Conservation Subdivisions: Planning for Green Development

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Applied Ecological Services, Inc.
Case Study: Village of Caledonia

- A “bedroom community located between Chicago and Milwaukee
- Over 24,000 pop. & 45.5 square miles
- About half rural, half suburban
Case Study: Village of Caledonia

- 9,700 acres of productive farmland
- Significant natural resources: Root River & Lake Michigan
- Active land trusts and equestrian community
Why Change Ordinance?

- Residents and elected officials were concerned about loss of farmland and open space, natural areas, rural character
Threats

Development practices that destroy natural resources, neighborhood character
Threats

- **Development pressures** to expand municipal sewer and water into rural areas for high density development

- **Rural zoning**: one-acre bowling alley lots destroying country road views

- **New onsite sewer systems** *(Comm 83)* opened more rural lands to development
Caledonia Land Use Plan (1996)

1. Goals for preserving natural areas, rural character, open space and agricultural land

2. Land Use Map
   - Rural Low Density (0.2 Dwelling Units Per Acre)
   - Urban Higher Density (.7 to 17.9 DU/Acre)
Wisconsin Smart Growth Law (1999)

- Preserve Open Space, Farmland, Natural Beauty, and Critical Environmental Areas
- Foster Distinctive, Attractive Communities with a Strong Sense of Place
- Encourage Community and Stakeholder Collaboration
Tools

Model Ordinances For Conservation Development

- *A Model Ordinance for Conservation Subdivision*, UW-Extension, with Steve Apfelbaum & others (Smart Growth)

- *Rural Cluster Development Guide*, Southeastern Wisconsin Regional Planning Commission
Caledonia’s Ordinance

STEP I
Ordinance Committee (formed 1999)
The Stakeholders

- Elected officials
- Planning commissioners
- Developers
- Land trust reps
- Ecologist
- Village department heads (fire, police chief, public works)
- Consultants (engineers, attorney)
Caledonia’s Ordinance

STEP 2
Education: Presentations, Hands-on, Tours (1998-present)

- Site design for conservation developments
- Natural area restoration and stewardship
- Conservation easements
- Alternative stormwater management
- Tours of conservation developments
- News stories
STEP 3

Demonstration: Old Field Settlement conservation development (approved 2000)
Old Field Settlement

15 house lots on 65.5 acres
Old Field Settlement

- Developer: Legacy Development, Franksville, Wisconsin
- Learning experience for committee, community
- Approved while committee was drafting new conservation subdivision ordinance
Old Field Settlement

Final plat approved 2000
Old Field Settlement

Preserved tree-lined country road

No bowling-alley lots along road!

Bell Road
Old Field Settlement

Preserved 42.48 acres of common open space

Walking trails

Backyard view
Old Field Settlement

Preserved woodlands
Old Field Settlement

Created walking & horse trails
STEP 4:

Adoption of mandatory ordinance (2002)

- Applies to land divisions of 3 acres or more where five or more lots will be created.

- 40% open space in urban area and 60% in rural area (non-sewered)
Conventional vs. Conservation

Conventional

Conservation
Approval Process

Sketch Plan

- Initial meeting with municipality
- Determine issues (drainage, wetlands, density, road access, etc.)
- Discuss requirements of ordinance
- Discuss approval process
Approval Process

Concept Plan

- Developer’s Agreement signed
- Land features determined
- Developer meets with ecologist and land trust
- Site plan reviewed by landscape architect
- Developer presents plan to neighborhood
- Reviewed & approved by Plan Commission, Village Board
Approval Process

Preliminary Plat

- Stormwater management plan
- Stewardship plan
- Conservation easement
- HOA documents

Final Plat

- Final stormwater management plan
- Recommendation for approval from staff
What We Learned
What We Learned

What constitutes a natural area?

- Need a natural resource inventory prepared by ecologist or other qualified professional

- Identify restoration opportunities, storm water management opportunities—and potential problems
What We Learned

Need to work with a local land trust

- Holds easement in perpetuity

- Land trust ecologist works with developer’s ecologist, reviews stewardship plan, monitors the open space, educates homeowners
What We Learned

Need stewardship plan for open space

Describes what was on land before development
Stewardship Plan

Explains how and when land will be restored and maintained

What was removed and planted. Maintenance schedule and techniques (burning, brushing, mowing, applying herbicides)
What We Learned

Need a conservation easement

• Legal mechanism for protecting the land from further land divisions and other disturbances

• Protects property owners

• Enforces the stewardship plan
Conservation Easement

What will be protected and subject to enforcement?

- Cannot save everything because too costly to maintain and enforce

- Conservation easement and stewardship plan must work together
Conservation Easement

Who holds easement?

- Local land trust?
- Municipality?
- Joint land trust and municipality (Caledonia model)?
Conservation Easement

How to pay for legal enforcement?

- Developer pays (Caledonia model)
- HOA pays
- If jointly held, who will enforce easement (land trust or municipality)
- Best for land trust to enforce
What We Learned

Financing Open Space Protection (Caledonia Model)

• **Developer** pays for open space landscape plan; stewardship plan & review; legal review of conservation easement; initial restoration and maintenance until transferred to Homeowner’s Association; legal defense fund

• **Homeowners Association** pays for maintenance; restoration caused by disease, weather, etc.; annual monitoring by land trust
What We Learned

Legal Documents

- Developers Agreement with Performance Standards and a Bond for the open space
- Restrictive Covenants
- Conservation Easement
- Stewardship Plan Review by an outside ecologist
## Six Years Later

### 578 Acres Preserved!

<table>
<thead>
<tr>
<th>Area</th>
<th>Acres</th>
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<tr>
<td>Old Field Settlement</td>
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<tr>
<td>Audubon Arboretum</td>
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<tr>
<td>Auburn Hills</td>
<td>33.48</td>
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<td>Blue River Preserve</td>
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Thanks

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