

CHAPTER 8 LAND USE ELEMENT

Section 8.1 Introduction

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 (elements) of the Comprehensive Plan.

Section 8.2 Existing Land Use

The purpose of the existing land use information is to provide the Town of Linwood Plan Commission and Town Board with a “snap-shot” of what is going on in the Town at a particular moment in time. Understanding the existing patterns of development and use allow for a more informed discussion of what types of future uses and development should or could be encouraged. The goals, objectives and policies from the previous chapters also help frame this discussion. The result of this discussion will be a Future Land Use Map and specific goals, objectives, and policies for guiding Town development.

The following information was derived using aerial photography from 2008 and 2005.

Table 8.1: Existing Land Use in the Town of Linwood, 2008

Existing Land Use Category	Acres	Percentage
Residential	867	4.0%
Commercial	264	1.2%
Industrial	197	0.9%
Agricultural	3,430	15.9%
Governmental/Institutional	14	0.1%
Right-of-Way	588	2.7%
Undeveloped/Vacant	16,191	75.1%
Total Acreage	21,552	100.0%

Source: Portage County Planning and Zoning Department

A. Residential

Residential development accounts for approximately 867 acres, or 4% of the land area. The majority of residences are scattered along the highways and local roads throughout the town. For the purposes of land use calculation, rural residences and farmsteads were estimated to occupy approximately 2 acres of area if located within a larger parcel, while calculations for residential uses concentrated in subdivisions or clusters were based on actual parcel size.

There are five platted subdivisions: North Shore, Linwood Springs, Babbling Brook, Shady Lane, and Timber Shores.

PLATTED SUBDIVISIONS

Town of Linwood, Portage, WI

DATE PLATTED	SUBDIVISION	TOTAL LOTS	DEVELOPED LOTS
08/31/60	North Shore	49	14
07/30/76	Linwood Springs	27	22
05/09/02	Babbling Brook	8	4
09/09/02	Shady Lane	8	3
03/12/07	Timber Shores	20	0

Source: Portage County parcel data, 2007

Notes:

- 1) A platted subdivision is one which complies with specific surveying and mapping requirements under Chapter 236, Wisconsin Statutes and the Portage County Subdivision Ordinance. A plat is required where 5 or more parcels of 1 ½ acres each or less are created, within a period of 5 years. Town of Linwood requires a minimum lot size of two (2) acres. In contrast, a certified survey map must comply with less extensive State and County requirements and, unlike a plat, does not require State review.
- 2) Developed lots include those with improvements of at least \$10,000 of assessed value.

B. Commercial

Commercial activity is very limited within the town (1.2% of land area), mainly involving small-scale local businesses. A particular note is Wisconsin River Golf Club, which accounts for the majority of the total acres classified as commercial. A sawmill is also in operation. As in most parts of the county, there are also a number of small home occupations which are not generally considered commercial in nature.

C. Industrial

Industrial use (197 acres, 0.9%) is limited to the waste treatment facility and associated landfill owned and operated by NewPage paper company.

D. Agricultural

Agriculture accounts for about 16% of all lands in the town. The town has multi-farm classified operations, dairy, beef, bison, and cash cropping, although farming, other than dairy, is the primary agricultural activity. The majority of crops are corn, oats, soybeans, and hay. Soil wetness is a major limiting factor, although some areas have been improved for cropland production through the use of surface drains. The majority of the farmland is located in the western one-half of the town. Statistical and air photo analysis indicate that there has been no significant loss of farmland in the town, unlike other parts of Portage County where substantial farmland acreages have been converted to other uses.

E. Government/Institutional

These lands (14 acres, 0.1%) include such things as: Town owned lands, existing municipal owned structures, cemeteries, boat landing, and an abandoned landfill.

F. Roads, Railroads, and Right-of-Way

Roads, Railroads, and Right of Way required to serve such facilities comprise 2.7% of land area. There are a total of 64.57 miles of state, county, and local roads, according to the town road plats provided by the Wisconsin Department of Transportation (DOT). Future road development is

Town of Linwood Existing Land Use Map

limited due to wetlands, floodplain and bedrock, except for subdivisions and the proposed County HH extension.

Canadian National Railroad runs through the northeast portion of the Town of Linwood.

G. Undeveloped / Vacant

Lands in this category include approximately 75% of Linwood's land area, and include privately owned wooded and non-wooded areas, fallow fields, as well as wetlands, hydric soils, and water bodies. Water bodies account for 1,535 acres, or 9% of the Undeveloped / Vacant acreage. The Bear Creek Marsh or wetlands contains the majority of lands within this category, as well as other non forested marsh or wetland areas. Please refer to Chapter 5, Agricultural, Natural, and Cultural Resources for more detailed mapping of wetlands, floodplain, and forested areas.

Section 8.3 Land Use Trend Analysis and Projected Land Use

A. Residential Land Use

Based on the number of new residential construction permits issued by the Portage County Planning and Zoning Department, the Town of Linwood has gained a total of 49 new residences from 2000 through 2008. The Town of Linwood is not currently zoned for duplex or multi-family development at this time.

The Town of Linwood consists of predominantly forest, wetlands, and agricultural land and therefore has a low development density. As forested and agricultural lands will most likely be converted for many of the new residential sites, the town recommends housing densities that have minimal impact on the town's environment, rural character and remaining agricultural operations. If residential land use projections are to be based on projected population increase (20 new households exclusive of subdivisions by 2025, with each household representing a new housing unit times 2 acres per housing unit, 40 acres will be needed to accommodate the new growth). There is sufficient land in the town to accommodate this projected growth; however, due to unforeseen events (e.g. demand, land prices, economy), the acreage could vary. Subdivision projections are difficult to predict.

B. Transportation (Right-of-Way)

An increase in residential use usually carries with it a corresponding increase for more roadways or at least, an increased volume on the existing infrastructure. New through roads will be minimal in Linwood due to wetlands and rock structure, but maintained as a goal to eliminate dead end roads.

C. Agricultural Land Use

Although lands designated as agriculture have shown a decline in equalized value (Table 8.2: page 81), the Plan Commission anticipates that agriculture will continue as a significant use in the next twenty years due to the changing desire of current farmers to continue farming, and the overall farm economy.

D. Commercial and Industrial Land Use

Future commercial and industrial activity in a rural area such as Linwood is difficult to anticipate. There is, however, a potential for future commercial development, along County HH and the change of County Road P to Highway 66 West. Home occupations, of small scale or

incidental nature, are permitted. New commercial development for proposals should be handled on a case-by-case basis, using the policies in this plan as a guideline.

Industrial development includes those activities which involve manufacturing, mineral extraction, waste treatment, etc., and generally produce noise, dust, odors or other impacts on the surrounding area. New industrial development proposals should be considered on a case-by-case basis, using the policies in this plan as a guideline. There is potential development for Industrial or Commercial operations along Hwy 66 West or the Wisconsin River. Floodplain, bedrock, wetlands and other issues limits future potential of industrial developments.

The town sees no immediate large scale commercial and industrial activity coming into the area, due to the lack of municipal sewer and water.

E. 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 Linwood

Type of Property	1980		1990		2000	
	Value	% of Total	Value	% of Total	Value	% of Total
Residential	\$12,376,000	58%	\$17,150,000	63%	\$40,644,000	71%
Commercial	\$778,000	4%	\$782,000	3%	\$1,881,000	3%
Manufacturing	\$27,000	-%	\$16,000	-%	\$16,000	-%
Agricultural	\$4,024,000	19%	\$3,998,000	15%	\$1,871,000	3%
Swamp and Waste	\$257,000	1%	\$317,000	1%	\$785,000	1%
Forest	\$3,405,000	16%	\$4,004,000	15%	\$8,319,000	15%
Other	\$-	-%	\$-	-%	\$2,539,000	4%
Personal Property	\$361,000	2%	\$923,000	3%	\$1,000,000	2%
Total Value	\$21,228,000		\$27,190,000		\$57,055,000	

Source: Wisconsin Department of Revenue Statistical Report of Property Valuations, 1980, 1990, 2000

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 Statues 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*).

F. Redevelopment Areas

The only potential site identified at this time for redevelopment is located at 1662 West River Drive West. This property, owned by the Town, is the site of an abandoned land fill. The Town of Linwood will study possible alternative uses for that land in the future.

Section 8.4 Land Use Conflicts

Conflicts between incompatible land uses due to conversion of agricultural and forested lands will most likely be minimal. However, the town should still oversee development proposals to help ensure that conflicts are minimized and consideration is given to existing landowners and infrastructure. The proposed County HH extension may create changes in land use and development.

The primary land use conflicts identified during our planning process were: a potential for dispute between non-farm residences and existing farm operations, and the potential impacts from non-metallic mineral operations on existing road infrastructure. Due to the important role agriculture plays in the community's economy and character, the primary recommendations for limiting conflict are to limit non-farm residential development near intensive agricultural operations, encourage the use of spatial or vegetative buffers, and provide information to residents regarding Wisconsin's Right to Farm law.

Section 8.5 Land Use Issues

- The development of home-based businesses that are compatible with surrounding uses.
- Cooperate with neighboring municipalities to preserve farmland.
- Encourage the use of density based development where appropriate.
- How can the Town of Linwood address residents complaints regarding the Wisconsin's Right to Farm Law.
- Recommend that residential development provide spatial or vegetative buffers in areas adjacent to existing agricultural operations.
- Will non metallic mining impact water quality or wetlands in the Town of Linwood.

Section 8.6 Vision for Town of Linwood Land Use

Development is limited in our rural area in an effort to preserve rural character, natural resources and the high quality of our citizen's lives.

Key Vision Ideas for Land Use:

- A. Development takes into consideration the protection of groundwater recharge areas, air quality, agricultural land, forested lands, wetlands, surface water, and fragile habitat/ecosystems.
- B. Land Use policies are locally developed, and focus on the long-term. They are compatible across municipal boundaries, protect landowner rights, and promote appropriate planning in the town.
- C. Uniform ordinances, regulations, and definitions exist in the town to protect rural character.
- D. Communication tower development will be in accordance with a town ordinance.

Section 8.7 Land Use Goals, Objectives, and Policies

These goals and policies represent the generalized, long term position of the Town of Linwood regarding land use and development. As such, they are intended to reflect the values of town residents and landowners, as a whole. All other details in this Land Use Plan should, in general, conform with these goals and policies.

A. Goals:

1. While maintaining the rural character of the Town of Linwood, provide for orderly planned growth which makes efficient use of land and efficient use of public services and tax dollars.
2. Prepare, adopt and maintain a long-range Comprehensive Plan for the Town, which will serve as a guide for future land use and zoning decisions. Permit new development based on implementation of this plan, as well as other Town, County, and State plans and ordinances.
3. Preserve and protect natural resources in the Town.
4. Limit conflict between farm and non-farm and support and protect agriculture as an important economic activity and land use in the town.

B. Objectives:

1. Promote the viability of existing agricultural operations and local businesses.
2. Maintain the existing minimum lot size of two (2) acres for residential development. (not to preclude development on preexisting lots-of-record which are less than two acres in size).
3. Encourage developers to create open spaces as part of development requests.
4. Consider multiple family development only where public sewer service is available.
5. Encourage the proper management of natural resources, including publicly owned lands.
6. Insure that non-metallic mining operations have a minimal impact on Town infrastructure and surrounding uses.
7. Utilize Conservancy Zoning to protect important or fragile environmental areas including selected shorelands, wetlands and floodways, and recognize their value for flood control, wildlife habitat, protection of water quality and providing recreational opportunities.
8. Eliminate Conservancy Zoning on lands which are determined not to be of primary environmental importance, such as uplands, small isolated wetlands, and lands under agricultural uses.
9. Support limited development when considering its affect on existing agricultural operations.

C. Policies:

1. All land splits within the Town require Plan Commission recommendation and Town Board approval.
2. Discourage the location of new development in areas of the town which are shown to be unsafe or unsuitable for development, due to soil limitations, for on-site waste disposal,

flood hazard, loss of good farmland, highway access problems, incompatibility with neighboring uses, etc.

3. Limit access points for non-metallic mining operations to County Roads or roads built to handle heavy traffic.

Section 8.8 Future Land Use Recommendations

Future Land Use recommendations include both immediate and long range planning goals to be implemented. The long range Comprehensive 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.

The Future Land Use Map (page 86) represents long range land use recommendations for all lands in the Town. It is intended to be used by the town and county officials as well as the public, as a guide in reviewing lot splits and rezoning requests, and in comprehensively updating the Town of Linwood Zoning Map.

The Future Land Use Map is designed to group land uses which are compatible and to separate conflicting uses. Different map categories were developed to reflect the varied land use potentials and limitations throughout the town, and are intended to anticipate all possible land uses. The Undeveloped/Vacant Existing Land Use category has been distributed into the L-3 Limited Ag/Mixed Use and Natural Areas Future Land Use categories. Any use not clearly covered under one of the map categories should be considered on a case-by-case basis, utilizing the development policies in this document. It is acknowledged that the boundaries between recommended land uses will be subject to change over time, which may require updates to the Future Land Use Map.

Table 8.3: Future Land Use in the Town of Linwood, 2025

Future Land Use Category	Acres	Percentage
Residential	309	1.4%
Commercial	264	1.2%
Industrial	197	0.9%
L-3 Limited Ag / Mixed Use	8,113	37.6%
Governmental/Institutional	14	0.1%
Right-of-Way	588	2.7%
Natural Areas - Protected	12,065	56.0%
Total Acreage	21,552	100.0%

Source: Portage County Planning and Zoning Department

Section 8.9 Future Land Use Categories

Categorizing the land within the Town of Linwood into different future 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:

- 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.

Land Use Categories: Residential: Equal to, or greater than 2 acres per residence.

This category identifies areas recommended for existing and/or future single family residential development. The minimum lot size for new parcels is two acres; excluding road and other easements. Care should be taken to avoid other types of development in these areas which could conflict with residential use or adversely affect residential property values.

B. Commercial Uses Mapping Criteria

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 development area while others may not. Home occupations, of small scale or incidental nature, are permitted. Proposals for new commercial development should be considered only on a case-by-case basis, based on 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.

C. Industrial Uses Mapping Criteria

Industrial development includes those activities which involve manufacturing, mineral extraction, waste treatment, etc., and generally produce noise, dust, odors or other impacts on the surrounding area. As with commercial development, some communities have a clear vision of a industrial development area while others may not. New industrial development proposals should be considered on a case-by-case basis, using the goals, objectives, and policies in this plan as a guideline.

Land Use Category: Industrial

Town of Linwood Future Land Use Map

D. 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.

Land Use Category:

Limited Agriculture/Mixed Use (L-3): The Limited Agriculture/Mixed Use category is intended to provide for the continuation of low intensity agricultural uses while providing for the careful siting of single family residences, and supporting other uses that maintain the rural characteristics of the area. It may serve as a buffer for more intensive agricultural uses in adjacent districts 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 Town of Linwood's 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.

Also included in this category are small fields of cropland and lands expected to remain in green space for use in forestry, recreation, and low intensity residential use. Minimum lot sizes for lands in this category are recommended to be 2 acres or larger.

E. Natural Areas Mapping Criteria

This category includes lands recommended to remain in their natural state or 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 values of areas designated for preservation in their natural state. Any pre-existing uses which lie within these areas, such as residences and farm fields, should be allowed to continue.

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/hydric soils (as detailed in the *Wisconsin Wetland Inventory Map*, Wisconsin Department of Natural Resources, and *Soil Survey of Portage County*, U.S. Dept. of Agriculture/NRCS, respectively). It should be noted that these boundaries are generalized and that field inspections may reveal pockets of developable soils within these otherwise undevelopable areas.

Wetlands (Hydric Soil) are areas that are covered by shallow water or are subject to intermittent flooding and slow drainage. Wetlands provide habitat for wildlife, reduce runoff and soil erosion, help maintain the water quality of nearby lakes and streams, and play an important role in the groundwater regimen. Certain wetlands can also be productive for farming with drainage improvements.

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 Category:

Natural Areas Protected: (Criteria 1 through 4) 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.

F. Institutional Land Mapping Criteria

This category includes lands where public facilities exist or are to be located.

Land Use Category: Institutional: Town of Linwood Town Hall, Rudolph Volunteer Fire Station #2, Burial Site, and (2) Cemeteries.

G. 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 Category: Non-Metallic Mineral Extraction: Currently there are no active non-metallic mining operations in the Town of Linwood. In the future the Town of Linwood may consider adopting a non-metallic mining ordinance.

