

# Chapter 8: LAND USE

## INTRODUCTION

This chapter describes existing land use patterns in the Town of Washburn, and it sets forth a plan for future land use that is consistent with the Town's vision. The Land Use Plan guides Town Board members and leaders, the Planning Commission, property owners, developers, and other interested parties in decisions relating to the type, location, and density of future development and growth in the community. It also serves as the foundation for updating the Town's Zoning Map, Zoning Ordinance, Subdivision Regulations, and other implementation tools.

## INVENTORY AND ANALYSIS

### **EXISTING LAND USE INVENTORY**

The Town of Washburn's existing land use inventory was prepared based on interpretation of the Town's most recent aerial photographs, parcel data from Bayfield County Land Records Department, the Town's community planning committee, and personal site visits. (Refer to Map 8.1 of Existing Land Use Inventory—illustrating the location, amount and type of existing land uses in the Town of Washburn). On June 12, 2001, the Washburn Town Board adopted the "Town of Washburn Land Use Plan" which provided an overall and generalized land use plan for the community. The inventory contained in this Comprehensive Plan document reflects general development patterns and should be used for general planning purposes only.

Table 8-A summarizes the amount and type of existing land uses in the Town of Washburn as of May 25, 2006. This recently updated information was provided by Bayfield County Real Estate Valuation Statement, dated May 25, 2006. In comparison to most surrounding towns and cities, Town of Washburn has a significant amount of undeveloped, rural land, along with a large portion covered in forested or woodland cover.

Table 8-A: Summary of Existing Land Use – 2006				
Town of Washburn Land Uses – 2006			Land Uses – 2001	
Class or Use	Acres	Percent of Town lands	Acres	% of Town
Residential	1,156.9	2.1	1,028	1.9
Commercial	1.4	0.0	6	0.0
Manufacturing	0	0.0	0	0.0
Agricultural	1,764.7	3.2	1,800	3.3
Forest/Woodland – Federal	36,899.0	67.5	36,739	67.2
Forest/Woodland – Private	13,312.9	24.3	13,792	25.2
Wetland or other private water	117	0.2	105	0.2
Lakes and Streams	144.4	0.26	N/A	N/A
Municipal	105	0.19	105	.19
Parks and Recreation	10	--	N/A	--
State	1,183.6	2.2	1,012	1.8
Bayfield County	85.0	0.2	82	0.1
Other tax exempt	153.6	0.3	150	0.3
<b>Totals</b>	<b>54,674</b>	<b>100.0</b>	<b>54,714</b>	<b>100.0</b>

Forest/woodlands comprise 91.8% of the Town lands, of which 24.3% is in private forest/woodlands and 67.2% is in Federal Forest. State and county-owned lands, also primarily woodlands, comprise another 2.2% and 0.2% respectively. Agricultural land constitutes the next largest category with 3.2%. Residential land makes up 2.1% of the Town area.

The information below contains a generalized description of each land use classification related to the existing uses found within the Town of Washburn. The visual for these land uses can be seen in the *Existing Land Use Map* for the Town (see *Map 8-1*). This map, quite similar to that in the *Town of Washburn Land Use Plan 2001*, was reviewed with updates made through a “windshield field survey” by Northland College students assisting the Town of Washburn Land Use Planning Committee.

### Agriculture

These areas are inclusive of lands where typical agriculture activities may be taking place, such as livestock grazing, dairy farming, hay fields, small grains and seed (crop) production, and vegetable farming. The Town’s Agriculture land use also provides areas for single-family residential dwellings.



*Pic of Existing Rural Residential Acreage)*

### Commercial

This category may include properties or structures that are used to provide typical retail sales and services to the general public, and may include some forms of wholesale operations. Commercial uses may include restaurants, offices, and similar enterprises. Commercial uses do not include the home-based or agricultural based businesses.



*C-Side Bar and Restaurant*

### Municipal

These uses include the Town-owned property, facilities and spaces. This may include the public works or community maintenance buildings and areas and the local sand and gravel pits, and (former) landfill. It does not include public parks or public open space.



*Town Hall*

### Recreational

Recreation lands typically fall under the category of lands or uses developed or maintained by a local or regional government authority, for the general purpose of providing a variety of indoor or outdoor recreational activities for residents and visitors. Some of these public recreational uses may include town parks, boat landings, swimming pools or beaches, skating or ice-hockey rinks; walking or nature trails, ATV/snowmobile trails, nature preserves, athletic fields, and/or campgrounds. Some uses may even be privately owned, such as a golf course, campground, rifle/archery range, etc.



*Recreational Fields/Preserved Open Space  
(Kirsten Farmstead)*

### Federal Forest Lands

This land use includes the forested lands under federal government (U.S. Forest Service) jurisdiction and control. Most of this land use area is heavily forested and contains three species of pines and several other conifer species, plus oak, maple, birch, aspen and assorted other deciduous trees (in northern Wisconsin, we can't lay claim to a "large variety" of species, due to the limitations of northern climate). Today this area is under strict land-use management by the U.S. Forest Service, with limited and environmentally managed logging operations. This land use also provides areas of outdoor and natural recreational opportunities for the Town's residents, as well as for visitors and tourists.



*Chequamegon National Forest Entrance*

### Private Forest Lands

This land use includes forested lands under private ownership, which are reserved for or are currently undergoing some form of managed tree removal harvesting or logging operations. This land use is at least 20% stocked by forest trees of any size, or formerly having had such tree cover, and not currently developed for non-forest uses. It is recognized that many, if not most, new residences in the Town will be built on these private forested areas.



*Private Forest Land*

### State/County Lands

These land use categories refer to the state owned lands under the jurisdiction of the Wisconsin Department of Natural Resources and all lands owned by Bayfield County.



*State Forest Land – (located off North Church Corner Road)*

### Miscellaneous Land Use Categories

- Residences – General markers that indicate lands with residential dwellings and structures designed to accommodate an individual, small group or family for year-round (permanent) or seasonal living. These uses may include typical single-family dwellings, cabins, cottages or manufactured/mobile-home style dwellings.
- Roads – land uses confined to public or privately dedicated corridors or historically established routes, which may consist of either hard surfaced or graveled roadways, and which were created for the movement of people or materials within the Town. Roads may include Federal (U.S. Forest), State, County, Town, and/or private road systems.
- Lakes and Streams – Open or natural water features, which may include local lakes, streams and rivers.
- Sand/Gravel Pits – Land uses that may be of public or private areas where the mining of aggregate, sand and gravel material for use as raw materials in a variety of materials or products.
- Tower – land uses which support or indicate the presence of large, communication towers built by and maintained by private providers, for the transmission and receiving of communication signals for varied devices or equipment.

### EXISTING LAND USE ANALYSIS

Based on the existing land use in the Town of Washburn, the following information provides a review and general explanation of these existing land uses, currently found throughout the Town, and provide some related information to assessed land values and a brief comparison of the last 5 years. The information will also provide some insight and as to the future outlook or supply of available land throughout the town. Generally speaking, limited land use conflicts exist due to the community supporting primarily residential activity. Conflicts between agricultural and residential activities are non-existent due to the very limited amount of farming. Any proposed high density, commercial or industrial uses could be supported in the adjoining City of Washburn.

#### Agriculture

Approximately 1,765 acres of land area, or 3.2% of the Town is dedicated for agricultural purposes. Although the Town considers itself a “rural” township, agricultural activities are somewhat limited. The Tetzner’s Farm, located at 29450 Nevers Road is one of the largest dairy farming operation in the area, with over 100 heads of milking cows. The Tetzner’s also have a creamery and retail outlet on site, whereby they sell bagged milk and ice cream to the general public. Other smaller farming operations are limited to many hay fields with very few row-crop farming. Other agriculture uses include horse and livestock grazing fields, with boarding stables or barns, and some small vegetable fields. (*The following Table 8-B details the assessments data for Agriculture Land in the past few years.*)

<b>TABLE 8-B: AGRICULTURE ASSESSMENT DATA</b>			
<b>Year</b>	<b>Parcels</b>	<b>Acres</b>	<b>Total Value</b>
2007	118	1,765	\$341,650
2006	120	1,772	\$343,250
2005	117	1,774	\$350,350
2004	117	1,772	\$350,200
2003	113	1,719	\$419,000

Source: Wisconsin Department of Revenue

### Commercial

The Town of Washburn has very limited commercial land use, with approximately 1.4 acres of land, which is insignificant in the overall size of the Town. The most notable commercial enterprise in the Town is the C-Side Restaurant, located at 28545 County Highway C. This is a small, family style sit-down restaurant with bar and on-site liquor sales. Tetzner's small dairy and ice-cream making facility noted above could be considered commercial to some degree, however, the dairy and ice cream operations are considered an agricultural use and the products made and sold are ancillary to the overall farming operations. Another well-known commercial enterprise is Cook's Tractor Place, located at 28800 Cook Road. Cook's offers tractors sales, salvage and parts for sale to the public, and employs up to 2 employees.

Regarding Home-Based Businesses, the 2000 U.S. Census Bureau revealed that 18 residents, or 6.5% of the Town's workers (16+ yrs.) worked from their home. We are unsure how many of these "stay-home" workers may be operating under an approved home-based business. Bayfield County Zoning Ordinances require all Home Based Businesses to be allowed under special use permit process, with certain land use restrictions. As indicated under the Chapter 6 – Economic Development element, the advent and growing trend of the personal computers and internet services inside the home, make for ideal situations in rural towns Washburn, where more and more residents may find it more appealing and easier to stay home and provide their services from the comforts of their own homes.

<b>TABLE 8-C: COMMERCIAL ASSESSMENT DATA</b>			
<b>Year</b>	<b>Parcels</b>	<b>Acres</b>	<b>Total Value (Land + Improvements)</b>
2007	2	1	\$70,400
2006	2	1	\$70,400
2005	2	1	\$70,400
2004	3	6	\$294,300
2003	3	6	\$294,300

Source: Wisconsin Department of Revenue

### Municipal

The municipal land uses in the Town of Washburn consists of 105 total acres. These land uses include the 3-acre Town Hall site, located off County Highway C, which serves as the primary place of local government meetings, including the Town Board and Town Comprehensive Planning Committee. The hall will also serve as the main meeting place for the new Planning Commission to be created in the near future. The Town Hall also serves as the main polling/voting station, and may serve as a private meeting place for its

residents, when requested. Immediately to the east of this Town Hall, is the fairly large and well maintained Town garage, which houses the public works offices, vehicles and equipment. The Town also owns and maintains the 22-acre parcel across the road from the hall and garage, which is currently used for outdoor salt and sand storage piles and unused equipment storage. The Town also owns and controls a 40-acre site at the northeast corner of Wannebo Road and Bourgo Road, which is used (or designated) as a sand and gravel pit. Finally, the Town also owns and controls another 40-acre site located near 26000 South Maple Hill Road, which is currently an abandoned landfill. This area is fenced off and no longer accepts any refuse or compost materials.

### Recreational

In the Town of Washburn, nearly **???** acres of land are designated for some type of recreational use. This land use classification includes noncommercial parks, picnic areas, campgrounds, boat landings, and a wide variety of trails for pedestrians and off-road vehicles. Some of these recreational land use areas include the Chequamegon National Forest at Long Lake, Birch Grove, Pine Lake, Horseshoe Lake, Hoist Lake, and Rib Lake. The trails include many snowmobile, ATV, horse riding, walking or combination of two or more activities. The Town residents and surrounding communities also have access to a privately owned soccer field, located next to the Kirsten farmstead, at 29060 County Highway C. As indicated previously under Chapter 4: – Utilities and Facilities, the Town of Washburn, along with the surrounding Town of Bayview and City of Washburn, have financed and provided and marked a gravel driveway and parking area next to these soccer fields off of County Highway C.

### Federal Forest/Private Forest Lands

The U.S. Forest Service owns and manages the large portion of the federal forest area located in the western 2/3 of the Town. This area is part of the vast Chequamegon-Nicollet National Forest, which covers a large portion of Bayfield County. Approximately 52 sq. miles, or just over 36,900 acres are classified under the Federal Forest land use for the Town. Another 13, 313 acres are classified under Private Forest Land, or 24.3% of the Town. Together these forested land uses encompass almost 92% of the total land area of the Town of Washburn. Both the federal forests and private forests areas contribute to the area's timber production, wildlife habitat, and recreational opportunities.

<b>TABLE 8-D: FEDERAL FOREST &amp; PRIVATE FOREST ASSESSMENT DATA</b>			
<b>Year</b>	<b>Parcels</b>	<b>Acres</b>	<b>Total Value</b>
2007	420	8,627	\$7,742,300
2006	415	8,560	\$7,438,300
2005	414	8,748	\$7,937,600
2004	412	8,804	\$7,954,000
2003	409	9,026	\$8,079,100

Source: Wisconsin Department of Revenue

### State/County Lands

The Wisconsin Department of Natural Resources owns some selected acreages within the town with the most notable being the access sites to the Sioux River and Four Mile Creek. The State also has ownership to over 560 acres of land near the northeast corner of the Town, which is being held in reserve as a forested protected area.

### Residential

Low density is the primary characteristic of residential development in the Town of Washburn. Due to the abundant open space and undeveloped land areas throughout the town, particularly in the eastern 1/3 section, residential developments of both year-round and seasonal dwellings are found scattered throughout this part of the Town. One of the more noticeable and densest housing developments in the Town is located near the southeast corner, locally known as Chequamegon Heights, and situated off Sky Road and Chequamegon Heights Road (north-half of Section 12, Twsp. 49-North, Range 5 West). Approximately 1,162 acres are utilized for residential purposes representing only 2.1 percent of the total land area.

<b>Year</b>	<b>Parcels</b>	<b>Acres</b>	<b>Total Value</b>
2007	246	1,162	\$26,162,600
2006	244	1,152	\$25,810,200
2005	242	1,142	\$25,070,000
2004	236	1,111	\$24,612,200
2003	230	1,081	\$23,667,600

*Source: Wisconsin Department of Revenue*

Overall, the Town is expecting continued moderate population and residential growth in the next 20 years. However, over this same 20-year period, it is expected that overall density will remain at a low level, due in part to its current low density and rural nature of the Town, and large amounts of available land space. The Town leaders can confidently predict that the Town will be able to support the additional growth in housing, if necessary.

The Town has indicated its intent will be to try to guide residential growth in certain sections of the Town, and maintain minimum lot sizes in the areas where residential dwellings are permitted by means of current or new zoning districts. The Town believes that high density residential, commercial or industrial uses will probably not develop within the Town, due to the limited municipal services and the Town's overwhelming desire to maintain its rural nature and appeal.

### Transportation

Within the Town of Washburn, an integrated network of state, county, federal forestry and town roads, accommodate vehicular travel either passing through or having a destination within the town. According to WisDOT and Bayfield County, over 132.95 miles (127.64 miles of local and 5.21 miles of county trunk highway), or approximately 967 acres of land, are dedicated to the local road systems found throughout the Town.

## **Water Features & Resources**

The Town is blessed to have a number of significant water features spread throughout or running through the Town. There are eight (8) named lakes, totaling approximately 100 surface acres and all located in the Chequamegon National Forest, which include: Long Lake, Moose Lake, Horseshoe Lake, Hoist Lake, Rib Lake, Pine Lake and Twin Lakes. Most of these lakes offer or support many outdoor recreational activities, such as boating, canoeing/kayaking, fishing, swimming, hiking, picnicking and camping. The Town of Washburn's drainages are located in the eastern third of the Town. Important flowing surface waters in the Town include the Sioux River and Four Mile, Thompson, Bono, Boyd and North Whittlesey Creeks. The Sioux River, Four Mile, Thompson and Bono Creeks are classified as Class I or II trout waters. (Note: more information on these important water resources are highlighted under Chapter 7: - Agriculture, Natural and Cultural Resources element).

## **EXISTING LAND USE STANDARDS and DEVELOPMENT REQUIREMENTS**

Wisconsin's Comprehensive Planning legislation requires that after January 1, 2010, any program or action of a local governmental unit that affects land use shall be consistent with that governmental unit's comprehensive plan. This includes any town ordinances, land use regulations, permitting processes, etc. Due to the low amount of new development that will likely take place in the next 20 years, and the fact that most of this new development will likely involve typical, single-family residential units, a Town such as Washburn can maintain a certain level of development requirements and standards by means of zoning provisions and other reasonable land use requirements. The following information details the current standards and requirements that affect the existing and future land uses of the Town.

### **Bayfield County Standards and Requirements**

Zoning laws were created to protect the health, safety and general welfare of a community. General zoning regulates the use of land, lot sizes, and the height and bulk of structures. It may also provide standards for various types of development and construction activities. Zoning is an effective and widely accepted tool for providing and regulating land use controls.

Bayfield County enacted initial countywide zoning in 1934 and revised the ordinance in the 1970's to incorporate shoreland provisions. The Town of Washburn adopted the Bayfield County Zoning Ordinance in June 7, 1990. By adopting this ordinance, land use regulation in the Town of Washburn is administered by the Bayfield County Zoning Department.

The Town of Washburn does have the authority to veto county zoning changes as outlined in Wis. Stat. § 59.69(5)(e)3. Referred to as the "10 day rule", this authority allows the town to disapprove and reject proposed amendments to county zoning ordinances under certain circumstances. These rights must be exercised according to statutory procedures and do not apply to shoreland zoning or zoning of county-owned lands.

All other zoning permit activities, standards, and requirements are administered at the discretion of the county. These activities include issuance of conditional use permits (special exceptions), special use permits, variances, building and sanitary permits.

Wisconsin counties have the authority to regulate subdivisions under Chapter 236 of the Wisconsin Statutes. The Bayfield County Subdivision Control Code identifies the standards upon which the county's review of proposed subdivisions in the unincorporated areas will be based. The Town of Washburn must approve any proposed subdivision. The Bayfield County Zoning Ordinance consists of a map and associated text. There are 14 districts in the county ordinance, each with a set of standards and requirements outlined in the ordinance text. The following 4 different zoning districts currently govern the Town of Washburn, and Table 8-F details the specific land use standards within these districts (Note: highlighted (yellow) zoning symbols are relevant to Town of Washburn).

### Bayfield County Zoning Districts

**F-1 Forestry-1:** This district is to provide continuation for forestry programs and to permit compatible recreational development. Single-family dwellings and other permanent residential dwellings require a special use permit and Town Board approval.

**F-2 Forestry-2:** This district is to provide for large contiguous tracts that may be used primarily for forestry programs. No residential structures are allowed under this zone.

**A-1 Agricultural-1:** This district is designed to provide areas for general agriculture and to prevent the encroachment of scattered commercial and industrial enterprises and small lot residential development. Farm related residences in this district are permitted uses. Non-farm related residences require a special use permit and Town Board approval.

**W – Conservancy:** This district is intended to be used to prevent destruction or alteration of natural or manmade resources which are considered to have valuable ecological or aesthetic assets. All efforts should be made in these areas to preserve the qualities for which they have been set aside.

TABLE 8-F: Bayfield County Zoning District Requirements			
Zoning District	Minimum Area	Minimum Frontage	Min. Average Width
R-RB, R-1	30,000 sq. ft.	150-ft.	150-ft.
F-1, R-2, A-1	4.5 acres	300-ft.	300-ft.
R-3	2 acres	200-ft.	200-ft.
F-2, A-2	35 acres	1,200-ft.	1,200-ft.
I, C	20,000 sq. ft.	100-ft.	100-ft.
R-4 (sewer & water)	10,000 sq. ft.	75-ft.	75-ft.
R-4 (sewer only)	15,000 sq. ft.	75-ft.	75-ft.
R-4 (water only)	20,000 sq. ft.	100-ft.	100-ft.

Source: Bayfield County Zoning Ordinance

At this time, residential dwellings within the Town of Washburn are only permitted or allowed in the A-1 Agricultural and F-1 Forestry districts. The Town's Comprehensive Planning Committee has indicated their desire to keep these zoning districts intact for now; therefore, the minimum (lot) areas will remain at 4.5 acres/unit.

## Town of Washburn Standards and Requirements

The Town of Washburn administers a private driveway/road ordinance. This ordinance requires property owners to submit an application detailing a request, location, width and length of any driveways or private roads to the Town Board for consideration and approval. The Town encourages property owners to provide shared driveways when appropriate or where the terrain or topographical conditions may require shared facilities.

## Land Use Permits and Data

The following Table provides information on the types and numbers of permits issued by Bayfield County Zoning Administration for the Town residents and property owners. The table includes all permits issued from 1998 to 2006. Land use permits (which cover new residences, additions or modifications, accessory buildings and/or other improvements), are relatively consistent through the years 1998-2001; then a sharp increase in Year 2002; and then a slight decrease over Years 2003 – 2005, and then another sharp spike in building permit activity in 2006. Permit activity can usually be attributed to regional or national economic factors, or simply the desire, needs or wants of the residents/owners at different times or periods of land ownership.

TABLE 8-G Town of Washburn Land Use Permits							
YEAR	Land Use Permits	Sanitary Permits	Special Use Permits	Cond. Use Permits	Temporary Permits	Soil Tests	Sign Permits
2006	27	9	4	0	1	1	0
2005	18	10	6	1	1	0	0
2004	14	8	6	1	0	2	1
2003	20	7	5	0	0	2	0
2002	29	9	5	1	0	2	0
2001	19	12	2	0	2	2	2
2000	15	6	0	2	0	2	0
1999	15	9	0	1	1	0	0
1998	14	2	0	0	0	7	1

Source: Bayfield County Land Records Department

## Shoreland-Wetland Zoning

The Shoreland/Wetland Overlay District is created to accomplish the objectives contained in Ch. NR 115, Wis. Adm. Code, and Title 13, Chapter 3 of Bayfield County Code of Ordinances. The Bayfield County shoreland/wetland zoning ordinance establishes development standards for lands within the shoreland areas. Shorelands are defined as lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond, or flowage and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

These standards are based on the Bayfield County Lakes Classification System, which assigns each county water body into one of three classes (I, II, III). The lakes classification rating is based on the individual characteristics of each lake, with class I lakes requiring

minimum protection and class III needing the most. Mapped wetlands larger than five acres are also regulated under this ordinance.

The following Table 8-H details the Shoreland-Wetland Setbacks Requirements and Standards for all development within the Town. All of the lakes within the Town are located inside the Chequamegon National Forest area, and as indicated previously in this section, no residential structures are allowed under the F-2 Zoning. However, a number of protected rivers and streams do meander throughout the eastern third of the Town where housing is currently situated or planned for, and setback and buffer protections are critical for ensuring the continued protection from the harmful effects of developments near these environmentally sensitive waterways. The Town is fully committed to ensuring that existing and future development in and around these protected rivers and streams are made to meet these important standards.

Lake Classification	Lot Size	Shoreline Frontage	Shoreline Setback	Lot Depth	Vegetation Buffer	Side Yard	Rear Yard
Class I	30,000-sf.	150-ft.	75-ft.	200-ft.	50-ft.	10' min./40' total	10-ft.
Class II	60,000-sf.	200-ft.	75-ft.	300-ft.	50-ft.	20' min./50' total	20-ft.
Class III	120,000-sf.	300-ft.	100-ft.	400-ft.	75-ft.	30' min./60' total	30-ft.
Rivers and Streams	120,000-sf.	300-ft.	100-ft.	400-ft.	75-ft.	30' min./60' total	30-ft.

Source: Bayfield County Zoning Ordinance

### **Wetland Setbacks**

A setback of 25-ft. is required on all mapped wetlands 2 acres or greater.

### **Floodplain Zoning**

The Bayfield County Floodplain Zoning Ordinance regulates zoning in floodplains along county waterways. Floodplain districts are based on Flood Hazard Boundary Maps produced by the Federal Emergency Management Agency (FEMA) and approved by the Wisconsin Department of Natural Resources. Bayfield County Floodplain Zoning districts include: the Floodway District (FW), Flood Fringe District (FF), and General Floodplain District (GF). Areas susceptible or prone to flooding must be indicated and regulated to prevent any future or expanded developments in these flood zones or districts.

### **Sanitary and Private Sewage Code**

The Sanitary and Private Sewage Code regulates the location, construction, installation, alteration, design, and use of all private onsite wastewater treatment systems (POWTS) in the county.

### **Nonmetallic Mining Reclamation Ordinance**

The Wisconsin Department of Natural Resources is the agency responsible for regulating nonmetallic mining in the state. Chapter NR 135, Wis. Adm. Code, defines the standards for reclamation and restoration of state nonmetallic mining operations. The county ordinance implements these required standards for Bayfield County.

### **Lands Enrolled in Managed Forest Law and Forest Crop Law Programs**

Lands that are enrolled in forestry programs such as the Managed Forest Law (MFL) or Forest Crop Law (FCL) can provide some assurance that these lands will continue to be utilized as forest. These lands are under contractual commitment, which may or may not be renewed upon expiration.

Under the MFL program, an owner of 10 or more contiguous forest acres may apply for entry into the MFL program. In order for the land to be enrolled, the Wisconsin Department of Natural Resources (DNR) must determine that at least 80% of the parcel is capable of producing at least 20 cubic feet of merchantable timber per acre per year and that the land is not developed in a way incompatible with the practice of forestry. Enrollment is by contract between the DNR and the landowner for a period of 25 or 50 years, at the owner's option. The contract requires the owner to follow a forest management plan, and the landowner may choose to allow public access for hunting and recreation, or close the property to such activity.

Under the FCL, an owner of a complete quarter-quarter section (typically 40 acres) in a town or village could petition the DNR to enroll that land in the program. In order for the land to be enrolled, the DNR had to determine that forestry is the best use for the land and that a stand of merchantable timber could be produced on it in a reasonable period of time. Enrollment was by contract between the DNR and the landowner for a period of 25 or 50 years, at the owner's option. The contract required owners to practice forestry, to notify the DNR of timber harvests, to allow state appraisals of harvests, and to permit public access for hunting and recreation. With the enactment of the MFL Program in 1985, the FCL was closed as of January 1, 1986; however, some contract may remain in place.

As of December 31, 2006, the Town of Washburn had 4,680 acres of forestland enrolled in the Managed Forest Law (MFL) and Forest Crop Law (FCL) programs. Within the MFL lands, 3,942 acres are open and 498 acres closed. Within the FCL lands, there are 240 acres open.

### **LIMITATIONS FOR FUTURE DEVELOPMENT**

As stated throughout this Comprehensive Plan, residential development will more than likely be the single or dominant form of development the Town will likely experience. Several factors may limit future development in the Town of Washburn. Natural features can, or at least should, limit where and how future residential development occurs. For example, new development should not adversely affect wetlands, floodplains, creeks, ravines, steep slopes, prime agricultural soils, and other significant natural resources. Refer to Chapter 7: Natural, Cultural, and Agricultural Resources for additional information. Future development

may also be limited in areas where the Town cannot readily or cost effectively provide community services and utilities, or in areas where poor soils may inhibit the placement of sanitary septic systems and wells.

### **Contaminated Site and Closed Landfills**

The Wisconsin Department of Natural Resources publishes a registry of known hazardous waste or contaminated sites in Wisconsin. The registry was created by the DNR to serve as a comprehensive listing of all sites where solid or hazardous wastes have been or may have been deposited. Inclusion of a site on the registry is not intended to suggest that environmental problems have occurred, are occurring, or will occur in the future. There is one closed landfill and four separate sites located within the Town of Washburn, which were considered former soil or hazardous waste sites or may still be open for environmental review. These four sites include 2 with leaking underground storage tank(s) or LUST, and two with Environmental Repair Program, or ERP classifications. ERP sites are sites other than LUSTs that have contaminated soil and/or groundwater. Examples include industrial spills (or dumping) that need long-term investigation, buried containers of hazardous substances, and closed landfills that have caused contamination. The following is a list of the current and former sites:

- Town of Washburn Abandoned Landfill (located off South Maple Hill Road)
- Washburn Town Garage – leaking underground storage tank (LUST)  
Opened Sept. 9, 1992  
Closed: Feb. 18, 1996
- C-Side Inn – 28545 County Hwy. C – LUST (LUST)  
Opened Sept. 8, 1997  
Closed: Dec. 2, 1999
- Irene Teschner Property ERP – Open
- Dupont Cabin Lake – Cladding Site (FR 685) – ERP – Open

### **Redevelopment and “Smart Growth” Areas**

Wisconsin Chapter 66.1001 planning legislation requires local communities to explore and plan for redevelopment options such as infill housing, brownfield sites, and obsolete buildings. Brownfield sites are often referred to as locations with known or suspected contamination concerns that may be inhibiting development of the property due to unknown cost and liability factors. Wisconsin State law also dictates that local communities are responsible for identifying potential “smart growth areas” or areas with existing infrastructure and services in place, where development and redevelopment can be directed. These areas may also be recently developing land contiguous to existing development that will be developed at densities that will have relatively low public service costs. Due to the absence of “brownfields” in the Town, the large lot and rural residential character of the Town, the Comprehensive Plan does not specifically identify any particular areas or parcels in the Town of Washburn for redevelopment.

## LAND SUPPLY, DEMAND, AND VALUES

The Town of Washburn has a relatively large amount of vacant, rural, and/or undeveloped land (i.e. private agricultural and forested lands), much of which is located in the eastern one-third of the Township. As discussed earlier, some of this available land is not entirely well suited for certain types of future development, particularly residential developments. In addition, some land is in higher demand, and consequently more valuable, than other land. For example, properties with mineral resources, forestry products, or some with good views of Lake Superior or river valleys, may command higher land values. Nevertheless, the supply of available land in the Town of Washburn far exceeds the anticipated demand for future general residential development, at least through the year 2027.

Many factors affect the price of land, including location, topography, soils, zoning, interest rates, development constraints, etc. At best, it is possible to give a general picture of land prices in the Town of Washburn by analyzing Bayfield County's assessed land values, and by reviewing recent real estate listings and transactions. As of March 2007, there were only 3 single-family residential acreages on the market, with a 120 acre residential site asking \$1,575,000; a 26 acre residential for \$220,000 and a 10-acre residential for \$228,000 (Note: the \$1.575 million property also includes a sand and gravel pit, which could potentially generate revenue for the buyer/homeowner). There were also several undeveloped, rural residential properties that had asking prices of roughly \$2,225 to \$4,000 per acre. The Town of Washburn's Assessor indicated that last year (2006) a 5 –acre lot with a small single-family home was listed for \$300,000, and a separate 5-acre parcel with a larger single-family home was priced at \$175,000. Plus, a 40-acre vacant parcel sold for \$80,000.

All of these values indicate that values of properties in the Town may fluctuate or differ greatly, depending on the conditions of the residential dwelling or the availability of natural resources for private use, such as timber or sand and gravel. Due to the Town of Washburn being primarily residential, these residential land values will probably remain consistent with these average values for a number of years, and value increases will be more than likely be affected by inflationary factors. Almost all of the available vacant land was listed as “*ideal for residential developments or living*,” and we do not expect that to change over the next 20 years. No listings or recent sales of agricultural or commercial properties were available.

The Town of Washburn has many attractive qualities making it a desirable place to live, work, and recreate. The proximity of the Town to such natural amenities as Chequamegon Forest, Lake Superior, along with the numerous trails and parks, trout streams and rivers, and the overall low population density represent the kinds of amenities people seek. These factors will help drive the demand for residential land within the community, maintain affordable and reasonable property values, and help attract more residents to the community.

Again, at best, it is possible to give a general picture of land prices in Washburn. One can also review Bayfield County records online to determine assessed land values in Washburn. However, it should be noted that the assessed value is generally considerably lower than the market value of land.

## FUTURE LAND USE PLAN

The future land use plan is one of the most important tools and resources for providing the Town of Washburn's guide to future land use decision-making. More importantly, the land use plan provides a guide for ensuring that existing and future uses will be compatible with each other, co-exist in relative harmony and provide a balanced synergy between all land uses. The plan also provides a guide to steer future growth away from areas of the community where natural constraints such as wetlands, steep slopes, floodplains and protected streams and rivers exist. Development of this plan began with a community survey, developed and implemented by the Town's Comprehensive Planning Committee, which provided a background of the resident's desires and preferred future land use patterns within the community. The combination of public involvement, assessment of conditions, and expected future needs led to the development of a future land use map, along with a list of goals, objectives and policies to help facilitate the Town's land use planning for the future.

## PROJECTED LAND USE TRENDS

As the Town attempts to predict or plan for its future with this comprehensive plan, a number of factors or trends may affect the overall land use patterns of the Town. None of these trends should be surprising nor are they exclusive to just the Town of Washburn. As other rural townships in this area experience slight growth changes or population expansions, these factors may provide a general assumption as to what is driving the demand for increased land use needs and changes. The Town and Bayfield County have seen significant changes in the residential and agricultural land uses, and even some local changes in forest uses. Conversion of agricultural lands to recreational/residential parcels reflects continuing regional and statewide trends in farmland/forestland to residential conversions. The projected increased population and housing units for the Town of Washburn indicates the future land use changes planned for the Town will likely mirror these regional and state trends. The following is a brief listing of trends identified by the Town:

- Demands for rural housing will continue to increase, coupled with increased demand for larger parcels of land.
- The continued loss of agricultural based lands into residential or other uses, though the Town is seeking to minimize the loss of any agriculture land.
- As indicated in the Issues and Opportunities element, the year-round population of the Town of Washburn will likely increase. This increase may be due to first time or second-time homebuyers searching for more affordable housing, or the simple desire to move to the country.
- Proximity to job centers and access to well-maintained transportation routes will make rural residential development an increasingly popular option for new homeowners or buyers.
- As the populace ages, more resident retirees may feel the desire to relocate to the nearby Cities of Washburn, Ashland, or Bayfield, thereby opening up more housing units within the town or providing opportunities for lots to be created from larger, older tracts.
- The number of seasonal residents and tourists is expected to increase.
- Any major commercial, manufacturing or industrial development is not expected.

- Increased traffic will occur on the roadway systems to accommodate more residents and visitors to the area.
- More visitors or tourists may find the local lakes, trout streams and rivers, campgrounds, trails and other outdoor recreational areas an appealing place to spend their free time and possibly explore opportunities of living next to or nearby in the future.
- Land prices and property taxes will continue to rise.
- Seasonal housing units will continue to be converted to year-round permanent residences.
- Home-based business and the advancement of internet and telecommunication services will become more prevalent allowing more people the flexibility to live and work in the Town.

## PROJECTED LAND DEMANDS

Future demand for land is somewhat unpredictable, mainly due to the many factors that potentially affect or influence this demand. Changes in the local or national economy, natural disasters, and the change in residents are some of the factors that may influence future land use activities. Future land use plans for the period 2000 to 2025 have been developed to assist in predicting future development activities relating to residential, agriculture, and forestland use. These future projections are based on assumptions and according to projected numbers from outside agencies, and should be used only as a guide to what might occur, not what actually will occur.

According to the Issues and Opportunities and Housing Elements contained in this Plan, the projected population and housing units are expected to slightly increase over the next 20 years. As indicated below, the projected population growth is expected to increase from 541 to approximately 640 by the year 2025, or almost 100 additional residents. Moreover, the projected number of single-family homes (owner-occupied units) in the Town of Washburn is projected to increase from 227 to 317 units, or net increase of 90 units by the year 2025, while the projected seasonal units will also see an increase from 28 to 58, or 30 additional units. The projected increase in numbers of housing units is due, in part, to the steadily decreasing average household size and projected increasing population. This trend is also being experienced at both the state and national levels. (*Table 8-1 below provides a re-cap of these projected figures.*)

TABLE 8-1: TOWN OF WASHBURN POPULATION & HOUSEHOLD PROJECTIONS						
	2000	2005	2010	2015	2020	2025
<b>Population</b>	541	567	592	614	631	640
<b>Avg. Household Size</b>	2.86	2.82	2.75	2.81	2.66	2.59
<b>Occupied Housing Units</b>	227	248	266	283	301	317
<b>Seasonal Units</b>	28	33	40	46	52	58

Source: U.S. Census Bureau and Bayfield County

The amount of land required for future residential development is directly correlated to its residential density allotments. If the Town maintains the average density of 4.5 acres/unit, or would entertain the possibility of creating a new zoning district where 10-acres/unit were the minimum, or even if the U.S. Forest Service or State of Wisconsin (in cooperation with the Town) were to ever allow residential dwellings under the F-2 Zoning District at the 1-unit/35-acres, the acreage requirements would directly affect the projected need of available residential land throughout the Town. Table 8-J illustrates the potential acreage for new housing units with varying density allotments, from 2010 to 2025 only.

<b>TABLE 8-J: POTENTIAL ACREAGE REQUIREMENTS FOR OCCUPIED HOUSING UNITS 2010-2025</b>									
<b>Avg. Density (Acres)</b>	<b>2010 New Units</b>	<b>2010 Acres</b>	<b>2015 New Units</b>	<b>2015 Acres</b>	<b>2020 New Units</b>	<b>2020 Acres</b>	<b>2025 New Units</b>	<b>2025 Acres</b>	<b>Total Acres 2005-2025</b>
4.5	18	81	17	76.5	18	81	16	72	405
10	18	180	17	170	18	180	16	160	690
35	18	630	17	595	18	630	16	560	2,415

### Future Residential Land

As indicated previously, the population and number of residential units in the Town of Washburn is expected to show slight increases over the next 20 years. With population projections indicating that the Town will add another 100 residents, along with 90 occupied units and 30 seasonal units by year 2025 (and assuming each of these units are added with a minimum of 4.5 acres of land area), the projected residential acres can be illustrated, under Table 8-K below.

<b>TABLE 8-K: PROJECTED RESIDENTIAL LAND ACRE DEMAND</b>					
	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>
Residential Acres	1,142	1,254.5	1,375	1,483	1,582
Change in Acres	----	112.5	120.5	108	99

### Future Agricultural Land

As more new residents move into the Town, and additional private forest lands become available for either housing or agricultural uses, the overall agricultural land demand will likely continue to see a slight decrease over the next 20 years. The numbers from Bayfield County and assessment rolls indicate that the agricultural land is decreasing roughly 0.4% each year, or almost 2% over a five-year period. Using this percentage we calculate the loss or reduced demand for agricultural land under the following Table 8-L:

TABLE 8-K: PROJECTED AGRICULTURAL LAND ACRE DEMAND					
	2005	2010	2015	2020	2025
Agriculture Acres	1774	1739	1,705	1,670	1,636
Change in Acres	----	112.5	120.5	108	99

### Future Forestry Land

As indicated previously in this chapter, forest (national forest) lands and private forests are the dominant land use in the Town of Washburn. As of year 2006, the Town has over 36,899 acres in federal forest lands and 13,312 acres in private forest lands, for a total of 50,211 acres. However, during the last 5 years, the forest lands have actually increased, from 36,739 to 36,889 acres, an approximate 4% increase, while the private forest lands have decreased, from 13,792 to 13,312 acres, or a 3.5% decrease. Based on past and current trends, and with the recent activity of harvesting from the private forest lands by a local development company within the last 5 years, it is projected the Town of Washburn can expect to lose approximately 2% of forestland in each five-year planning cycle. Using this percentage we calculate the loss of forest land under the following Table 8-M:

TABLE 8-K: PROJECTED AGRICULTURAL LAND ACRE DEMAND					
	2006	2010	2015	2020	2025
Forest Acres	50,211	49,207	48,223	47,258	46,313
Change in Acres	----	-1,004	-984	-965	-945

### POTENTIAL LAND USE CONFLICTS

Within the Town of Washburn, the agricultural, rural residential and forestry uses have coexisted for many years with relatively little conflict. Any person traveling through the Town would soon witness a number of small rural residential acreages, mixed in with a scattering of larger farmsteads and fields, or the occasional private forest or stand of trees awaiting harvest, or the ever present National Forest area. Traditionally, communities experience land use conflicts when a more intense use (for example, a commercial or industrial use) produces excessive noise, traffic, odors, or other problems that adversely affect a less intense use (for example, a residential use). These sorts of conflicts do not appear to be a major problem in Washburn. One of the goals of the comprehensive plan is to reduce the potential for land use conflicts.

In rural environments such as the Town of Washburn, land use conflicts are generally either

- 1) conflicts with the individual landowner or between neighboring landowners, or
- 2) uses and activities that may be considered undesirable to the community.

A potential or typical land use conflict can occur in cases where residential land use infringes upon areas of agricultural uses. These types of conflict represent differences or inconsistencies with individual landowners, as both agricultural and residential uses are generally considered “desirable” land uses by the Town.

The second type of land use conflict arises when a use conflicts with the wishes of the larger community. For example, a proposed communication tower, sand and gravel operation, or outdoor commercial recreation lodge or facility may be widely opposed by the community as a whole. These types of conflict can sometimes be difficult to avoid completely due to existing regulations and the fact that these conflicts may involve many independent jurisdictions. A primary tool for reducing the potential for conflict is by establishing clear growth and development policies and by providing for a thorough review of development proposals. The land use map also provides an illustrative and user-friendly guide in establishing the preferred land uses and activities throughout the Town. Finally, the Comprehensive Plan should provide the goals, objectives and policies, which help establish the framework for evaluating future development proposals and establish the criteria or performance standards.

#### **Examples of Potential Land Use Conflicts**

- Communication towers or facilities
- Utility lines or new corridors
- Landfills
- Excessive or Obtrusive Home Based Businesses
- Dilapidated/Vacant and/or Seasonal Dwellings next to new or well-maintained single-family dwellings.
- Commercial/Recreation Lodges or Facilities
- ATV/Snowmobile trails in pristine, tranquil environments
- Sand and Gravel/Mining operations
- Transportation, and related facilities
- Large-scale animal farms/stables/ranches
- Manufacturing or Industrial operations

The Town of Washburn has been very attentive and diligent in its approach to providing a future land use plan, map and strategy that identifies and minimizes the potential for land use conflicts. In order to continue to reduce the potential for conflict, the Town should remain cognizant of changes in planning and development requirements of adjacent and overlapping jurisdictions. Furthermore, the Town should continue to communicate with neighbors and with the county on land use issues and policy.

#### **FUTURE LAND USE MAP**

The Town of Washburn’s “Future Land Use Plan” map, which depicts a general land use design and preferred development patterns for the Town’s future, is shown on the following Map 8-2 Future Land Use Map. This map is intended to serve as a development guide for its residents, Town leaders, and Bayfield County. This map, land use category descriptions, and the development guidelines outlined in the Implementation Element will be used to evaluate future development proposals. The future land use map is not a zoning map and

does not alter the existing zoning on each property. As such, landowners may continue to use their property in a legal manner, in accordance to the provisions of the Bayfield County Zoning Ordinance.

The Future Land Use Map is to be used by the Town of Washburn's soon to be created Planning Commission, in order to review and evaluate future land use proposals. The map and supporting narrative should be used by the planning commission to review rezoning requests, land divisions, and other types of development applications and to make recommendations to the Town Board. Furthermore, Bayfield County officials should consider the map and supporting narrative in its land use decision-making process and should base any future zoning amendments on the provisions of this document.

### **How the Map was Developed**

Early in the planning process, surveys were distributed to all landowners in the town; the results of these surveys assisted the town planning committee in defining community issues and opportunities. A series of goals and objectives were developed which embraced the community vision as expressed by the citizens in their responses to the survey. These tools were utilized in conjunction with an analysis of existing environmental, infrastructure, and transportation conditions to determine the most appropriate locations for future growth and development. Finally, growth forecasts based on the projections found in the Issues and Opportunities and Housing Elements provided the means to assess future needs related to land use. The combination of public involvement, assessment of conditions, and expected future needs led to the development of a future land use map and supporting narrative.

### **REQUIRED ZONING CHANGES**

As is typical whenever a community adopts a new Comprehensive Plan, the municipality should also update its Zoning Ordinance and Zoning Map to be consistent with this Comprehensive Plan. If necessary, the Town must authorize or adopt new zoning districts that reflect the Land Use Plan. For example, if the Town felt the need to add or create a new residential zoning district that allowed for 1-unit/10-acres. Furthermore, the Town must develop or add to the existing standards for each district that reflect the goals, objectives, and policies of the Land Use Plan. The Town Planning Commission and Town Board will need to develop a public participation plan to involve property owners in this planning process, and work in close cooperation with the Bayfield County Zoning Department and Bayfield County Supervisors to make any changes to these zoning districts and/or maps.

## GOALS, OBJECTIVES, AND POLICIES

The following goal is a broad statement that reflects the Town of Washburn's vision for land use. It represents the end that the Town is striving to attain. The following objectives are specific, measurable, intermediate ends that are achievable and mark progress towards the goal. The following policies are key actions intended to accomplish the stated objectives.

### **Ch. 8 – Goal 1: Promote land use patterns and development strategies so as to preserve the rural character and environment of the Town of Washburn, and respect its natural and cultural resources.**

**Objective 8.1:** Use land in a manner that promotes a strong, sustainable rural environment.

**Policy 8.1.a:** Respect the rights of existing property owners to continue to use their property in a manner consistent with Bayfield County's ordinances, which directly govern and affect the Town of Washburn.

**Policy 8.1.b:** Minimize infrastructure and community services costs by encouraging development in areas served by existing transportation routes.

**Policy 8.1.c:** Protect existing agricultural areas and other economically productive areas from development that would hinder their economic vitality or future productivity levels.

**Policy 8.1.d:** Support single-family, low-density residential development, or clustered housing around common driveways, to maintain the rural character of the Town.

**Policy 8.1.e:** Encourage or provide additional setbacks for residences and screening standards from roadways and shared driveways between residential uses.

**Policy 8.1.f:** Minimize the visual impacts of existing and/or future communication towers, and discourage the placement of additional towers or encourage/provide co-location requirements on existing towers.

**Policy 8.1.g:** Analyze and update the Town's existing and future land use map on a regular basis to reflect the existing conditions and changing land use patterns in the community.

**Objective 8.2:** Use land in a manner that is sensitive to the protection of natural, cultural, and agricultural resources.

**Policy 8.2.a:** Recognize that significant natural resources (especially the rivers and streams), in the Town of Washburn contribute significantly to the Town's high quality of life. Identify and protect land particularly vulnerable to degradation due to steep slopes, high water tables, saturated soils or other factors. Develop a plan to identify, protect, and enhance these resources, and provide protective land use measures (i.e. conservancy) to assist in this initiative.

**Policy 8.2.b:** Seek to preserve the Town's significant cultural heritage inventory, including historic sites, buildings, etc.

**Policy 8.2.c:** Explore, encourage and educate residents on conservation design and easements, purchase of land development rights or other techniques that minimize adverse impacts on significant natural, cultural, and agricultural resources.

**Policy 8.2.d:** Promote, encourage and plan for higher density residential developments, or cluster housing developments with a single-common driveway to serve all grouped dwellings, near the eastern edge of the Town and adjacent to the nearby City of Washburn, yet maintaining the 1-Unit per 4.5 Acre land area minimum.

**Policy 8.2.e:** Explore the possibility of creating a new residential zoning district that provides larger lot standards, such as 1-unit per 10-acres in the sensitive areas located next to the U.S. National (Chequamegon-Nicolet) Forest areas of the Town.

**Objective 8.3:** Use land in a manner that meets human needs fairly and efficiently.

**Policy 8.3.a:** Ensure public involvement in all significant land use decisions. Relate land use decisions to the needs and desires of the community.

**Policy 8.3.b:** Ensure that the Town has adequate and appropriate land to meet the Town's future housing needs, and encourage residential developments in areas where personal septic and well systems will function properly and provide safe and sanitary conditions for many years into the future.

**Policy 8.3.c:** Encourage the development of more public open space, parks, community facilities, and other uses that are important for maintaining and enhancing a high quality of life in Washburn.

**Policy 8.3.d:** Promote compatible land use that does not negatively affect adjacent land uses.

**Ch. 8 – Goal 2: Promote and provide for the protection of existing agricultural land in the Town of Washburn.**

**Objective 8.4:** Encourage the support of local agricultural businesses

**Objective 8.5:** Encourage the continuation or farming of prime or ideal farmlands for agricultural purposes (e.g. personal farms, rental farm land or community farm plots).

**Objective 8.6:** Identify and clearly designate and protect the Town's prime farmland areas and discourage the conversion of prime farmland to nonagricultural uses.

**Objective 8.7:** Encourage current and new residents to participate in Farmland Preservation Programs and encourage sound soil and water preservation practices.

**Ch. 8 – Goal 3: Promote and encourage sustainable forest management practices on private and public lands in the Town of Washburn.**

**Objective 8.8:** Explore or develop land use standards that provide for the creation and maintenance of aesthetic buffers or vegetative/wooded natural screening for residences from local roadways.

**Objective 8.9:** Educate and make available information on proper forest management practices from county, state and federal agencies and private development and/or logging organizations, and develop and encourage a forest restoration program and/or sustainable forest management practices for the Town.

**Objective 8.10:** Promote cooperation of loggers and U.S. Forest Service in maintaining Town roads.

**Ch. 8 – Goal 4: Promote and encourage local businesses that are compatible with the rural character of the Town of Washburn.**

**Objective 8.11:** Promote and approve home-based businesses that are not obtrusive or may cause disturbances to the surrounding properties or harm the natural environment.

**Objective 8.12:** Encourage the location of commercial and light industrial developments within the nearby City of Washburn.

**Objective 8.13:** Limit or restrict the placement of any signs and billboards throughout the Town.