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Introduction

Well-designed, safe, and quality housing choices are vital to healthy communities. Housing choices give communities character and establish a connection between residents and their neighborhoods. Traditionally, most towns have a high percentage of single-family homes, often with few other housing choices available. This is of some concern because other types of housing are often needed to meet the needs of different residents, particularly aging residents. In developing the 20-year plan for the Town of Empire, the existing housing stock has been reviewed and recommendations made to meet the Town's housing needs over the next 20 years. This plan includes specific goals and objectives to ensure that housing choices exist for all stages and conditions of life and the vision described below can be achieved.

To learn more about housing, also see these chapters...

- Information about **zoning** is provided in the Land Use Chapter.
- Information about the **sanitary districts** is provided in the Utilities & Community Facilities Chapter.
- Information about the **location and density of future housing** is provided in the Future Land Use Chapter.

Housing Vision

In 2025, the Town of Empire offers rural residential living choices in harmony with the Town's natural and geologic landscape. Single-family homes within planned subdivisions designed to be sensitive to their natural setting and on large rural parcels are the Town's primary housing choices. Town codes, ordinances, and the Comprehensive Plan promote attractive housing with abundant green spaces, distant scenic views, trails, and other amenities in areas identified for residential development.



Housing Data and Trends

In 1990, there were 776 housing units in the Town of Empire. Based on the 2000 U.S. Census, this number grew to 944. This translates to a 21.6% percent increase in total housing stock over the 10-year period. By comparison, over the same period, the supply of housing in Fond du Lac County as a whole increased by 20.3%.

The housing supply in the Town consists mostly of single-family homes, with few other choices available. The Town recognizes that single-family homes may not be suitable for or desired by everyone. Some people are not able to afford a single-family home. Others may not be able to physically handle the maintenance necessary to keep up a home and yard. Still others may simply prefer living in an alternative style of housing. Given the rural nature of the Town and limited infrastructure, it is not feasible to provide apartments, condominiums, and other higher density housing choices that would traditionally require water and sewer service. These types of housing options are available nearby in City of Fond du Lac. However, it is possible that a senior housing development (i.e. rural assisted living facility) or perhaps even some townhomes could develop in Empire if the market demand is sufficient to make such projects financially feasible. The rising numbers of elderly residents moving out of the Town (refer to Chapter 3) suggests a market for senior housing may exist locally.

94.6% of the Town’s housing supply is owner occupied and the remaining 5.4% is classified as rental-occupied housing (2000 Census). The Town’s share of owner-occupied housing has grown steadily over the last several decades. This is due primarily to the fact that alternative housing choices (i.e. duplexes, multi-unit buildings) once available in the Town have been annexed to the City of Fond du Lac. Accordingly, as seen in Table 14, the Town’s share of single-family housing units has risen steadily as other types of housing choices have decreased.

TABLE 11 TOTAL DWELLING UNITS BY STRUCTURAL TYPE IN THE TOWN OF EMPIRE						
Housing Type (Units in Structure)*	1980		1990		2000	
	Number	Percent	Number	Percent	Number	Percent
Single Family Detached	610	88.53%	735	88.45%	894	94.7%
Duplex	19	2.76%	6	0.72%	11	1.2%
3 or 4 unit	2	0.29%	6	0.72%	0	0.0%
5 or more	5	0.73%	26	3.13%	5	0.5%
Mobile Homes/Other	53	7.69%	58	6.98%	34	3.6%
Total Housing Units	689	100.0%	831	100.0%	944	100.0%

SOURCE: 1980, 1990 & 2000 U.S. Census

* Town records (based on garbage collection) indicate there are fewer 5 or more unit structures than indicated by census records.

Table 15 lists the number of units and the corresponding percent of housing stock by year built. In each decade since 1950, the Town has experienced double-digit housing growth rates - with the greatest growth period occurring in the 1970s. The growth rate over the last two decades has been nearly identical. This information demonstrates that while the Town’s population has grown each decade, the growth has been consistent – not skyrocketing out of proportion.

TABLE 12 AGE OF HOUSING STOCK		
Year Structure Built	# of Units in the Town	% of Total Town Housing Stock
1990 to 2000	161	17.1%
1980 to 1989	168	17.8%
1970 to 1979	240	25.4%
1960 to 1969	130	13.8%
1940 to 1959	96	10.5%
1939 or Earlier	149	15.8%
Total	944	100.0%

SOURCE: 2000 U.S. Census

It must be noted here that the Town’s growth rate has continued, despite lands lost to annexation. That means that while land area has decreased, the amount of new development has not. As a result, more people living in a smaller total area. This translates into an increased demand on local infrastructure (i.e. groundwater, sanitary systems, roads, and natural resources).



Example of a Rural Residence in the Town of Empire WI

Age and Quality of Housing Stock

Understanding the relative age of the housing stock in a community is an indicator of the quality of available housing. Given the steady growth rates in the Town's housing stock as demonstrated in Table 15, a significant share of the Town's housing is relatively modern – built with modern building technologies and code requirements. As a result, extensive maintenance issues are likely less in Empire than in a community with a sizeable share of homes that are more than 50 years old.

Age alone, though, is not the best measure of housing condition. To be more accurate, a visual assessment of the housing stock is helpful. Such an assessment is commonly referred to as a “windshield survey” because it involves driving or walking through the community and evaluating each housing unit based on visual appearance. The theory is that exterior condition generally correlates with interior conditions. OMNNI Associates, the Town's planning consultant, completed a windshield survey in the spring of 2005. The following types of homes were found:

- **Rural Subdivisions.** There are a several subdivisions in the Town. Generally, these subdivisions are concentrated west of CTH UU. Since December 1998, the *Town of Empire Land Division Ordinance* has required 20% open space to be set aside in new subdivision developments (in addition to undevelopable areas). The homes in these subdivisions appear to be very well maintained. Homeowners in these neighborhoods seem to take great pride in their homes, as is demonstrated by their well-maintained appearance.
- **Lakefront Housing.** All the frontage of Lake DeNeveu is privately owned. Homes and cottages line the lake frontage. This housing is the most densely situated in the community. Some of these units appear to have been developed as seasonal cabins. A few of the homes appear to still be used only seasonally. This leads to some concerns about maintenance and structural durability.
- **Scattered, Rural Residences.** These homes are situated throughout the Town, primarily along Town Roads (as compared to subdivision streets), where it is easier to secure a driveway permit (as compared to the state highway and county trunk highways). Some of these homes were built for the children of area farmers. Others were constructed more recently by outside purchasers. Generally the condition of these homes appears to be very good with few noticeable repairs necessary.
- **Farmhouses.** Historic family farmhomes are spread across much of the Town of Empire, particularly east of CTH UU. These homes were among some of the oldest in the community. While some minor repairs appeared to be needed to some of these homes (i.e. paint, roof shingles, etc.), the vast majority appeared to be sufficiently maintained. No occupancy or safety concerns were observed.



Two examples of subdivision developments in the Town of Empire



Certainly, there are other types of housing, including mobile homes, in the Town of Empire. However, these other types of housing choices are not as prevalent on the landscape, nor are they expected to become a significant share of the overall housing supply in the future. The condition of these units was not extensively evaluated as part of the windshield survey.

It is important to note that the Town of Empire has adopted the Uniform Dwelling Code (UDC). Enforcement of the UDC helps to promote quality housing in the Town.

Occupancy Rates¹

For a housing market to operate efficiently, it must possess an adequate supply of available housing units (units for sale or rent). Healthy housing markets are often described based on the supply of available housing units. Such supply should be sufficient to allow for the formation of new households by the existing population, to allow for in-migration, and to provide opportunities for households to change their housing because of a change in household size or status.

Since 1980, the occupancy rates in both the Town of Empire and Fond du Lac County have remained fairly constant. In 2000, the vacancy rate for owner-occupied housing units in the Town was 0.5% and the rental vacancy rate was 2.0%. By comparison, the owner-occupied housing unit vacancy rate in Fond du Lac County was 1.3% in 2000 and the rental vacancy rate was 7.7%. With such low vacancy rates, people seeking to move into the Town generally need to build a home to accommodate their desire to relocate. It is important to note here that lower vacancy rates are not uncommon in townships. In fact, the Town of Empire's vacancy rate is comparable to surrounding townships. In the Town of Empire, the low vacancy rate is a strong indicator of the desirability of the community as a place to live.

Cost of Housing²

The available supply, age and condition of the housing stock are the basis for determining the demand for and cost of housing. In 1990, the median housing value was \$87,200 for owner-occupied units in the Town of Empire. This was about 56% higher than the 56,000 county median value. Approximately 7% of the homes in Empire were valued less than \$50,000, compared to almost 40% of all housing units in the county as a whole.

¹ According to U.S. Department of Housing and Urban Development (HUD), an overall available vacancy rate of 6.5% (1.5% for the owned portion of a housing stock and 5.0% for the rented portion) is required to allow for an adequate housing choice among consumers. The overall available vacancy rate for Wisconsin is 4.75% for rentals and 1.14% for owner occupants (WI Dept. of Commerce, 2000 Consolidated Plan). Vacancy rates vary from one community to the next. High vacancy rates offer a degree of competition in terms of price. The available vacancy rate of a housing market is a good indication of the adequacy of the housing supply, which in turn helps dictate the cost of housing.

² The median home values are as provided by the U.S. Census in the year data was collected and do not account for inflation.

What is the UDC?

The state's Uniform Dwelling Code (UDC) for one- and two-family homes has been enforced statewide as of January 1, 2005. Previously, municipalities with 2,500 residents or fewer could decide whether to enforce the UDC. The law requires that builders or prospective new homeowners of one- and two-family dwellings obtain a Wisconsin Uniform Building Permit before construction from the municipality, county or state-contracted inspection agency that is enforcing the code. The complete code is available from the Wisconsin Department of Commerce web site at: www.commerce.state.wi.us.

By 2000, the median housing value was \$157,900 –81% increase above the value in 1990. By comparison, the Town of Empire’s median housing value remained 56% greater than the Fond du Lac County median value (\$101,000). Table 16 compares the 2000 median home values in the communities surrounding the Town of Empire. The Town of Empire has the highest median home value of its surrounding communities.

TABLE 13 MEDIAN HOME VALUE COMPARISON		
Community	2000 Median Home Value	% of County Median
Town of Empire	\$157,900	156%
Town of Fond du Lac	\$142,100	141%
Town of Forest	\$120,600	119%
Town of Taycheedah	\$144,200	143%
City of Fond du Lac	\$91,200	90.3%
Fond du Lac County	\$101,000	NA

SOURCE: 2000 U.S. Census

Table 17 provides a detailed breakdown of the 2000 Census information pertaining to the value of owner-occupied housing units in the Town of Empire. This table does not reflect units built since 2000.

TABLE 14 2000 OWNER-OCCUPIED HOUSING VALUE		
Cost Range	Number of Town Units	% of Town Housing
Less than \$50,000	3	0.4%
\$50,000 to \$99,999	66	9.8%
\$100,000 to \$149,999	241	35.9%
\$150,000 to \$199,999	151	22.5%
\$200,000 to \$299,999	120	17.9%
\$300,000 to \$499,999	82	12.2%
\$500,000 or more	8	1.2%

SOURCE: 2000 U.S. Census

Based on 671 Town housing units reporting from the long Census form - as such, numbers in any particular category may be higher

With respect to rental housing, there were 49 renter-occupied housing units in the Town (2000 U.S. Census). The median monthly contract rent rate in the Town was \$539 (based solely on 2000 U.S. Census data). These rates do not include utilities. These rates are nearly equal to the 2000 median monthly contract rent rate for Fond du Lac County (\$500). Given that the Town’s rental units do not include apartments and other higher density housing choices which are reflected in the than the overall county figures, the Town’s housing rental housing costs are particularly impressive - demonstrating the comparable affordability of rental housing in the Town.



Apartment at the Corner of CTH UU and CTH H

Housing Affordability Analysis

The Wisconsin Comprehensive Planning Law requires communities to promote the availability of land for the development or redevelopment of low-income and moderate-income housing to promote affordable housing choices. The Town of Empire does not have an abundant supply of low- or moderate- income housing and a market for these types of housing units is not anticipated in the future. In fact, the *1998 Town of Empire Comprehensive Plan* recommends against the development of multiple family housing within the Town.



Colonial Gardens Mobile Home Park offers an affordable housing choice in Empire.

For the Town of Empire, providing affordable housing is best addressed through coordination with the City of Fond du Lac, which offers these types of housing choices in close proximity to the Town. This approach to affordable housing is appropriate for Empire because the Town:

- Does not have access to regular mass transit service across vast areas of the community to provide affordable transportation to residents in need and the Town does not have a density of development that makes future service economically viable; and
- Does not have a major employment center and will likely not have such a center develop given its proximity to the City of Fond du Lac.

Senior Housing

There are no senior housing facilities in Empire. Residents in need of nursing care or assisted living environments find a wide variety of living options available in the City of Fond du Lac including: independent living condominiums, subsidized and non-subsidized independent living apartments, assisted living facilities and nursing facilities. Should a developer decide to establish a senior housing facility in the Town of Empire, the *Town Zoning Ordinance* provides requirements for such uses.



Rural Subdivision Development West of Oak Road on CTH H) is Representative of the Single Family Housing Choices Available for Seniors in Empire.

Housing Choices

The Wisconsin Comprehensive Planning Law requires communities to identify programs and policies that provide a range of housing choices that meet the needs of persons of all income levels and of all age groups and persons with special needs.

Seniors and persons with special needs who reside in Empire must be able to live independently, have assistance available to them, or live with other family members. Several programs provided by Fond du Lac County (i.e. meals on wheels) and faith based organizations are available to support residents in need (refer to Utilities and Community Facilities Chapter for additional information on Fond du Lac County programs and services). Individuals can make decisions when building new homes or when renovating existing homes to support their long-term ability to live independently in Empire (i.e. building smaller homes that are easier to maintain, ranch style homes so all living areas are accessible on the same floor, a first floor master in multiple story homes, etc.). Developers who see a market for senior or special needs housing are able to apply for zoning and development approvals consistent with *Town Zoning Ordinance* requirements. Until such housing is built in the Town, seniors or persons with needs who require special housing can move to the City of Fond du Lac where a variety of housing choices are available to accommodate their needs.

With respect to housing for persons of all income levels, the Town of Empire is a rural community. Empire's development consists primarily of low density, single-family homes. The low density of development is not anticipated to change significantly in the future given the strong market for this type of development and the Town's proximity to the City of Fond du Lac where affordable housing (i.e. higher density single family homes, duplexes, apartments, townhomes and the like with access to transit (i.e. bus service) and within a closer proximity to employers) is available.

Future Housing

Based on the Wisconsin Department of Administration 20-year population projections³ (provided in Table 4 of Chapter 3):

- 1,100 housing units will be needed in the Town in 2025 (refer to Table 4 in Chapter 3). This represents an increase of approximately 156 housing units over the next 20 years, or roughly, 7-8 new housing units annually.

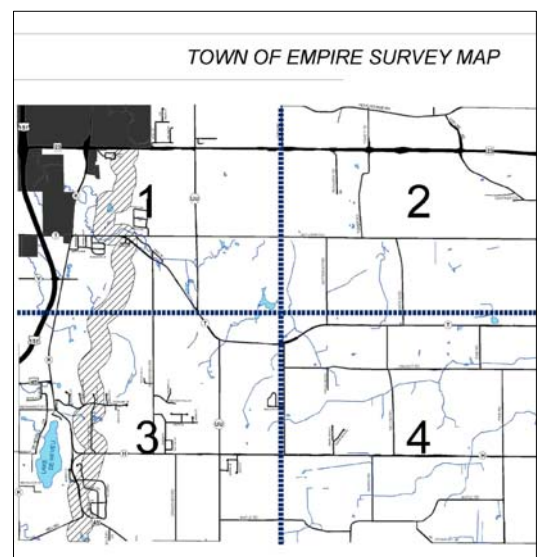
This information is presented simply to provide an indication of *potential* housing need based on projected growth. Housing markets are cyclical. They react to local, state and national economic conditions. As a result, in some years more homes will be constructed than in others. In fact, most recently the Town has seen approximately 18 new homes constructed each year. This is higher than the official projections anticipate and more in line

³ SOURCE: Wisconsin Department of Administration

...COMMUNITY SURVEY SPOTLIGHT... Where Should Housing Be Constructed?

Q 7: From 1990 to 2005 total housing units in Empire increased from 831 to 1,065 units. In what part of the Town would you most like to see future residential development?

54.7% - Quadrant #1
20.3% - Quadrant #2
35.3% - Quadrant #3
14.2% - Quadrant #4



with the population projects developed by the East Central Wisconsin Regional Plan Commission (refer to Table 2). However, these construction rates may slow in the future. The projections provided here are an indicator useful in forecasting land demands.

Housing Issues and Concerns

BACKGROUND

The Town of Empire Plan Commission met to discuss this Housing Chapter on May 25, June 1, and June 22, 2005. Each of these meetings were open to the public and opportunities were provided to identify housing issues and concerns at each meeting. In addition to the meetings facilitated by the Plan Commission, in April of 2005, a group of resident stakeholders known as the Empire Housing Coalition (hereafter referred to as the Coalition) met with Empire's planning consultant, OMNNI Associates. Members of the Coalition expressed concern about future residential development and protection of the natural and geologic features of the Town. This section highlights the issues and concerns identified by members of the Coalition at the April 2005 housing meeting as reviewed by the Plan Commission in May and June of 2005.

Coalition members expressed concern about future development and its impact on the rural character of the Town. Several participants at the Coalition meeting expressed an opinion that there has been too much growth in the Town of Empire. In Chapter 3, census data reveals that Empire's growth rate over the last 20 years has been about 11%. This rate is actually *less than* that experienced by the Town of Taycheedah and City of Fond du Lac over the same period. The Town of Empire's projected population growth rate (as provided by the Wisconsin Department of Administration) for the next twenty years is expected to decrease to 9.64%. This rate is lower than the projected rates of several neighboring communities and Fond du Lac County as a whole.

To maintain Empire's rural character over the next twenty years several strategies can be considered, including:

1. Retaining farmland and open/undeveloped lands (this topic is discussed more in the Agricultural, Natural & Cultural Resources Chapter).
2. Utilizing conservation subdivision design techniques in the Town.
3. Enforcement of the *Town Zoning & Land Division Ordinances* particularly with respect to sensitivity about where homes are located on new parcels (this topic is discussed in the Land Use Chapters).
4. Encouraging public participation in the development review process (this topic is discussed more in the Land Use Chapters).
5. Coordination with the City of Fond du Lac to continue to jointly plan for development areas.

CONSERVATION SUBDIVISION DESIGN TECHNIQUES

During the development of this plan, participants at the Kick-Off and Vision Meetings held in February and March of 2005 expressed a desire to preserve the unique landscape and natural assets that make Empire a special place to live. Participants at these early

HOW IS OPEN SPACE PRESERVED IN A CONSERVATION SUBDIVISION?

1. **Identify Primary And Secondary Conservation Areas.** Primary conservation areas include: poor soils, steep slope, wetlands, waterways and floodplains that are not conducive to development. Secondary conservation areas include other areas of local importance targeted for protection (i.e. farmland, woodlands, scenic views, etc.).
2. **Locate the Home Sites.**
3. **Include Roads, Sidewalks and Trails.**
4. **Draw the Lot Lines.** This is usually the first step in a traditional approach.

meetings indicated they do not want to see these features lost to accommodate new development. Accordingly, they expressed a desire for new housing development in harmony with the natural environment.

The 1998 Town of Empire Comprehensive Plan recommended requiring open space in all subdivision developments. As a result, the *Empire Land Division Ordinance* was updated to require a set aside of 20% open space (per section 10-1-63) in all new developments. This open space is in addition to unbuildable areas (i.e. wetlands, floodways, severe slopes, drainage/utility easements, and right of way). This requirement is a good beginning point for preservation of open space and retention of rural character.

To preserve even more open space in new developments, conservation subdivision designs provide another marketable alternative to conventional subdivision design, allowing communities to accommodate an increasing population while preserving important natural resources. Conservation subdivision designs encourage the preservation and protection of open space, natural areas and farmland resources. In such a subdivision, homes are “clustered” together on smaller lots so that a greater proportion of the land is protected from development. Typically, a conservation subdivision will require between 35% and 50% of a site be protected from further development. This 35-50% is often in addition to those areas that are undevelopable (i.e. wetlands, floodplains, severe slopes). A 35- 50% threshold is higher than Empire’s current 20% open space set-aside requirement.

In a conservation subdivision, protection and maintenance of the conserved area can be accomplished through a conservation easement with an appropriate conservation organization, land trust, homeowners association or government body, or through deed covenants. Areas to be conserved should be protected indefinitely. The land designated for protection should either be left as natural wildlife habitat, open space, or farmland. These same requirements for protection and maintenance of open space are included in the *Empire Land Division Ordinance* with respect to the 20% open space set aside.

CONSERVATION SUBDIVISION DESIGN FAQ

Comprehensive data about conservation subdivision design in Wisconsin is limited and data specific to Fond du Lac County is largely unavailable. The reason for this is the fact that the concept is new and not all developments release such data.

Do Conservation Subdivisions Really Sell? Several developers in northeast Wisconsin have had success selling conservation subdivision developments. With the approval of COMM 83, more developers are pursuing these types of projects, particularly in towns adjacent to urban areas where conservation developments are viewed as a transitional development pattern between traditional subdivisions and farm landscapes. The Realtors Association of Northeast Wisconsin indicates the most marketable conservation subdivision developments have between 35% and 40% of the land set aside as undeveloped as open space.

Occupancy rates for conservation developments are undistinguishable from their conventional subdivision counterparts. Data is unavailable to provide a comparison of average days on market for homes in conservation versus conventional subdivisions. The source for this type of data is the Realtors Association of Northeast Wisconsin. Their data analyzes days on market by housing type, but not subdivision type.

Do Lots in Conservation Subdivisions Maintain Their Value? Studies have been done in states across the country repeatedly demonstrating the elevated value of conservation developments. A few examples are provided here.

In Boulder, Colorado, a property value study demonstrated that home values decreased an average of \$4.20 for each foot of distance it is located away from a greenbelt.

In Salem Oregon, land adjacent to undeveloped greenbelts (i.e. permanently protected open space) was worth approximately \$1,200 more per acre than land located elsewhere.

In Amherst and Concord Massachusetts, a study of market appreciation for clustered housing with permanently protected open space found homes in these communities appreciated at an annual rate 2.5% greater than conventional subdivisions. In both communities, the homes in the clustered developments yielded owners a higher rate of return, even though the conventional subdivisions have considerably larger lot sizes.

Studies like these are one of the reasons the State of Wisconsin, in approving the comprehensive planning law in 1999, included a provision that communities with populations larger than 12,000 persons were required to develop a conservation subdivision design ordinance by 2001.

In conservation subdivisions, the development of walking and bicycle trails is also often encouraged, particularly to provide access to protected natural areas.

Conservation subdivisions are a tool to balance the growth desires of landowners and retiring farmers with the rural character preservation desires of other residents. The cost benefits associated with conservation subdivisions make these types of development more desirable for landowners and developers. Cost benefits include:

- Reduced construction costs compared to traditional subdivisions because a reduced area needs to be graded, fewer roads need to be constructed, and less supporting infrastructure (gas, electric, etc.) needs to be installed. Estimates of cost reductions vary by site but range between 30 and 70%, depending on the location and amount of land protected from development.
- Residents of conservation-based developments are willing to pay more for their lots than landowners in traditional subdivisions given the open space amenities and security in the fact that no new homes will be built in their backyard. Studies from communities in Colorado, Oregon, Massachusetts, Ohio, Pennsylvania all demonstrate increased property values for developments located near or adjacent to an open space as compared to a conventional subdivision.⁴

Example of Conventional vs. Conservation Subdivision Designs



Conventional Subdivision:

- 32 Home Sites
- 80% of site becomes lawn
- No trails



Conservation Subdivision:

- 32 Home Sites
- 25% of site in lawn
- Walking trail surrounding site
- Preserved Open Space & Views
- Large trees protected



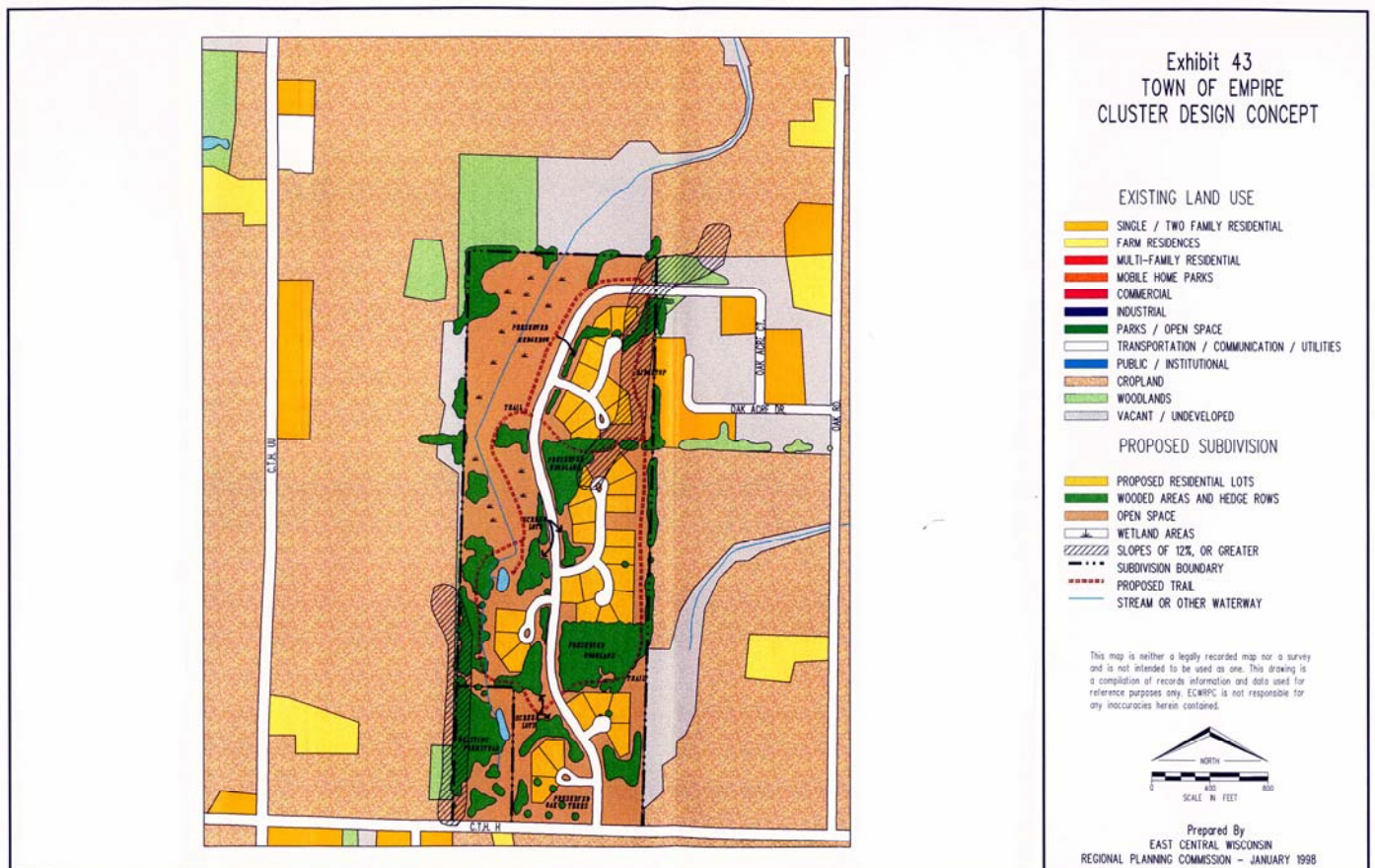
⁴ Arendt, Randall. (1996) Conservation Design for Subdivisions., Washington, D.C.: Island Press.

Within the 1998 *Town of Empire Comprehensive Plan*, the East Central Wisconsin Regional Plan Commission recommended the use of conservation / cluster subdivision designs. The diagram provided below was included in the plan as a means to illustrate the concept recommended by the East Central Wisconsin Regional Plan Commission. This concept is nearly identical to the example provided on the preceding page.

...COMMUNITY SURVEY SPOTLIGHT...

Q9: The Town of Empire Subdivision Ordinance requires that new subdivision development include at least 20% of the land (beyond what cannot be developed anyway) is preserved as open space or farmland. Cluster developments are recommended. What is your opinion of this requirement for subdivisions?

Support cluster development as currently recommended	30.2%
Increase cluster development to 30% of land preserved	11.3%
Increase cluster developments to 40% of land preserved	10.1%
Increase cluster developments to 50% of land preserved	24.5%
Do not support use of cluster developments	9.5%
No Opinion	3.9%
I don't understand the ordinance	3.6%
Other Ideas	7.0%



SOURCE: 1998 Town of Empire Comprehensive Plan

PRESERVATION OF SCENIC VISTAS - HOUSE LOCATIONS ON LOTS

The location of a home on a parcel can have a significant impact on the rural character of the area surrounding it. Being sensitive to the location of a home on a parcel is another way of helping to minimize the impact of new development on the natural environment and rural setting. Based on the recommendations in the 1998 *Town of Empire Comprehensive Plan*, the *Empire Zoning Ordinance* was revised to establish protection standards for siting new development in woodland areas, near the Niagara Escarpment and on steep slopes. The ordinance requires a conditional use permit for new development in these three environments. Some additional specific siting *suggestions* are listed below. If desired, these suggestions could be incorporated into the *Empire Zoning Ordinance* as requirements.

To minimize the visual impact of development to maintain rural, undeveloped character and feeling:

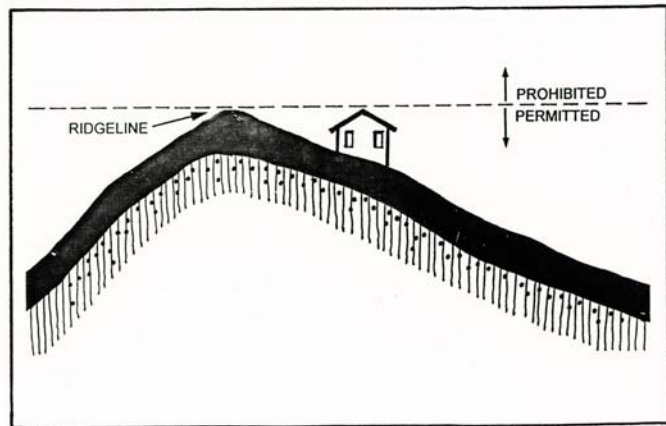
- When possible, new homes should not be placed in the middle of open farm fields.
- Residences should be located adjacent to tree lines and wooded field edges, if available. If not, homes should be clustered on the edges of farm fields.
- Where clustering of homes will yield open space that can remain actively farmed or protect vital wildlife habitat, its use should be explored.

To retain rural features to protect rural character:

- Existing farm roads should be incorporated into subdivision designs.
- Stone rows and tree lines should be preserved.

To minimize the disturbance to the natural environment when new development occurs:

- Roads should be constructed to follow contours
- Disturbance for the construction of roads, basins and other improvements should be kept at a minimum.
- Disturbance on individual lots (i.e. lawn area) should be limited.

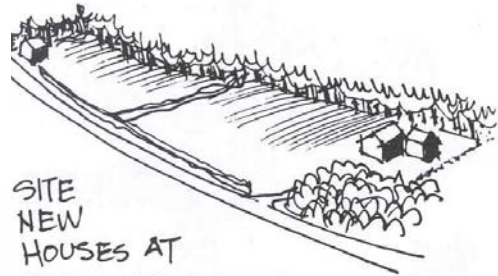
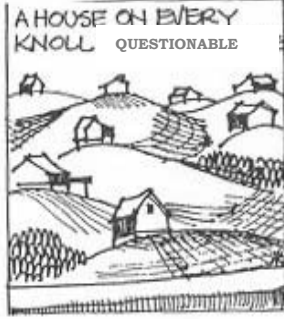
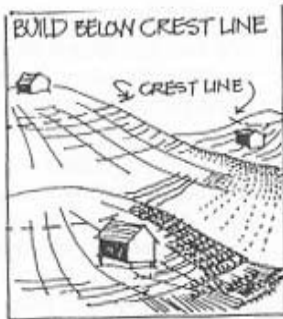


SOURCE: Town of Empire Zoning Ordinance - Exhibit 3 Building Height Limitation in Niagara Escarpment Critical Area

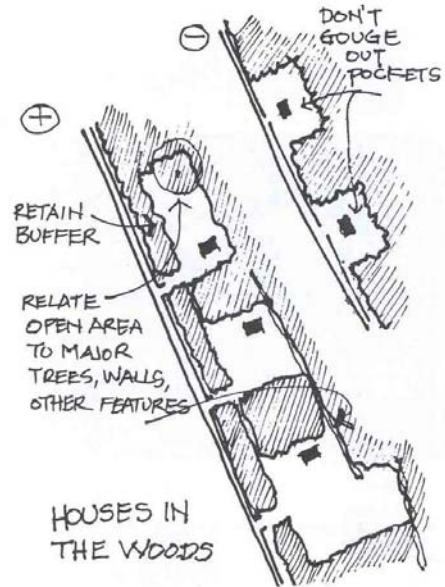


Example of Home Located Below the Crestline of a Hill in Empire. Home Site (see arrow) is on Walnut Road West of Pine.

SITING SUGGESTIONS



SITE NEW HOUSES AT EDGES OF FIELDS



SOURCE: The Hidden Design in Land Use Ordinances, March 1991. Edited by Paula M. Craighead. Published by University of Southern Maine.

PUBLIC INVOLVEMENT & EDUCATION – IMPROVING PUBLIC PARTICIPATION

One of the primary concerns expressed by participants at the Housing Coalition meeting with respect to new residential development is the perceived lack of opportunities for the public to participate in the decision-making process. Accordingly, there was great interest among Housing Coalition participants to see the Town consider changes to the subdivision approval process to provide additional opportunities for resident involvement. It is important to note here that the Town of Empire complies with the requirements established by the State Statutes with respect to notifications and postings.

To enhance public participation, a revised subdivision review process is recommended here. It is important to note here that upon approval of this plan, this recommended process is not automatically adopted. This recommended process is available to the Plan Commission and Board for reference when considering updates (as is recommended in the Housing goals and objectives section of the Implementation Chapter: Chapter 12). This process is designed to:

- Solicit additional public input and improve public education about new development requests;
- Provide an efficient time period for Plan Commission review; and,
- Ensure that applications are complete and consistent with Town, County and State requirements.

TABLE 15 SUBDIVISION APPLICATION REVIEW PROCESS		
Current Review Process	Recommended Process	Recommended Timeline / Notes
1. Preliminary Consultation	1. Preliminary Consultation.	Provides introduction to project for all parties and information about ordinance requirements.
	2. Submission of a Pre-preliminary plat. ⁵	Process to ensure only <u>complete</u> applications will be forwarded to Plan Commission. Town may also wish to require a development escrow be established at this point to pay for publications, staff reviews, studies, etc.

⁵ Sample Ordinance Language for Pre-Preliminary Plat:

Prior to the filing of an application for the approval of a preliminary plat or petition for a rezoning, the subdivider shall consult with the town plan commission and its staff, in order to obtain their review, advice and assistance in the preparation of a preliminary plat. Such consultation shall be termed the "prepreliminary plat" stage of the land division procedure and includes the following steps and information:

- (1) The subdivider shall prepare a conceptual development scheme or sketch plan at a scale of one inch equals 100 feet of all the contiguous lands in which he has legal or equitable interest and present five copies.
- (2) Such sketch plan shall include enough information to set forth the proposed development potential of the parcel to the satisfaction of the town plan commission, and include at least the following:
 - a. Topographic mapping at not less than ten-foot contour interval; except that if in the judgment of the plan commission more detailed topographic data is required to make a recommendation to the town board, topography at not less than two-foot intervals may be required prior to plan commission action;
 - b. Soil characteristics or interpretations secured from detailed soil maps prepared by the USDA, Soil Conservation Service (SCS) and/or monitoring borings data;
 - c. The limits of woodland cover and wetlands on the entire parcel;
 - d. Location of lakes, ponds, streams, or kettles, standing water and designated floodplains on the parcel;
 - e. Areas of steep or severe slope conditions, high water table conditions, potential drainage and erosion problems;
 - f. Existing and proposed access from the parcel to adjacent streets, roads, or properties;
 - g. Proposed street location and width;
 - h. Proposed lots including size to the nearest one-tenth acre;
 - i. Existing zoning of property within 300 feet of the property proposed to be divided;
 - j. Any other pertinent information useful to the subdivider and plan commission in their determination of developability of the parcel; and
 - k. Environmental corridors which shall be delineated on the sketch plan.
- (3) Following review and comment by of the town planner and town engineer of the sketch plan, the plan commission shall either reject the sketch plan giving reasons for such rejections or approve the sketch plan and make recommendations regarding any necessary rezoning. A petition for such rezoning shall be submitted simultaneously with submission of the preliminary plat. Such review and approval of the sketch plan shall constitute conceptual approval of the sketch plan only and shall not be deemed an approval of the layout and design of the proposed subdivision plat.
- (4) Through the prepreliminary plat procedure it is expected that the subdivider and plan commission and county land use department staff will reach mutual conclusions regarding the general design and objectives of the proposed development and its possible effects on the town and county. The subdivider will also gain a better understanding of the subsequent required procedures so the entire process may be expedited.

2. Submission Preliminary Plat - Application required at least 30 days before Plan Commission Meeting	3. Submission of Preliminary Plat.	Application required at least 30 days before Plan Commission Meeting. <i>Submission should include a reproducible 8.5 x 11 copy of the proposed plat that can be used for internet posting and to create an overhead (or other acceptable visual) for use at public meetings.</i>
	4. Clerk forwards review copies to town staff (i.e. engineer, planner, attorney, etc.) for review. Comments required w/in 20 days and copy to Plan Commission.	This will be a second look for staff. As a result, comments, if any, should be minimal. If extensive comments exist indicating the application is incomplete, application should not be forwarded to Plan Commission and returned to developer.
3. Clerk sends notice to Landowners within 1,000 Feet	5. Clerk sends notice to Landowners within ½ mile of site.	At this time, information on about the project should also be posted on the Town Web Site (i.e. date, time, location of hearing, summary, illustration of proposed subdivision)
	6. Developer posts sign on site to notify passing residents of potential development request.	This requirement should be added to the Town Ordinance. Language should stipulate minimum information sign should include. Town may wish to complete this task and invoice developer to ensure compliance and consistency.
	7. Developer hosts neighborhood meeting. ⁶	See footnote 4 below for details. The Plan Commission or Town Board could potentially waive this requirement for smaller developments. Specific criteria outlining when such a meeting is required should be provided in any Town Ordinance to ensure consistency in the use of the meeting.
4. Plan Commission Meets	8. Plan Commission Meets	
5. Within 15 days of meeting Plan Commission provides recommendation to Town Board	9. Within 15 days of meeting Plan Commission provides recommendation to Town Board.	
6. Next scheduled Board Meeting – Board Action (w/in 90 days of application for preliminary plat)	10. Next scheduled Board Meeting – Board Action (w/in 90 days of complete application for preliminary plat)	
7. Final Plat filed with Clerk	11. Final Plat filed with Clerk	
8. At next available Town Board Meeting decision	12. At next available Town Board meeting decision	Decision must be made within 60 days of application for Final Plat.

⁶ Sample requirements that could be included in the Empire Ordinance for a neighborhood meeting. (This may also be required for Site Plan Reviews on Rezoning):

Neighborhood workshop and public notice requirements. The purpose for the neighborhood workshop is to inform adjoining and nearby residents and property owners of the nature of the proposed development and to solicit suggestions and concerns they may have concerning the development being proposed. The neighborhood workshop shall:

- a. Be held at least seven days before the scheduled meeting date of the plan commission at which the application and development proposal is initially reviewed by the plan commission;
- b. Be held after 6:00 p.m. on a weekday or between 9:00 a.m. and 5:00 p.m. on the weekend;
- c. Be advertised with appropriate letters or flyers sent and/or delivered to the mailing address of each owner of property lying within ½ mile from all property lines for the subject property where such letters contain enough information, including diagrams, sketches, maps, tables, etc., necessary to generally describe the type, amount, relative location, timing, and general appearance of the proposed development. Address information is available from the clerk's office.

Copies of all printed advertising and a written summary, i.e., minutes, identifying who attended the workshop, the material presented, the nature of any discussion, and an outline of any issues raised and agreements reached shall be submitted in support of each application meeting the requirements in this subsection. Public notices furnished or approved by the town planning shall be posted along the public street frontage of the subject property. The number of notices to be posted shall be not less than one notice per public street frontage or one notice for each 500 feet of continuous frontage per street. Notices shall be located in a noticeable location outside the applicable right-of-way but along the property line. When required, multiple notices along the same street frontage shall be appropriately spaced along the entire frontage. Notices shall be posted not less than 15 days prior to the scheduled meeting date and removed no later than three days after the meeting date included in the notice.

Beyond this revised subdivision development review process, it is further recommended, the Town of Empire consider opportunities to further educate the public in attendance at Plan Commission and Town Board Meetings when new development requests are being considered. Specifically, the following actions are recommended for consideration:

- **Internet Information Posting**. Many Wisconsin Towns are using the Internet as an additional resource to post agendas, meeting summaries, copies of reports, pending application materials and other information pertaining to development requests. Some communities even offer residents the ability to e-mail comments that are read at the Plan Commission meeting.
- **Staff Report Availability**. Have available a public master copy of staff reports and application materials. In some communities this information is placed on an “information table” accessible throughout the meeting (i.e. in the back of the room).
- **Visuals**. Have a visual of the proposed development on display during deliberation. This image is helpful for the public to understand the context of development and also useful for the Plan Commission and Town Board when discussing development proposals (i.e. easy to point to a projected image for all to see). It is suggested that development applications require submittal of an overhead transparency or reproducible 8.5 x 11 copies that can be made into clear overhead transparencies for display during Town meetings. Alternative (though potentially more expensive) options include providing individual paper copies that could be made available for all residents in attendance or a computer-based projected image could be displayed.
- **Summary of Request**. Prior to having the applicant provide information, the Plan Commission Chair or Town Board Chairperson, Town Clerk, or Town Staff in attendance (i.e. attorney, planner, engineer) could present a summary of the project and any concerns raised. This will provide the opportunity for a consistent review of the facts and considerations being used to make any recommendations / decisions.
- Continue to provide specific reasons for decisions so that participating residents can understand what factors were considered and why decisions were made. While everyone may not agree with every decision, there will at least be understanding about why a decision was made.

The modifications suggested in this section are designed to result in more and better (i.e. more informed) public participation. To offset any additional costs associated with this revised process (i.e. time spent on internet postings, visual preparation, attorney, engineer, planner reviews, etc.) the Town of Empire may wish to consider either increasing its application fees, adopting a requirement that developers reimburse the Town for all required professional review fees, or requiring developers to establish a development escrow at the time of application to cover costs. Any money remaining in the escrow after final plat approval would be returned to the developer. The Town, at its discretion, could determine when such escrows or reimbursements are necessary.

Housing Programs

A number of federal and state housing programs are available to help the Town should it decide to promote the development of housing for individuals with lower incomes, senior housing, and housing for people with special needs.

FEDERAL PROGRAMS AND REVENUE SOURCES

HUD is the federal agency primarily responsible for housing programs and community development. Though many of its programs are directed to larger cities and urban areas, the Town does qualify for some available funds. Specifically, HUD provides money to non-entitlement (i.e. communities with populations less than 50,000) communities through grants. In the State of Wisconsin, the Division of Housing and Intergovernmental Relations (DHIR) within the Department of Administration is responsible for the distribution of these federal funds. It awards these funds through a competitive proposal process.

The United States Department of Agriculture-Rural Development (USDA-RD) provides a variety of housing and community development programs for rural areas. Its programs are generally available to communities with populations of 10,000 or less. It provides support for rental housing development, direct and guaranteed mortgage loans for homebuyers, and support for self-help and cooperative housing development.

STATE PROGRAMS AND REVENUE SOURCES

Beyond the funds distributed through HUD, the DHIR administers several state funded programs that can potentially be used to finance housing improvements. Money available through the DHIR, because it is funded by general-purpose revenue, cannot be used to invest directly in housing development. However, funds can achieve the desired result by helping organizations develop the capacity to develop houses or by providing various types of financial assistance to homebuyers or renters through grants to local governments or non-profit agencies.

The Wisconsin Housing and Economic Development Authority (WHEDA) is a quasi-governmental agency that finances housing development through the sale of bonds. Unlike the DHIR, it receives no direct state-tax support. Therefore, WHEDA can provide mortgage financing for first-time homebuyers and financing for multifamily housing as well. Specific programs evolve and change with the needs of the housing market.

Coordination with Other Comprehensive Plan Chapters

Housing is the primary developed land use in the Town of Empire. As such, it directly affects most other chapters of this comprehensive plan. Land Use, Utilities and Community Facilities, Transportation, Economic Development and Agricultural, Natural, and Cultural Resources are all chapters directly affected by housing. The goals and policies set forth in the Housing section of the Implementation Chapter will affect these chapters and vice versa. Therefore, it is important that the chapters are consistent and support one another.

LAND USE CHAPTER

Land use dictates the amount of land available for housing, as well as its location, type and density. The *Future Land Use Maps* devote acres to residential use over the next 20 years in accordance with desired density restrictions.

UTILITIES AND COMMUNITY FACILITIES

Improvements such as roads, parks, trails, schools and infrastructure all need to be coordinated with the housing decisions and vice versa. The best method to coordinate improvements is to follow the land use pattern presented on the *Future Land Use Maps* as closely as possible and plan for future improvements in a Capital Improvements Plan and Budget as recommended in the Utilities and Community Facilities Chapter. This approach will greatly enhance the efficiency of capital improvements and services.

TRANSPORTATION

The location of housing affects commuting patterns and transportation costs. The inverse is also true - the location and density of housing affects transportation needs. The location of housing influences on which roads people drive or whether they need to drive at all. These factors were carefully considered in the Transportation Chapter to ensure compatibility with projected residential development.

ECONOMIC DEVELOPMENT

Given that housing is the primary developed land use in the community, quality local housing directly impacts the Town's ability to finance needed improvements to support the local economy through receipt of property taxes. As a result, the chapter evaluates the existing housing supply and recommends the Town continue to provide similar single-family residential homes in accordance with local market demands.

AGRICULTURAL, NATURAL AND CULTURAL RESOURCES

The desire to preserve agricultural and natural areas competes with the desire of others to build additional housing. These competing interests are balanced through the land suitability analysis information presented in the Agricultural, Natural and Cultural Resources Chapter. This information helps to ensure that housing is located in areas that will have the least impact possible on existing farming areas and important natural resources, while still supporting additional residential development needs.

INTERGOVERNMENTAL COORDINATION

Intergovernmental coordination is critical to the future of the Town of Empire. The Town is home to three sanitary districts (with respective boards). Moreover, the Town has a boundary agreement in place with the City of Fond du Lac that is a vital tool for planning for future growth and development.

