the site are usually unchangeable or change is severely limited. Physical features, such as soil type, soil productivity, slope, wastewater treatment capacity, depth to groundwater, depth to bedrock, environmental sensitivity, etc., can direct or limit land use alternatives for a property owner. For specific details on the natural physical features that can impact land use alternatives and decisions please see the Natural Resources Section, page 161.

SUPPLY & DEMAND

The following tables provides information from St. Croix County’s property records on the number of lots that have been created in each municipality since 2000 but which have no improvements on them. The numbers provided reflect 2008 assessment data. Lots may have been created or improved after the 2008 assessment.

**Unimproved Lots Developed From 2000 -- 2008
St. Croix County**

MUNICIPALITY	LOTS	% OF TOTAL
Baldwin	3	0.08%
Cady	2	0.06%
Cylon	3	0.08%
Eau Galle	32	0.88%
Emerald	4	0.11%
Erin Prairie	14	0.39%
Forest	0	0.00%
Glenwood	4	0.11%
Hammond	332	9.18%
Hudson	176	4.86%
Kinnickinnic	31	0.86%
Pleasant Valley	15	0.41%
Richmond	379	10.48%
Rush River	2	0.06%
St. Joseph	136	3.76%
Somerset	242	6.69%
Springfield	8	0.22%
Stanton	0	0.00%
Star Prairie	135	3.73%
Troy	327	9.04%
Warren	40	1.11%
V. Baldwin	53	1.46%
V. Deer Park	0	0.00%
V. Hammond	4	0.11%
V. North Hudson	40	1.11%
V. Roberts	100	2.76%
V. Somerset	166	4.59%
V. Spring Valley	1	0.03%
V. Woodville	59	1.63%
C. Glenwood City	5	0.14%
C. Hudson	283	7.82%
C. New Richmond	810	22.39%
C. River Falls	212	5.86%
St. Croix County	3618	100.00%

Source: St. Croix County Planning & Zoning Land Information April 2009.
Project community is designated in bold type.

**Average New Construction Addresses Issued
1994 -- 2009
St. Croix County Towns**

MUNICIPALITY	AVERAGE # ADDRESSES ISSUED	% OF TOTAL
Baldwin	6	1.51%
Cady	7	1.66%
Cylon	4	0.88%
Eau Galle	11	2.66%
Emerald	7	1.57%
Erin Prairie	3	0.80%
Forest	3	0.80%
Glenwood	5	1.13%
Hammond	29	7.09%
Hudson	88	21.30%
Kinnickinnic	15	3.61%
Pleasant Valley	4	0.97%
Richmond	45	10.90%
Rush River	4	0.91%
St. Joseph	28	6.80%
Somerset	56	13.49%
Springfield	8	1.84%
Stanton	2	0.56%
Star Prairie	39	9.43%
Troy	47	11.43%
Warren	14	3.36%
St. Croix County	413	100.00%

Source: St. Croix County Planning & Zoning Addressing & Sanitary System Records December 2009.
Project community is designated in bold type.

- As of 2008, there were 3,618 unimproved lots available for development in St. Croix County that had been created since 2000.
- The highest number of unimproved lots, 810, was found in the City of New Richmond, representing about 22 percent of the total supply.
- The Town of Emerald's four unimproved lots indicates excess lots were generally not developed in the town. Instead, since 2000 rural development has occurred in response to planned property sales.
- With zero unimproved lots, the same is true in the Village of Deer Park; since 2000 lot development occurred in response to specific sales rather than speculative development.
- Since 1994, construction has occurred on approximately 413 lots per year in St. Croix County, based on the County's address and sanitary system records.
- During this same 15 year time frame, construction has occurred on approximately seven lots per year in the Town of Emerald.
- Based on the estimated number of undeveloped lots and the historic rate of construction development, the County's current supply of lots should last about nine to 10 years.
- Unlike many communities in St. Croix County, Emerald and Deer Park are not faced with an excessive inventory of unimproved lots.