

CHAPTER 8 Land Use Element

66.1001(2)(h) Wis. Stat.:

Land-use element. 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.

The purpose of this chapter is to compile an inventory of existing land use patterns, and establish the goals, objectives and policies which will be used to guide public and private actions concerning future land use and development. These goals, objectives and policies, along with the land use category descriptions, express ideas that are consistent with the desired character of the Town and the other chapters of the Comprehensive Plan.

Section 8.1 Existing Land Use

The Town of Eau Pleine consists of predominantly vacant and agricultural land. Table 8.1 below and Map 8.1 on the following page illustrate the distribution of different land use categories throughout the Town.

Table 8.1: Existing Land Use in the Town of Eau Pleine, 2014

Existing Land Use	Acreage	Percentage
Residential	841	2.3%
Commercial/ Services	125	0.3%
Agricultural	11,596	31.6%
Governmental/Institutional	10	0.0%
Road/ Railroad Right-of-Way	1,090	3.0%
Parks/Recreation	8,108	22.1%
Non-Metallic Mining	53	0.1%
Water	934	2.5%
Vacant/Undeveloped	13,976	38.0%
Total	36,734	100.0%

Source: Eau Pleine Plan Commission, Portage County Planning and Zoning Department

A. Residential

Uses in this category include lands with structures built as dwellings. These include single family and seasonal residences, mobile homes, duplexes, and farm residences or farmsteads. Residences are scattered throughout the Town and are generally located along the established road network and water bodies. For the purposes of land use calculation, rural residences and farmsteads were estimated to occupy approximately two acres of area within the larger parcel, while calculations for acreage in concentrations of residential use are based on parcel actual size. As of January 2014, 841 acres, or 2.3% of the Town's land area, were devoted to residential land use.

B. Commercial/Services

Commercial development accounts for a small amount (125 acres, 0.3%) of land area in Eau Pleine. These lands include uses such as: retail and sales establishments, restaurants, taverns, offices, and other professional services. A game farm, located in the central portion of the Town, has also been included in this category and accounts for the majority of the existing commercial use acreage (approximately 100 acres).

C. Agricultural

Agriculture is the second largest land use of in Eau Pleine. Lands in this category include non-irrigated crop lands, cranberry bogs, dairy farms, livestock operations, permanent pasture, and lands that have structures used to store agricultural equipment or products. Lands in this category (11,596 acres) represent approximately 32% of the total Town acreage.

D. Institutional

These lands (10 acres) include existing municipal and government owned structures, educational research lands, cemeteries and fire stations. The greatest portion of these lands is attributed to Town owned property for the Town Hall and garage.

E. Road and Railroad (Right-of-Way)

This land use category covers all of the railroad and road right of way in the Town. Table 8.1 shows the combined acreage for these two modes of transportation, but broken down, the roads account for 976 acres and the railroad 113 acres.

F. Parks and Recreation

Lands in this category comprise Eau Pleine's third largest land use (8,108+ acres, 22%). These lands could be publicly or privately owned. Public lands may include State, County, or Town parks, nature preserves, boat landings, or athletic fields. Private lands may include golf courses, campgrounds, etc. The majority of these lands are part of the Mead Wildlife Area.

G. Non-Metallic Mineral Extraction

These include lands that are currently being used to extract sub-surface materials such as sand, gravel, clay, or other aggregates. There are currently two sites in the Town of Eau Pleine used for non-metallic mining, occupying approximately 53 acres (see the Agricultural, Natural, Cultural Resources Element of this Comprehensive Plan).

H. Undeveloped/Vacant

Lands in this category make up the largest land use category in the Town of Eau Pleine, accounting for 13,976 acres, or approximately 38% of the total. Vacant land, which

Map 8.1: Existing Land Use

includes wetlands and shrub land, privately owned forested areas, and water, is scattered throughout the Town. Department of Natural Resources mapped wetlands account for approximately 13,552 acres, with 6,087 acres being located outside the Mead Wildlife Area.

Section 8.2 Land Use Trend Analysis and Projected Land Use

The Town of Eau Pleine is a community that is dominated by vacant/undevelopable land, consisting mainly of wetlands and agricultural operations. In order to maintain the Town's economic base and rural character, future development will most likely consist of a mix of low density, farm and non-farm residential use.

A. Residential Land Use

The Town's population has slowly decreased between 1980 and 2010, with development consisting mainly of non-farm residential uses. Since population projections indicate a minimal increase over the next twenty years, there will be a sufficient amount of land to serve future residential land use needs.

The Town Plan Commission recognizes that the upgrade of U.S. Highway 10 to a four lane facility may increase demand for residential and commercial uses in close proximity to that facility. As agricultural lands would most likely be converted for any new residential uses, the Town recommends housing densities that have minimal impact on groundwater quality and other natural resources, as well as remaining agricultural operations.

Residential land use projections will be based on past permit activity (average of six single family permits per year over the past 14 years), times two acres per housing unit, times 20 years. The total projected increase in residential use during this planning horizon amounts to 240 acres, with most growth occurring after the U.S. Highway 10 upgrade. Access to this new highway facility, however, is limited within the Town of Eau Pleine to interchanges at State Highway 34 and Victory Road.

B. Agricultural Land Use

Although lands designated as agriculture have shown a increase in value over the last twenty years (Table 8.2), the Plan Commission anticipates that agriculture will continue to be a dominant use over the next twenty years due to lack of municipal services and environmental factors. The Land Evaluation Site Assessment (LESA) system will be used as a tool to help identify productive agricultural areas in the Town (see the Agriculture, Natural, Cultural Resources Element of this Comprehensive Plan).

C. Commercial Land Use

The majority of commercial activity in Eau Pleine compliments the dominant agricultural uses and serves limited residential needs; the Town expects that trend to continue. Developable acreage for this type of commercial activity is abundant, provided that new businesses have a minimal impact on the agricultural community and are compatible with surrounding uses. The Town may experience an increase in demand for commercial use near the access points of the upgraded US Highway 10 facility. Specific recommendations regarding those areas should be developed by the Plan Commission and Town Board. The need or demand for commercial development should be reviewed on a regular basis, preferably at the annual Town meeting.

D. Trends in Land Values

Table 8.2 below describes the change in the equalized values for the different property types, as compiled by the State of Wisconsin Department of Revenue.

Table 8.2: Equalized Property Values, Town of Eau Pleine

Type of Property	1980		1990		2000		2013	
	Value	% of Total	Value	% of Total	Value	% of Total	Value	% of Total
Residential	\$4,851,000	21%	\$8,555,000	36%	\$40,431,000	68%	\$76,575,200	77%
Commercial	\$93,000	0%	\$147,000	1%	\$652,000	1%	\$1,088,900	1%
Manufacturing	\$0	0%	\$0	0%	\$0	0%	\$0	0%
Agricultural	\$14,332,000	63%	\$11,402,000	48%	\$3,032,000	5%	\$1,533,600	2%
Swamp and Waste	\$163,000	1%	\$280,000	1%	\$7,280,000	12%	na	na
Undeveloped	na	na	na	na	na	na	\$3,424,000	3%
Ag Forest	na	na	na	na	na	na	\$3,506,300	4%
Forest	\$2,329,000	10%	\$3,190,000	14%	\$6,405,000	11%	\$7,237,300	7%
Other	na	na	na	na	\$1,504,000	na	\$5,547,600	6%
Personal Property	\$925,000	4%	\$9,000	0%	\$320,000	1%	\$241,800	0%
Total Value	\$22,693,000	100%	\$23,583,000	100%	\$59,624,000	97%	\$99,154,700	100%

Source: Wisconsin Department of Revenue Statistical Report of Property Valuations, 1980, 1990, 2000; 2013 Statement of Merged Equalized Values

Undeveloped was formerly Swamp and Waste land. A new category, AG Forest has been added.

The implementation of agricultural use value assessment in the mid 1990's redistributed valuations from the Agricultural category to the Residential, Forest, and Other categories. The Other category (created between 1990 and 2000) includes, "buildings and improvements; including any residence for the farm operator's spouse, children, parents, or grandparents; and the land necessary for the location and convenience of those building and improvements (WI Statutes 70.32)." The critical factor defining "Other" property is its actual use supporting a farm enterprise. If an assessor obtains verifiable evidence that buildings on a farm are used for agricultural purposes, they qualify as "Other." (WI DOR *Agricultural Assessment Guide for Wisconsin Property Owners*, December, 2003).

E. Trends in Land Use

The planning process undertaken to complete this Comprehensive Plan update included re-examining the distribution of existing land uses across Eau Pleine. The Existing Land Use map from the 2004 Eau Pleine Comprehensive Plan was used as a base, and Eau Pleine Plan Commission members reviewed the Town, section-by-section, to note any changes in use that had occurred in the last ten years. Ultimately, only minor modifications were made to Map 8.1. Table 8.3 below details the changes in land use that occurred between 2004 and 2014. Also included in the Table is an approximation of the impact of projected growth in the Town throughout the planning period.

Table 8.3: Land Use Trends in the Town of Eau Pleine

Existing Land Use	2004 Acres	% of Total	2014 Acres	% of Total	2035 Acres
Residential	846	2.3%	841	2.3%	1,081
Commercial	125	0.3%	125	0.3%	125
Agricultural	11,816	32.2%	11,596	31.6%	11,596
Governmental/ Institutional	8	0.0%	10	0.0%	10
Road/Railroad Right-of-Way	809	2.2%	1,090	3.0%	1,090
Parks and Recreation	8,108	22.1%	8,108	22.1%	8,108
Non-Metallic Mineral Extraction	53	0.1%	53	0.1%	53
Water	935	2.5%	934	2.5%	934
Vacant/Undeveloped	14,037	38.2%	13,976	38.0%	13,736
Total	36,735	100%	36,734	100%	36,734

Source: Town of Eau Pleine and Portage County Planning and Zoning Department

E. Redevelopment Areas

Since Eau Pleine is a rural community with no clearly defined patterns of development, other than residential use along the Wisconsin River, no sites or areas have been identified at this time for redevelopment.

Section 8.3 Land Use Conflicts

The primary land use conflict identified by the Town of Eau Pleine Plan Commission was a potential for dispute between non-farm residences and existing farm operations. Due to the important role agriculture plays in the community's economy and character, the primary recommendation for conflict resolution is to direct and encourage non-farm residential development away from intensive agricultural operations.

Section 8.4 Land Use Goals, Objectives and Policies

Goal 1: Maintain the rural character of the Town of Eau Pleine

Objective: Promote the viability of existing agricultural operations and local businesses.

Policies:

1. Encourage the development of home based businesses.
2. Land for development should come from vacant or recreational land, not agricultural land.

Goal 2: Maintain a comprehensive plan that provides for orderly, planned growth.

Objectives:

1. Allow for development in appropriate areas to maintain the Town's tax base.
2. Consider the long term costs of any new development to the Town that requires public services or facilities.

Policies:

1. Limit the location of new development in areas that are shown to be unsuitable to specific uses due to septic limitations, flood hazard, groundwater pollution, highway access problems, etc. The Town recommends against the filling of naturally occurring wetlands.
2. Address industrial, institutional, or large scale commercial development on a specific, case by case basis and upon consideration of the interests of neighbors and the Town in general.
3. Review the information in this comprehensive plan annually and update as deemed necessary by the Town Board.
5. Recommend the use of density based development in areas throughout the Town that are not classified as residential.
6. Allow for the creation of lots smaller than two acres if served by public sewer or adjacent to navigable waters.

Section 8.5 Future Land Use Recommendations

Table 8.3 below and Map 8.2 illustrate the Future Land Use recommendations for the Town of Eau Pleine Comprehensive Plan, and identify how development should proceed in the future to meet the Town's goals of protecting rural character, providing for orderly growth and encouraging development that will maintain the Town's tax base. Future development should be encouraged in an orderly pattern adjacent to and compatible with existing development. The Town projects that the most of future residential, commercial, or industrial development will need to take place on agricultural lands since the vast majority of land designated as undeveloped will remain undeveloped due to constraints such as depth to groundwater and presence of wetlands. It is difficult for rural communities like Eau Pleine to project industrial use, especially since there are no industrial uses in the Town as of the writing of this document. No industrial use is projected during this plan; however, the Town may approve of certain types of industry. In addition, the Town continues to support allowing for seasonal camping on one's property as long as waste, in accordance with state standards, is properly disposed.

Land Use recommendations include both immediate and long range planning goals to be implemented. The long range Land Use Plan recommendations will be implemented over the course of the 20 year planning period as development proposals and land use changes are presented to the Town for consideration. The Town will have to consider periodically updating its land use or zoning map to reflect changing land uses and citizen requests.

A. General Development Criteria

Unlike urban areas, commercial, industrial, and even residential development patterns may not be clearly established in a rural/agricultural setting such as the Town of Eau Pleine. As a result, land use plans often identify only those uses which are already established.

Map 8.2: Future Land Use

Recognizing that such an approach does little to provide local officials with guidance, the planning approach used here has been to set forth criteria whereby any future development proposals in the Town of Eau Pleine can be evaluated by the Town and County. As development patterns become more clearly established over time, it will become possible to develop a more precise plan map.

General Criteria

1. Site does not have significant physical constraints which could create negative impacts on the environment, e.g. soils are suitable for on-site waste disposal, hazardous wastes can be safely disposed of, naturally occurring wetlands are not filled, etc.
2. Land for development should come from vacant or recreational land, not agricultural land.
3. Proposed use is compatible with surrounding uses or negative impacts can be mitigated by proper site design, screening, buffering, etc.
4. Consideration of the opinions of neighboring landowners and the interests of the Town and County in general.
5. Discourage new development in the 100 year flood fringe, except where the requirements of the County Floodplain Zoning Ordinance can be met.
6. Prohibit new development in the floodway.
7. Site meets the requirements of all other applicable Town, County, and State codes and the policies contained in this Plan.

Section 8.6 Future Land Use Categories

Categorizing the land within the Town of Eau Pleine into different land use classes is a formidable task. In order to ensure accuracy and consistency throughout the mapping process, specific mapping criteria were developed.

A. Residential Mapping Criteria

As used here, the term “residential” is intended to identify existing concentrations of lots, which are distinguished by platting or nonagricultural zoning, where it is the original intent of the developer/residents to maintain a residential/neighborhood character and where nonresidential uses would be incompatible. Examples of areas to be mapped as residential include:

- Existing developed residential or recreational zoning.
- Subdivisions or clusters of lots, strongly residential in character, that have developed under agricultural zoning. It is recommended that such areas be identified as residential in this Plan, but considered for rezoning to an appropriate residential district, only where the majority of residents are in agreement as to the need for residential zoning restrictions.
- Pre-existing concentrations of lots that are smaller than two acres.

Areas for expansion of residential development are based on goals and policies in this Plan. Current non-residential uses would be allowed until future residential development occurs.

Land Use Categories:

Low Density/Rural Residential: Equal to, or greater than two acres per residence.

Medium Density Residential: Equal to, or greater than 1 acre per residence. May include residential uses such as single family, duplex, mobile home parks and multi-family dwellings where appropriate. These uses may be treated as special exceptions through the Portage County Zoning Ordinance. *A 1-acre minimum lot size is recommended only for lands adjoining navigable waters.*

B. Commercial and Industrial Mapping Criteria

Areas of existing developed commercial or industrial land uses. For most rural communities, it is difficult to determine an appropriate location for the growth of commercial activity. Most of the businesses that developed are home or farm-based, and do not have the option of relocating. Some communities have a clear vision of a commercial or industrial development area while others may not. Proposals for new industrial and commercial development should be considered only on a case-by-case basis, based on the goals, objectives, and policies of the comprehensive plan. Approval for such uses may require a change to the land use map.

Land Use Categories:

Commercial: Includes uses as allowed in Commercial Zoning districts.

Industrial: Include uses where the manufacturing of a product is the primary purpose of the business.

C. Agricultural Mapping Criteria

This category includes lands recommended for the continuation of agricultural pursuits, the protection of productive agricultural lands, and the retention of the rural nature of the community. In recognition of the varying nature of soil characteristics throughout the County, the changing agricultural economy, and non-agriculture development pressures, three categories of agriculture will be utilized, based on the intensity of the agricultural operations in that area:

Land Use Categories:

L-1 Enterprise Agriculture: The Enterprise Agriculture Category is intended to include lands that can support a full range of intensive agricultural uses, including large dairies, large confined livestock feeding operations, and concentrations of irrigated vegetable crop production. The L-1 Category uses and regulations are designed to implement Comprehensive Plan goals by encouraging livestock and other agricultural uses in areas where conditions are best suited to these agricultural pursuits, and discouraging residential development to avoid potential land use conflict. Due to the more intensive nature of uses allowed, the L-1 category is not intended to be applied near moderately- to densely-populated areas, and it is not intended to accommodate residential uses as principle uses.

L-2 Intermediate Agriculture: The Intermediate Agriculture Category is intended to preserve and enhance land for agricultural uses. Large confined livestock operations are recommended to be limited to ensure compatible land use and minimize conflicts. The intensity of agricultural uses allowed in this category is less than that of the L-1 Enterprise Agriculture category but more intense than the uses recommended in the L-3 Limited Agriculture category. The L-2 category uses and regulations are designed to encourage agricultural uses in areas where soil and other conditions are best suited to these agricultural pursuits, and residential development is controlled to avoid potential conflict with agriculture uses. Lands in this category include the majority of dairy operations within the Town.

A density of four residences per (40) forty-acre tract with a minimum lot size of two acres will be recommended in these areas.

L-3 Limited Agriculture/Mixed Use: The Limited Agriculture Category is intended to provide for the continuation of low intensity agricultural uses, recommend against new and expanding livestock operations, provide for careful siting of single family residences, and support other uses that maintain the rural characteristics of the area. It may serve as a buffer for more intensive agricultural uses in adjacent categories, and prevent premature conversion of rural lands to urban and other non-agricultural uses. The category's use and development regulations are designed to implement the Comprehensive Plan goals by discouraging urban and suburban development in areas that are suited to agricultural uses and that are not well served by public facilities and services.

A density of four residences per (40) forty-acre tract with a minimum lot size of two acres will also be recommended in these areas.

D. Natural Areas Mapping Criteria

This category includes lands recommended to remain in their natural state or for non-intensive uses such as recreation, wildlife habitat, or forest management. It was applied to lands which are environmentally important or sensitive, including shore lands, wetlands, floodplains, steep slopes, substantial wildlife habitat and public resource areas. Limited residential development could occur in a manner that does not negatively impact the ecological or aesthetic value of areas designated for preservation in their natural state. Criteria for identification may include the following:

1. Lands within 100 feet of navigable waters or to the landward side of adjoining wetlands, if greater than 100 feet. Including wetlands within 300 feet of navigable waters, and excluding preexisting structures or cropland that would be nonconforming uses under Conservancy Zoning.
2. Other wetlands (not adjoining navigable waters).
3. Federal Emergency Management Agency (FEMA) 100 year floodplains.
4. Publicly owned lands used for recreation or wildlife/resource management.
5. Large tracts of unbroken native landscapes such as natural forests, grasslands, and wetlands.
6. Other natural features of the landscape deemed important by the local community

Land Use Categories:

NA – Protected: Lands recommended to remain in their natural state or for non-intensive, non-developed uses such as passive recreation, wildlife habitat, ground and/or surface water protection and forest management. Development of these lands is not recommended due to the potential of destroying or degrading important or unique natural resources or due to the excessive measures necessary to overcome development barriers presented by the environmental conditions.

NA – Limited Development: Identifies lands that are environmentally important to the community; however limited residential development (*no more than one residence per 20 acres*) may occur without negatively impacting the ecological value of the area.

E. Institutional Land Mapping Criteria

This category includes lands where public facilities exist or are to be located. Facilities include, but aren't limited to: government services and institutions, educational, religious, cemeteries, medical and health care, military, power plants, solid waste disposal sites, and sewage treatment plants.

Land Use Categories:

Institutional

F. Resource Extraction Mapping Criteria

These areas are considered economically viable resources and are identified within specific boundaries to minimize or avoid conflict with other adjacent land uses. Resource extraction uses include clay, sand, gravel, and other aggregate extraction.

Land Use Categories:

Non-Metallic Mineral Extraction

Section 8.7 Use of “Planned Development” Within the Town of Eau Pleine

In order for individual Towns within the County who fall under the County Zoning Ordinance (like Eau Pleine) to utilize the new Planned Development (PD) Zoning District, its use must be discussed and justified within the Town's Comprehensive Plan.

The intent of the PD District, as defined by the Portage County Zoning Ordinance, is to accommodate higher density single or mixed use development in unique and appropriate circumstances across the County. The District provides an alternative to traditional site development, and allows for greater flexibility and imagination in design, while maintaining protection of the rural environment and preserving aesthetics, natural resources, and the character of agricultural lands.

A PD is used to provide for flexibility from what a more traditional/conventional zoning ordinance would normally allow. The PD is designed and created as a single controlled project that allows a single- or multi-use development within its borders. The idea is that this type of district's flexibility for design, combined with environmental considerations that need to take place, will provide for a “superior” development. PD type zoning is used to enhance preservation of natural resources/environment and encourage an innovative design to ensure adequate facilities and services for the development. The Portage County PD district is intended to be used in unique or special places in a Town, and not meant to be a widely used zoning option. This district should not be used for a development that would follow normal development models with just a higher density.

Throughout this Plan you will find specific goals, objectives and policies that address how development should or should not be created within the Town. This section is intended to coordinate the goals, objectives and policies to justify use of this zoning option, and to identify areas that this unique tool could be used and coordinated with the guidance from this planning process. The Town used the following questions to focus its rationale for approving use of the District.

Why is this type of development good for the Town of Eau Pleine, and what does it provide for the Town? Why does the Town desire to have the ability to use a PD type of zoning district?

- The PD district allows for creative development ideas without compromising the Town of Eau Pleine’s tremendous natural resources.
- Providing flexible development options may result in a broader tax base for the Town. Land once considered.

What issues/concerns does the Town have regarding this type of development?

- Increased development brings with it additional traffic. Careful attention needs to be kept on the impacts to Town roads from new development.
- Quality of life. A successful Planned Development project must show that it is compatible with existing or planned uses, minimize land use conflicts, and add to the overall “livability” in the Town of Eau Pleine. This will include: providing needed housing and related, appropriately scaled commercial opportunities; being consistent with or enhancing local neighborhood “aesthetics” (including proper screening and project design to best protect neighboring property values and rights; and pursuing a logical and efficient pattern of development in terms of service provision, including proper utilities). This includes impacts associated with increased traffic on roads, expansion of garbage collection, snow removal, emergency vehicle access, school bussing, etc.

“How would you direct development to areas of the Town that would be suitable?”

- PD should be directed to: water front (navigable) properties; other areas with access to a County Road or State Highway. Water front properties were felt to be logical choices based on the PD District’s intent to be used in unique circumstances. The requirement for County Road/State Highway access was based on these facilities being designed to handle more traffic, and an increase in traffic there would have less negative impact than on a Town road. Negative impact to a Town road facility would be an appropriate reason for not supporting a PD District/project.

Throughout the Chapters of this Comprehensive Plan, issues, goals, objectives, and policies have been included that are intended to protect and account for the health, safety, and welfare of the residents of the Town of Eau Pleine. Based on the stated intent of the Planned Development Zoning District and the information and analysis provided throughout this Comprehensive Plan document, and specifically in this Section, the Eau Pleine Plan Commission and Town Board hereby conclude that the use of the Planned Development Zoning District is justified and desirable.