

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 Village of Muscodá 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, 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 Village guide its land use decisions over the next 20 years.

NOT IN ORDER OF PRIORITY

1. **Maintain the small-town character of the jurisdiction.**
2. **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.**
3. **Encourage the preservation of green space and environmentally sensitive areas.**

4. **Avoid disturbance to wetlands, shorelands, and floodplains and discourage disturbance to other environmentally sensitive areas and corridors.**
5. **Recognize that sensitive environmental features such as floodplains, wetlands, and steep slopes are extremely important in helping to define the distinctive character and scenic beauty of our community.**
6. **Encourage new building placement and lot layout to 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.**
7. **Discourage new development from areas shown to be unsafe or unsuitable for development due to natural hazards or contamination, unless the sites can be remediated to an acceptable condition.**
8. **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, downstream 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.**
9. **Encourage development in areas where adequate utilities and community services exist or can be provided in a cost efficient manner.**
10. **Plan for a sufficient supply of developable land for a range of different uses, in areas, types, and densities consistent with our community's wishes and service requirements.**
11. **Encourage infill development and redevelopment on lands that are vacant, blighted, or underutilized.**
12. **Explore the development of a sub-division ordinance.**
13. **Encourage the use of conservation neighborhood design strategies for rural residential development in appropriate areas.**
14. **Encourage commercial activities to develop in existing commercial locations where public roads/facilities and services have capacity to accommodate high volumes of traffic, parking, and other public needs.**
15. **Consider commercial activities in appropriate areas other than the downtown business district when no commercial space exists in the Central Business District (CBD) or when the proposed use is more appropriate elsewhere.**
16. **The sign ordinance shall be enforced to help preserve the visual quality of the community.**

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.

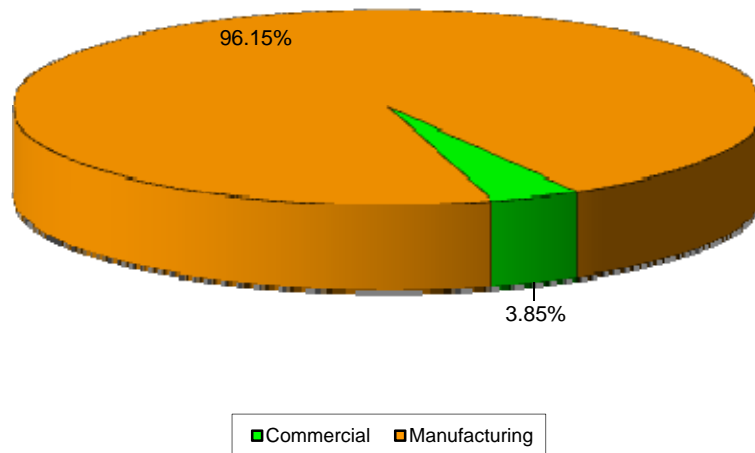
The following table lists the amount of land in each major land classifications for the Village of Muscoda in 2007. Currently the dominant land use is manufacturing.

Table 8.1 Village of Muscoda Land Use – 2007

Classification	Land in Acres	Parcel Count	Average Parcel Size	Percent of Land Use (Acres)
Residential	0	537	0.0	0.0%
Commercial	4	86	0.0	3.9%
Manufacturing	100	11	9.1	96.2%
Agricultural	0	0	0.0	0.0%
Undeveloped (formerly Swamp/Waste)	0	0	0.0	0.0%
AG-Forest	0	0	0.0	0.0%
Forest	0	0	0.0	0.0%
Other (Federal, State, County, School, Cemetery)	0	0	0.0	0.0%
Real Estate Totals	104	634		100.0%

(Source: WI DOR, 2007 Statement of Assessment)

Figure 8.1 2007 Percent Land Area (Acres) - Village of Muscodia
 (Source: WIDOR 2007 Statement of Assessments)

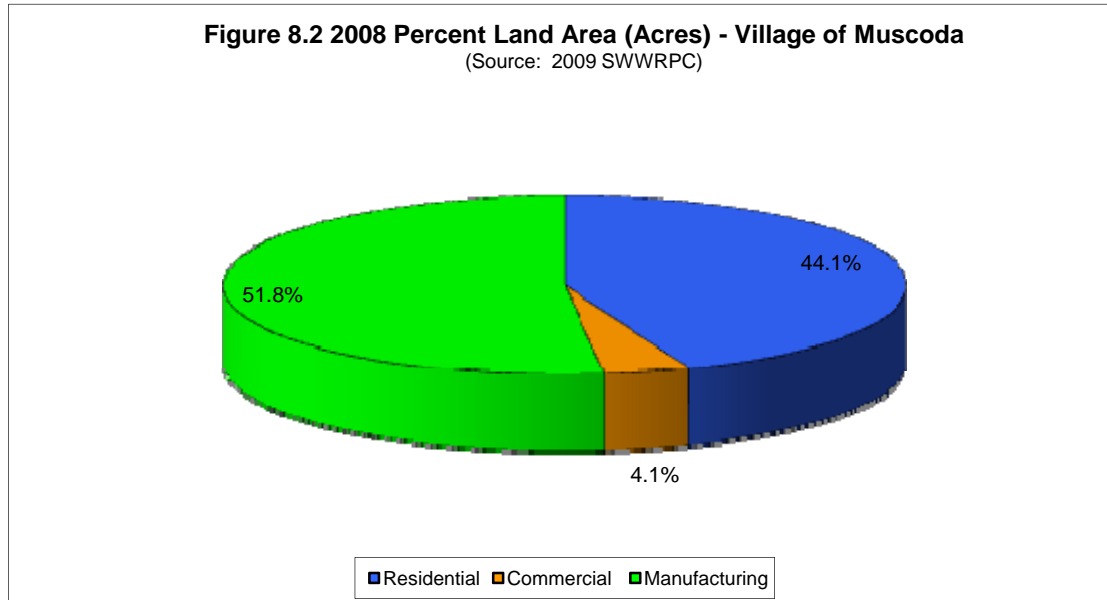


Because the data provided by the Department of Revenue did not indicate any land uses for residential, SWWRPC conducted its own analysis using Geographic Information System (GIS) to develop data for the following tables and figures.

Table 8.2 Village of Muscodia Land Use – 2007

Classification	Land in Acres	Parcel Count	Average Parcel Size	Percent of Land Use (Acres)
Residential	215	537	0.0	44.1%
Commercial	20	86	0.0	4.1%
Manufacturing	253	11	9.1	51.8%
Agricultural	0	0	0.0	0.0%
Undeveloped (formerly Swamp/Waste)	0	0	0.0	0.0%
AG-Forest	0	0	0.0	0.0%
Forest	0	0	0.0	0.0%
Other (Federal, State, County, School, Cemetery)	0	0	0.0	0.0%
Real Estate Totals	488	634		100.0%

(Source: 2009 SWWRPC)



(Source: 2009 SWWRPC)

8.5 LAND USE TRENDS

8.5.1 LAND SUPPLY

Tables 8.3 to 8.7 display the trends in land use for the Village of Muscodora 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 8.3 Village of Muscodora Land Use Assessment Statistics - 1984

Classification	1984 Total Acres	1984 Parcel Count	1984 Percent of Land Use (Parcels)
Residential	0	545	84.1%
Commercial	0	80	12.3%
Manufacturing	48	23	3.5%
Agricultural	0	0	0.0%
Swamp & Waste	0	0	0.0%
Forest	0	0	0.0%
Real Estate Totals	48	648	100.0%

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

Table 8.4 Village of Muscodora Land Use Assessment Statistics - 1989

Classification	1989 Total Acres	1989 Parcel Count	1989 Percent of Land Use (Parcels)
Residential	0	524	84.1%
Commercial	0	83	13.3%
Manufacturing	55	16	2.6%
Agricultural	0	0	0.0%
Swamp & Waste	0	0	0.0%
Forest	0	0	0.0%
Real Estate Totals	55	623	100.0%

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

Table 8.5 Village of Muscodora Land Use Assessment Statistics - 1994

Classification	1994 Total Acres	1994 Parcel Count	1994 Percent of Land Use (Parcels)
Residential	0	535	84.0%
Commercial	0	85	13.3%
Manufacturing	73	17	2.7%
Agricultural	0	0	0.0%
Swamp & Waste	0	0	0.0%
Forest	0	0	0.0%
Real Estate Totals	73	637	100.0%

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

Table 8.6 Village of Muscoda Land Use Assessment Statistics – 1999

Classification	1999 Total Acres	1999 Parcel Count	1999 Percent of Land Use (Parcels)
Residential	0	540	84.8%
Commercial	0	87	13.7%
Manufacturing	85	10	1.6%
Agricultural	0	0	0.0%
Swamp & Waste	0	0	0.0%
Forest	0	0	0.0%
Other (Federal, State, County, School, etc.)	0	0	0.0%
Real Estate Totals	85	637	100.0%

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

Table 8.7 Village of Muscoda Land Use Assessment Statistics – 2004

Classification	2004 Land in Acres	2004 Parcel Count	2004 Percent of Land Use (Parcels)
Residential	0	543	84.8%
Commercial	2	87	13.6%
Manufacturing	100	10	1.6%
Agricultural	0	0	0.0%
Undeveloped (formerly Swamp/Waste)	0	0	0.0%
AG-Forest	0	0	0.0%
Forest	0	0	0.0%
Other (Federal, State, County, School, etc.)	0	0	0.0%
Real Estate Totals	102	640	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).

8.6 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 8.8 below shows how the acreages have changed from since 1984.

Table 8.8 Average Annual Land Use Change from 1984-2007, per Land Use Classification: Village of Muscoda

Village of Muscoda	Average Annual Change in Acres 1984-1989	Average Annual Change in Acres 1989-1994	Average Annual Change in Acres 1994-1999	Average Annual Change in Acres 1999-2004	Average Annual Change in Acres 2004-2007	Average Annual Change in Acres 1984-2007
Residential	0.0	0.0	0.0	0.0	0.0	0.0
Commercial	0.0	0.0	0.0	0.4	0.7	0.2
Manufacturing	1.4	3.6	2.4	3.0	0.0	2.3
Agriculture	0.0	0.0	0.0	0.0	0.0	0.0

(Source: WIDOR Statement of Assessment)

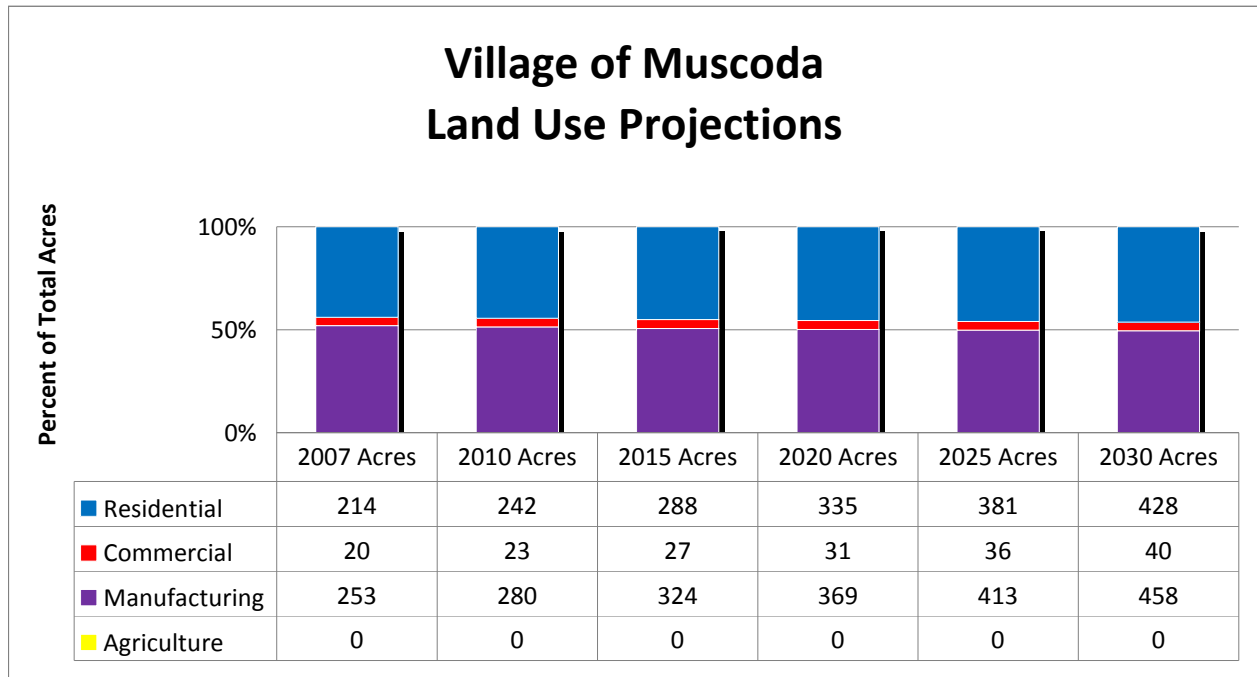
Past land area changes were used to project the amount of land needed in the future per classification. The average annual change from 1984-2007 was used to create future projections. To arrive at the average annual change in each category, the current (2007) number of acres was subtracted from the earliest 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 8.3 Forecasted acres: Village of Muscoda 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 SWWRPC) (Refer to Table 8.7 for Residential acres.)

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

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 Village of Muscoda has a density standard and also a land division/subdivision ordinance that has been in place since 1978 and has been effective in guiding land use decisions. The Village does not have any planned unit developments, driveway standards, access standards, nor any 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

The Plan Commission did not report any current land use conflicts with its jurisdictional neighbors, including the County. They do foresee potential for future conflict with the Town of Muscoda on the west and south side of the Village if annexation becomes necessary.

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>