

Chapter 8 Land Use

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 Dewey consists of predominantly vacant and agricultural land and therefore has low development density. 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: Acreage of Existing Land Use in the Town of Dewey, 2006

Existing Land Use	Acreage	Percentage
Residential	462	1.5%
Commercial	32	0.1%
Agriculture	4,024	13.4%
Industrial	6	0.02%
Institutional	9	0.03%
Natural Areas	12,672	42.1%
Non-Metallic Mineral Extraction	11	0.04%
Road Right of Way	884	2.9%
Vacant	12,000	39.9%
Total Acreage	30,100	100%

Source: Town of Dewey 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 2 acres of area within the larger parcel, while calculations for acreage in concentrations of residential use are based on parcel actual size. As of September 2004, 593 acres, or 2.8% of the Town's land area, were devoted to residential land use.

B. Commercial/Office

Commercial development accounts for a small amount (139 acres, 0.6%) of land area in Dewey. These lands include uses such as: retail and sales establishments, restaurants, taverns, offices, and other professional services.

C. Agricultural

Agriculture is the second largest land use of in Dewey. Lands in this category include irrigated and non-irrigated croplands, dairy farms, livestock operations, permanent pasture, and lands that have structures used to store agricultural equipment or products. Lands in this category (7,983 acres) represent approximately 37% of the total Town acreage.

D. Government/Institutional

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

E. Manufacturing

Manufacturing accounts for the smallest amount of land use in the Town of Dewey. Lands in this category account for 40 acres.

F. Forest

Lands in this category comprise Dewey's largest land use (9,559 acres, 45%). These lands could be publicly or privately owned. Forest land is scattered throughout the Town.

G. Swamp/Marsh

Lands in this category comprise the third largest land use in the Town of Dewey accounting for 3,097 acres or 15%. These lands include wetlands scattered throughout the Town with the Dewey Marsh comprising most of the acreage.

Section 8.2 Land Use Trend Analysis and Projected Land Use

The Town of Dewey is a community that consists mainly of wetlands, agricultural operations, residential sites and vacant land. 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 increased between 1980 and 2000, 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. 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 6 single family permits per year over the past 14 years) times 2 acres per housing unit times 20 years. The total projected increase in residential use during this planning horizon amounts to 240 acres.

B. Agricultural Land Use

Although lands designated as agriculture have shown an increase in value over the last twenty years (Table 8.2), the Plan Commission anticipates that agriculture will continue to decline over the next twenty years due to lack of municipal services and environmental factors.

C. Commercial Land Use

The majority of commercial activity in Dewey compliments the dominant residential uses and serves limited agricultural 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 need or demand for commercial development should be reviewed on a regular basis, preferably at the annual Town meeting.

Map 8.1: Existing Land Use

D. Non-Metallic Mining

The Town of Dewey contains mineral resources (gravel, granite) that make it attractive for non-metallic mining operations. The Dewey Plan Commission and Town Board, while acknowledging this fact, also want to safeguard Town residents from adverse impacts associated with these operations.

The Portage County Zoning Ordinance (under which Dewey is regulated) treats ponds, excavations and/or extractions greater than 30,000 square feet in size as Special Exception Uses, which require review and approval by the Portage County Board of Adjustment. The Dewey Plan Commission and Town Board firmly believe that in order for the Board of Adjustment to fairly and completely address non-metallic mining issues in the Town of Dewey, its discussions must include full consideration of each of the following items:

- Mining operations within Dewey should be minimized, with the distance from residences maximized. The footprint of operations should also be minimized.
- Location on Town roads should be avoided, if possible. Regardless of type of road, a written agreement should be required specifying maintenance or improvements to be provided for the road related to wear-and-tear generated by the mining-related truck/vehicular traffic, with the responsibility falling primarily on the mining operation. This agreement should also include construction and maintenance of the entry drive.
- Mining operations, from the beginning of operations onward, must be properly buffered (berms, plantings, etc.) from adjacent roads and adjoining properties, with specific attention paid to providing buffering for residential properties.
- The types of other materials allowed to be brought on-site should be strictly controlled and limited.
- Effects on surface and groundwater must be identified by the applicant, and adverse impacts either prohibited or properly mitigated. This includes the effects of blasting.
- Applicable State and local site restoration/reclamation requirements must be met.

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 Dewey

Type of Property	1980		1990		2000	
	Value	% of Total	Value	% of Total	Value	% of Value
Residential	\$4,184,000	26%	\$12,225,200	53%	\$45,210,300	72%
Commercial	\$598,100	4%	\$1,049,000	5%	\$1,941,400	3%
Manufacturing	\$64,300	0%	\$113,500	0%	\$403,500	1%
Agricultural	\$6,917,200	43%	\$5,229,100	23%	\$2,116,100	3%
Swamp and Waste	\$290,300	2%	\$318,700	1%	\$951,300	2%
Forest	\$3,636,000	22%	\$3,907,100	17%	\$9,039,500	14%
Other	N/A	N/A	N/A	N/A	\$2,189,900	4%
Personal Property	\$514,210	3%	\$138,600	1%	\$463,200	1%
Total Value	\$16,204,110	100%	\$22,981,200	100%	\$62,315,200	100%

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 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*).

F. Redevelopment Areas

Since Dewey is a rural community with no clearly defined patterns of development, other than residential use, 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 Dewey Plan Commission is a potential for dispute between non-farm residences and existing farm operations. Due to the role agriculture plays in the community's economy and character, the primary recommendation for conflict resolution is to approve a "Right to Farm" ordinance that would protect the farmer's right to farm by not restricting normal farming practices. This information could then be available to new residents as they move into the area direct and encourage non-farm residential development away from intensive agricultural operations.

The second conflict in the Town of Dewey is a potential dispute between mining operations and existing farm and residential areas.

Section 8.4 Land Use Goals, Objectives, and Policies

Goal 1: Maintain the rural character of the Town of Dewey

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

Policy: Minimize agriculture/residential land use conflicts.

Policy: Encourage the development of home-based businesses.

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.
3. Allow for 2 acre lots to encourage residential growth.

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., as well as minimize land use conflicts. The Town recommends against the filling of major areas of naturally occurring wetlands.

Map 8.2: Natural Constraints for Development in Dewey

Map 8.3: Future Land Use

2. Address industrial, institutional, or large-scale commercial development on a specific, case-by-case basis with interests of neighbors and the Town in general.
3. Review the information in this comprehensive plan and update as deemed necessary by the Town Board.
4. Allow for the creation of lots smaller than two acres if served by public sewer/water or adjacent to navigable waters.

Section 8.5 Future Land Use Recommendations

Table 8.3 below and Map 8.3 illustrate the Future Land Use recommendations for the Town of Dewey 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 increase 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 (see Map 8.2 below). It is difficult for rural communities like Dewey to project industrial use however, the Town may approve of certain types of industry. In addition, the Town had expressed a desire to allow 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.

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

Land Use Category	2006 Acres	% (of total)	2010 Acres	2015 Acres	2020 Acres	2025 Acres	% (of total)	Change 2006 to 2025
Residential ¹	462	1.5%	402	341	281	220 ²	<1%	-242
Commercial	32	0.1%	49	67	84	101	0.3%	69
Agriculture/ L3 Limited Agriculture, Mixed Use	4,024	13.4%	6,673	9,323	11,972	14,621	48.6%	10,597
Industrial	6	<1%	13	19	26	33	<1%	27
Institutional	9	<1%	7	5	3	1.4	<1%	-8
Natural Area	12,672	42.1%	13,048	13,424	13,799	14,175	47.1%	1,503
Road Right-of-Way	884	2.9%	885	886	887	887	2.9%	3
Non-Metallic Mineral Extraction	11	<1%	23	35	47	60	0.2%	49
Vacant	12,000	39.9%	9,000	6,000	3,000	0	0.0%	-12,000
Total Acreage	30,100	100%				30,100	100%	

Source: Town of Dewey and Portage County Planning and Zoning Department

¹ Future land Use Map categories Low Density- and Medium Density-Residential have been combined into a single residential land use category for comparison purposes.

² Individual residences within agricultural areas were not mapped on the Future Land Use Map, as had been done on the Existing Land Use Map; this accounts for the reduction in acreage over time.

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 Dewey. As a result, land use plans often identify only those uses, which are already established.

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 Dewey 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. The General Criteria are:

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, major areas of naturally occurring wetlands are not filled, etc.
2. Proposed use is compatible with surrounding uses or negative impacts can be mitigated by proper site design, screening, buffering, etc.
3. Consideration of the opinions of neighboring landowners and the interests of the Town and County in general without unfairly infringing on the rights of the landowner.
4. Discourage new development in the 100 year flood fringe, except where the requirements of the County Floodplain Zoning Ordinance can be met.
5. Prohibit new development in the floodway.
6. 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 Dewey 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. If a landowner wishes to change their acreage classification to another acreage classification, they shall request a hearing with the Planning Commission. They shall furnish written documentation outlining their requested change and make an oral presentation before the Plan Commission. Their request shall then be considered by the Plan Commission and, if it is deemed warranted, forwarded to the Town Board for consideration.

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 2 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 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 existing and new agricultural operations, provides for the siting of single-family residences, and supports 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.

A density of four new residences per tract of land with a minimum lot size of two acres in any 5-year period will also be recommended in these areas. Any density greater than 4 new 2-acre lots with in a 5-year period must go before the town board for approval.

Development densities in this category shall be two (2) acres (A4). Minimum lot size in this category shall be two (2) acres. In addition, new residential development proposals involving five (5) or more lots shall be submitted to the Town Plan Commission and Board (in addition to the County) for review and, if approved by the Town, shall be rezoned to the R1, Rural and Urban Fringe Residence District.

D. Natural Areas Mapping Criteria

Lands recommended to remain in their natural state or for non-intensive uses such as recreation, wildlife habitat, agricultural or forest management. This category will be applied to lands that are major wetlands. 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 includes the following:

1. Wetlands identified on the Wetland Inventory Map, Wisconsin Department of Natural Resources, 1982, or those wetlands identified on those maps that have been adjusted through more accurate delineation by a Professional Delineator or by the U.S. Army Corps of Engineers.
2. Federal Emergency Management Agency (FEMA) 100 year floodplains.
3. Publicly owned lands used for recreation or wildlife/resource management.

Land Use Categories:

NA – Protected: Lands recommended to remain in their natural state due to the potential for destroying or degrading major natural wetlands. These lands would include those lands identified in Criteria 1 and 3 above, as well as the floodway portion of the Federal Emergency Management Agency (FEMA) 100 year floodplain.

NA – Limited Development: Identifies lands that are environmentally important to the community; however residential development may occur when the Town Board decides that it will not negatively impact the ecological value of the area. These lands would include the flood fringe portion of the Federal Emergency Management Agency (FEMA) 100 year floodplain. Existing agricultural operations in areas identified as wetlands and floodway may also be included in this category provided that historic use (need not to have been

consistently farmed) of these areas is verified by the Town Board and the Portage County Planning and Zoning Department.

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, and sewage treatment plants. Uses not allowed are solid waste disposal sites.

*Land Use Category: **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 Category: **Non-Metallic Mineral Extraction***

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