

8.0 LAND USE

8.1 CHAPTER SUMMARY

In many cases, communities land use decisions were made with little regard to limitations on development or the interests of the community as a whole. Today, with better knowledge of these limitations, communities have the opportunity to make better choices as to where development should occur. However, instead of working with a clean slate, communities must contend with existing uses and how new development might affect or be affected by them.

The purpose of this chapter is to analyze how land in your jurisdiction is currently being used and how to guide development in the future. The land use decisions in this chapter take into account the knowledge and policies of the other elements of this plan. Based on the information in this chapter and preceding chapters, a set of goals and policies have been developed to guide land use decisions in the Town of Smelser over the next 20 years.



Wisconsin State Statute 66.1001(2)(h)

(h) Land Use

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

8.2 GOALS

The State of Wisconsin passed a comprehensive planning law in 2000 to compel municipalities to create comprehensive plans. The plans include nine basic chapters: Issues and Opportunities, Utilities and Community Facilities, Agricultural, Natural, and Cultural Resources, Housing, Transportation, Economic Development, Intergovernmental Cooperation, Land Use, and Implementation. In addition to these basic nine elements, fourteen Local Comprehensive Planning Goals were established which are more general in nature. Below are the Land Use Goals that are a compilation of all the other element goals of this plan.

1. Promote the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.
2. Encourage neighborhood designs that support a range of transportation choices.
3. Protect natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.
4. Protect economically productive areas, including farmland and forests.
5. Encourage land-uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.
6. Preserve cultural, historic and archaeological sites.
7. Encourage coordination and cooperation among nearby units of government.
8. Build community identity by revitalizing main streets and enforcing design standards.
9. Provide an adequate supply of affordable housing for individuals of all income levels throughout each community.
10. Provide adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
11. Promote the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional and local levels.
12. Balance individual property rights with community interests and goals.
13. Plan and develop land uses that create or preserve varied and unique urban and rural communities.
14. Provide an integrated, efficient and economical transportation system that affords mobility, convenience and safety and that meets the needs of all citizens, including transit-dependent and disabled citizens.

8.3 OBJECTIVES, POLICY, AND PROGRAM RECOMMENDATIONS

The following land use objectives and policy recommendations (not in order of priority) support the above goals and will help the Town guide its land use decisions over the next 20 years.

NOT IN ORDER OF PRIORITY

1. **Recognize the critical role that farmland, open space, historical architecture, scenic vistas, land-and riverscapes, natural resources and designated features, scenic roads, archeological, and cultural features play in defining and enhancing our community's distinctive rural character.**
2. **Protect active agricultural lands and forestry in the community as this land use helps realize our vision for the future.**

3. **Preserve agricultural fields in the community from encroachment by incompatible development by limiting the fragmentation of crop fields.**
4. **Development including roadways, driveways, and buildings on steep slopes should be avoided to minimize soil erosion and the disruption of important wildlife habitat, and to keep maintenance costs for foundations, roads, utilities, and waste disposal systems to a minimum.**
5. **Recognize that ridge tops are important groundwater recharge areas. Concentrated sources of pollution such as landfills and truck yards will not be allowed in these areas.**
6. **Recognize that while flat valley bottoms are often the most desirable areas for new development, these areas frequently contain highly productive and irreplaceable agricultural soils. Therefore, care must be taken to ensure that development occurs on the least productive valley soils.**
7. **Building placement and lot layout should be designed to provide a functional relationship to the site's topography, existing vegetation, and other natural features. The conservation of mature plant species, hedgerows, prairies/oak savannas, and woodlots should be encouraged to preserve the rural character of the community.**
8. **Our community will require all proposed public recreational development to conform to all of the policies in this Comprehensive Plan, particularly those aimed at protecting the agricultural character and farm vitality of the community.**
9. **For new development in our community, surface water run-off shall be minimized and detained on site if possible or practical. If it is not possible to detain water on site, down stream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways, wetlands, or right-of-ways should be maintained as nearly as possible.**
10. **Encourage infill development and redevelopment on lands that are vacant, blighted, or underutilized.**
11. **Encourage the use of conservation neighborhood design strategies for rural residential development in appropriate areas.**
12. **Direct rural residential development toward existing platted subdivisions.**

8.4 EXISTING LAND USES

8.4.1 Land Use Types

Agriculture – Agricultural land includes land that produces a crop (including Christmas trees or ginseng), agricultural forest (forested lands contiguous with agricultural land), supports livestock, or is eligible for enrollment in specific federal agricultural programs.

Residential - Residential land includes any land with a residential home that does not fall into the agricultural land classification.

Commercial – Commercial land refers to any parcel that has a business on it, but does not include industrial properties. This may be a convenience store, car wash, bank, grocery store, tavern, etc., referring to any type of retail or business establishment.

Manufacturing – Manufacturing land refers to business and industry that is engaged in processing, manufacturing, packaging, treatment, or fabrication of materials and products.

Forested – Forested land including production forests and DNR-MFL.

Ag-Forest – Land that is producing or capable of producing commercial forest products if the land satisfies any of the following conditions:

- It is contiguous to a parcel that has been classified in whole as agricultural land, if the contiguous parcel is owned by the same person that owns the land that is producing or capable of producing commercial forest products. In this subdivision, "contiguous" includes separated only by a road.
- It is located on a parcel that contains land that is classified as agricultural land in the property tax assessment on January 1, 2004, and on January 1 of the year of assessment.
- It is located on a parcel at least 50% of which, by acreage, was converted to land that is classified as agricultural land in the property tax assessment on January 1, 2005, or thereafter.

Undeveloped – This land classification refers to areas that were formerly classified as swamp/waste. It includes bogs, marshes, lowlands brush land, and uncultivated land zoned as shoreland and shown to be wetland.

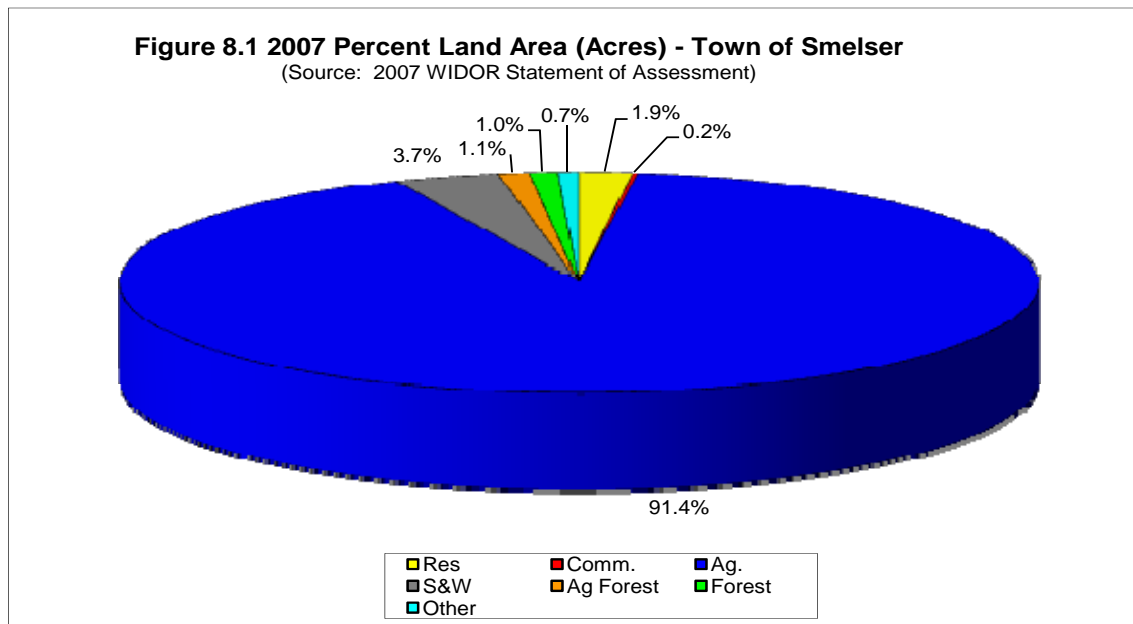
Other – Remaining land types that do not fall into the above categories, including federal, state, and county lands, school property, and cemeteries.

The following table lists the amount of land in each major land classifications for the Town of Smelser in 2007. Currently the dominant land use is agriculture. Smelser is not zoned.

Table 8.1 Town of Smelser Land Use – 2007

Classification	Land in Acres	Parcel Count	Average Parcel Size	Percent of Land Area (Acres)
Residential	419	270	1.6	1.9%
Commercial	38	20	1.9	0.2%
Manufacturing	0	0	0.0	0.0%
Agricultural	20,213	802	25.2	91.4%
Undeveloped (formerly Swamp/Waste)	817	371	2.2	3.7%
AG-Forest	238	42	5.7	1.1%
Forest	225	21	10.7	1.0%
Other (Federal, State, County, School, Cemetery)	158	147	1.1	0.7%
Real Estate Totals	22,108	1,673		100.0%

(Source: WI Department of Revenue, 2007 Statement of Assessments)



(Source: WI Department of Revenue, 2007 Statement of Assessments)

8.5 LAND USE TRENDS

8.5.1 LAND SUPPLY

Tables 8.2 to 8.6 display the trends in land use for the Town of Smelser over the last 25, 20, 15, 10, and 5 years, respectively. The information is from the WI Department of Revenue. Use caution when comparing years since some land classifications have been changed over the years. Technological advances have also given the WI-DOR better land identification techniques. These changes can account for some land classifications not having a value in one year but than having one in another year. Local assessors have changed over time, which also contributes differences.

Table 8.2 Town of Smelser Land Use Assessment Statistics - 1984

Classification	1984 Total Acres	1984 Parcel Count	1984 Percent of Land Use (Acres)
Residential	202	144	0.9%
Commercial	24	15	0.1%
Manufacturing	75	3	0.3%
Agricultural	21,611	707	97.5%
Swamp & Waste	28	18	0.1%
Forest	225	26	1.0%
Real Estate Totals	22,165	913	100.0%

(Source: WIDOR, 1984 Statistical Report of Property Values)

Table 8.3 Town of Smelser Land Use Assessment Statistics - 1989

Classification	1989 Total Acres	1989 Parcel Count	1989 Percent of Land Use (Acres)
Residential	225	155	1.0%
Commercial	27	18	0.1%
Manufacturing	0	0	0.0%
Agricultural	19,572	709	88.6%
Swamp & Waste	25	10	0.1%
Forest	2,250	322	10.2%
Real Estate Totals	22,099	1,214	100.0%

(Source: WIDOR, 1989 Statistical Report of Property Values)

Table 8.4 Town of Smelser Land Use Assessment Statistics - 1994

Classification	1994 Total Acres	1994 Parcel Count	1994 Percent of Land Use (Acres)
Residential	248	177	1.1%
Commercial	28	19	0.1%
Manufacturing	0	0	0.0%
Agricultural	19,563	724	88.7%
Swamp & Waste	25	10	0.1%
Forest	2,201	330	10.0%
Real Estate Totals	22,065	1,260	100.0%

(Source: WIDOR, 1994 Statistical Report of Property Values)

Table 8.5 Town of Smelser Land Use Assessment Statistics - 1999

Classification	1999 Total Acres	1999 Parcel Count	1999 Percent of Land Use (Acres)
Residential	329	207	1.5%
Commercial	29	21	0.1%
Manufacturing	0	0	0.0%
Agricultural	19,170	724	86.8%
Swamp & Waste	357	315	1.6%
Forest	2035	276	9.2%
Other (Federal, State, County, School, etc.)	155	147	0.7%
Real Estate Totals	22,075	1,690	100.0%

(Source: WIDOR, 1999 Statistical Report of Property Values)

Table 8.6 Town of Smelser Land Use Assessment Statistics – 2004

Classification	2004 Land in Acres	2004 Parcel Count	2004 Percent of Land Use (Acres)
Residential	381	235	1.7%
Commercial	38	20	0.2%
Manufacturing	0	0	0.0%
Agricultural	20,284	756	91.7%
Undeveloped (formerly Swamp/Waste)	800	366	3.6%
AG-Forest	76	12	0.3%
Forest	390	53	1.8%
Other (Federal, State, County, School, Cemetery)	157	146	0.7%
Real Estate Totals	22,126	1,588	100.0%

(Source: WIDOR, 2004 Statement of Assessments)

8.5.2 LAND DEMAND

Historically, land use has been agricultural throughout Grant County. (Refer back to Map 4.1 and 4.2 in Chapter 4, Housing Chapter to see the percent increase in housing units over the last 30 and 10 years, respectfully).

8.5.3 LAND PRICES

According to the Planning Commission, the average price of land in the Town of Smelser in the summer of 2008 was from \$5000 to \$6000 per acre. There are no planned unit developments in the Town.

8.6 FUTURE LAND USE

To adequately plan for future growth, a community must be aware of its future land needs. The projection of land use needed is based on historical community growth trends and some assumptions. Forecasting is an inexact process. Since a number of outside factors affect the rate of community growth, the resulting forecasts should only be used as a general tool for charting future courses of action. SWWRPC has forecast the jurisdiction’s future land needs by looking at the change in land use acres from 1984 to 2007. By this calculation, Table 8.7 below shows how the acreages have changed from since 1984.

Table 8.7 Average Annual Land Use Change from 1984-2007, per Land Use Classification: Town of Smelser

Town of Smelser	Average Annual Change in Acres 1984-1989	Average Annual Change in Acres 1989-1994	Average Annual Change in Acres 1994-1997	Average Annual Change in Acres 1997-2004	Average Annual Change in Acres 2004-2007	Average Annual Change in Acres 1984-2007
Residential	4.6	4.6	16.2	10.4	12.7	9.4
Commercial	0.6	0.2	0.2	1.8	0.0	0.6
Manufacturing	-15.0	0.0	0.0	0.0	0.0	-3.3
Agriculture	-407.8	-1.8	-78.6	222.8	-23.7	-60.8

(Source: WIDOR Statement of Assessment, SWWRPC)

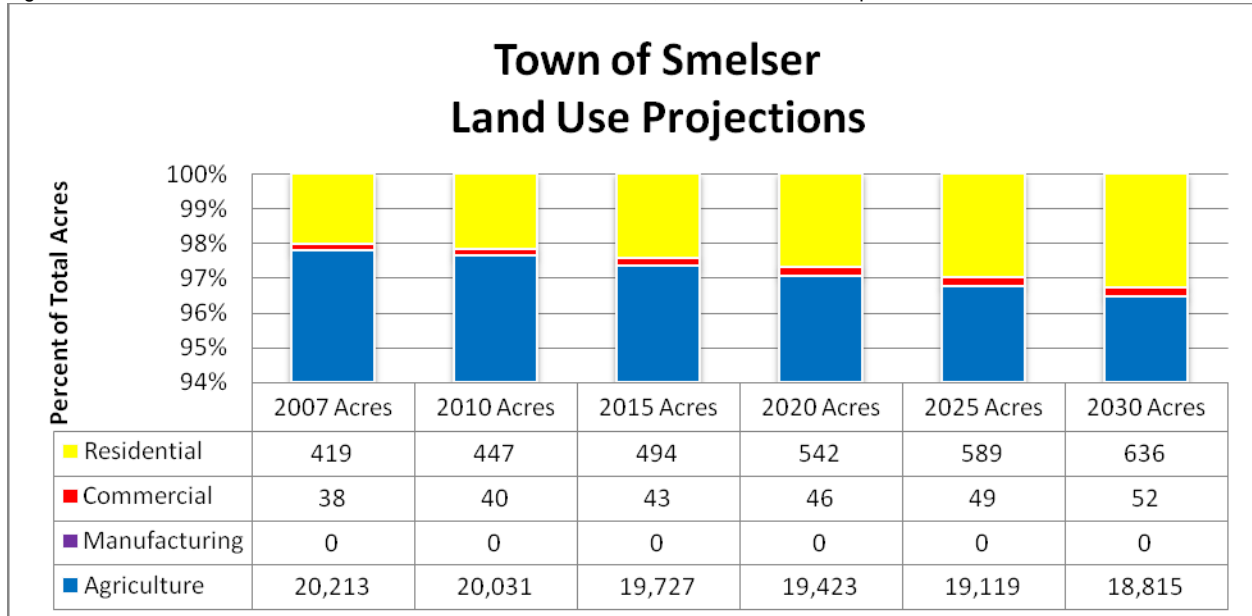
Past land area changes were used to project the amount of land needed in the future per classification. The average annual change from 1984-2007 was used to create future projections. To arrive at the average annual change in each category, the current (2007) number of acres was subtracted from the earliest data available, usually 1984. In some jurisdictions, projections may have been adjusted to reflect more recent local trends in land use. This method was chosen in order to gain a long-term prospective on growth, and avoid showing large one year changes brought on by major projects such as subdivisions or new shopping centers. The grant requires projections for land classified as residential, commercial, industrial (which is labeled “manufacturing” in the plan), and agricultural.

8.6.1 LAND USE PROJECTIONS

As noted in section 8.5.1 caution should be used in considering land use projections, as the WI-DOR has periodically switched how they have reported or defined certain land classifications over the years. Some classifications never existed in certain communities and in other cases, for certain years no data was recorded, even if the land use did exist. Almost all jurisdictions showed positive residential growth. Other land classifications, such as commercial, were more problematic. Some cities show commercial land in the ‘80s (perhaps a cheese factory). If those facilities no longer exist, the loss of the land use may create a projection that shows zero or negative future growth.

Data is only as accurate as the person reporting it: therefore, some discrepancies exist that are impossible to correct. Projections are created to show trends and relative magnitude of change and should be used only as a guide for planning.

Figure 8.2 Forecasted acres: Town of Smelser for 2010, 2015, 2020, 2025, and 2030 compared to 2007.



Note: The scale on this graph may have been edited to emphasize changes in land use. (Source: WI Department of Revenue Report on Property Values, and SSWRPC)

8.6.2 DEVELOPMENT LIMITATIONS

Development should only take place in suitable areas, which is determined by several criteria, including:

- A community’s vision statement
- Land use goals and policies
- Surrounding uses
- Special requirements of the proposed development
- The ability to provide utility and community services to the area
- Transportation and economic development factors
- Cultural resource constraints
- Various physical constraints

One common way a Town can control land development is through its driveway ordinance since its correct placement on a parcel is such an important safety factor. Smelser administers its own driveway and access standards but not through a Driveway Ordinance.

8.6.3 DENSITY STANDARDS/LAND DIVISION

A density standard is a measure of how many lots (or homes) for a set number of acres. Density standards can have a minimum lot size requirement, a maximum lot size requirement, or both. For example, in a town with a density standard of one home per 30 acres, a landowner who owns 90 acres has three opportunities to build a home (1 per 30). The landowner may decide to sell some of this property. If there is no minimum lot size associated with the density standard, in order to build a home, a full 30 acres would be needed by a home builder. If the density standard has a minimum lot size requirement of 5 acres (for example), the landowner would only need to sell 5 acres, not the entire 30. The density standard would be met. (Farmland Preservation might need to be considered in developing a density standard as it might affect minimum lot sizes from town to town.)

Some communities have a minimum and a maximum lot size associated with their density standard. In this case, if the minimum lot size is 5 acres and the maximum 10 acres, with a one per 30 density, the landowner could sell anywhere between 5 and 10 acres to someone to build a home. The density standard of one per 30 acres and the lot size requirement(s) would be met.

The Town of Smelser does not have a density standard. Smelser also does not have a Town subdivision ordinance, a land division ordinance, or an ordinance controlling field fragmentation.

8.7 PHYSICAL DEVELOPMENT LIMITATIONS

8.7.1 DEPTH TO WATER TABLE/FLOOD HAZARDS

A review of Map 3.2.1, Water Resources, Map 3.2.2 Depth to Water Table, and Map 3.2.3 Flooding Frequency reveal development limitations associated with water resources. Because of the potential for flooding, and the problems associated with wet soils, these areas should be precluded from development.

8.7.2 SLOPE LIMITATIONS

A review of Map 3.2.6, Slopes, reveals areas in the jurisdiction where development limitations occur due to steep slopes. Slope is an important limitation to consider since problems for development are usually associated with areas with extreme slope (due to erosion and other factors). In general, areas with slopes under 12% are best suited for development.

8.7.3 SEPTIC LIMITATIONS

Septic limitations apply to domestic sewage disposal systems; primarily filter fields and seepage beds. How well a sewage disposal system functions depends largely on the rate at which effluent from the tank moves into and through the soil. If permeability is moderately slow, sewage effluent is likely to flow along the surface of the soil. If permeability is moderately rapid or rapid, effluent is likely to flow into the aquifer. Detailed testing at specific site locations may reveal pockets with fewer restrictions than indicated. Engineering interpretations of the soil survey indicate the degree to which sub-grade materials are influenced by surface drainage, depth of frost penetrations, and other factors.

8.7.4 DEPTH TO BEDROCK

A review of Map 3.2.7, Depth to Bedrock, reveals areas in the jurisdiction where development limitations occur due to the depth to the bedrock. Depth to bedrock is an important factor influencing other limitations such as septic tanks and building foundations. Bedrock too close to the surface not only hampers surface water absorption by the soil, but also poses obstacles to construction.

8.7.5 THREATENED AND ENDANGERED SPECIES/RECREATION RESOURCES/ENVIRONMENTAL CORRIDORS

A review of Map 3.2.4, Threatened and Endangered Species, and Map 3.2.5, Natural Corridors and Recreational Resources, reveals areas in the jurisdiction where other development limitations may occur.

8.7.6 MINE LOCATIONS

Grant County had an active and extensive mining industry in the 19th and early to mid 20th centuries. Obviously, this industry left an indelible mark on the County, particularly on its southern side (see Map 3.3.1, Cultural Resources, which displays historic mines). Generally, most mines do not have much of an impact on current land use decisions. However, the potential of intersecting with old mine works is possible in well drilling and it is possible that a land parcel may have an old, uncovered (and unsafe) mine shaft opening.

8.8 REDEVELOPMENT OPPORTUNITIES

The WI-DNR Bureau for Remediation and Redevelopment maintains a database listing contaminated lands and sites including the following: spills, leaks, Superfund sites, and other contaminated sites reported to the WI-DNR or otherwise discovered. These sites represent the possibility of redevelopment opportunities.

Liability Exemptions for Local Governments

Previously, local governmental units (LGUs) and economic development corporations (EDCs) that acquired contaminated property, even if they did not purchase it, were considered responsible under Wisconsin's Hazardous Substance Discharge Law, also known as the Spill Law (s. 292, Wis. Stats.), because they "possessed or controlled" a contaminated property. As a result, they were required to investigate and clean up the contamination.

The Land Recycling Law (1993 Wisconsin Act 453) and the 1997-1999 and 1999-2001 State Biennial Budgets removed this liability and created incentives for LGUs and certain EDCs to redevelop property, depending upon how the property is acquired. This exemption for local governments has helped spur renewal of many contaminated properties.

Brownfield Funding for Local Governments

The Wisconsin State Legislature and federal government have established special brownfield financial incentives for local governments, including a new revolving loan fund through the Wisconsin Brownfield Coalition. Refer to Chapter 6, Economic Development, for a list of locations in Grant County that are currently listed as LUST or ERP sites.

8.9 EXISTING AND POTENTIAL LAND USE CONFLICTS

A variety of land uses with no separation between incompatible uses can potentially cause conflict. Land use conflicts may arise in such situations through noise, odor, chemicals, light, visual amenity, dogs, stock damage and weed infestation, lack of understanding, and lack of communication to name a few. One of the most common occurrences, especially in a rural setting, is the presence of agricultural operations near non-farm populations. For instance, agriculture can affect adjoining small rural lots used for residential purposes. Similarly, the presence of small residential rural lots can create an adverse influence on the continued operation of agriculture enterprise.

- Potential Land Use Conflicts**
- Landfills or Waste Facilities
 - Jails or Prisons
 - Halfway Houses or Group Homes
 - Airports, Highways, Rail Lines
 - Low Income Housing
 - Strip Malls and Shopping Centers
 - “Cell” Towers, Electrical Transmission Lines
 - Wind Farms
 - Large Livestock Operations
 - Industrial or Manufacturing Operations

8.10 LAND USE AGENCIES AND PROGRAMS

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

CENTER FOR LAND USE EDUCATION (CLUE)

The Center for Land Use Education is a joint venture of Cooperative Extension and the College of Natural Resources at the University of Wisconsin-Stevens Point. CLUE uses a team-based approach to accomplish its dual missions of campus based undergraduate and graduate education and Extension outreach teaching related to

- Land use planning,
- Plan and ordinance administration,
- Project impact and regional trends analysis and
- Public involvement in local land use policy development.

CENTER FOR LAND USE EDUCATION

University of Wisconsin – Stevens Point – CNR
800 Reserve St.
Stevens Point, WI 54481

Phone: 715-346-2386

<http://www.uwsp.edu/cnr/landcenter>

UNIVERSITY OF WISCONSIN

The UW-Madison’s department of Urban Planning can provide research and outreach services to area communities. The University also has the Land Information and Computer Graphics Facility (LICGF). The overall mission of the LICGF is to provide research, training, and outreach in the use of land and geographic information systems (LIS/GIS). Their mission focuses on land record modernization, land and natural resource management applications, and the use of information for land-use decision-making.

UW-MADISON DEPARTMENT OF URBAN PLANNING

925 Bascom Mall Room 110
Music Hall
Madison, WI 53706-1317

Phone: 608-262-1004

<http://www.wisc.edu/urpl>

UW Land Information & Computer Graphics Facility

500 Babcock Drive
Rm. B102
Madison, WI 53706

Phone: 608-263-5534

<http://www.lic.wisc.edu>