

## **CHAPTER 8 Land Use Element**

The purpose of this plan's land use 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 express ideas that are consistent with the desired character of the Town of Alban and the other chapters of the Comprehensive Plan.

### **Section 8.1 Existing Land Use**

The Town of Alban is a mix of lakes and wetlands situated amongst rolling agricultural and forested lands. These characteristics, combined with a relatively low population density, help to distinguish the Town from other parts of the County. Table 8.1 and Map 8.1 illustrate the distribution of different land use categories across the Town. The Town totals do not include land uses within the village limits of Rosholt.

Table 8.1: Town of Alban Existing Land Use, 2007

Existing Land Use Category	Acres	Percentage
Residential	457	2.0%
Commercial	15	0.1%
Agricultural	7,640	32.9%
Governmental/Institutional	23	0.1%
Right-of-Way	606	2.6%
Natural Areas	6,671	28.8%
Undeveloped	7,777	33.5%
<b>Total Land Use Acreage</b>	<b>23,190</b>	<b>100.0%</b>

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

#### **A. Residential Land Use**

This category includes several types of residential dwellings, including single-family and seasonal residences, mobile homes, duplexes, and farm residences or farmsteads. Concentrations of residences are found on Lake Helen, Penny Lake, and Tree Lake, while remaining residences are scattered throughout the Town, generally located along the established road network. 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. Approximately 2% of the Town's land area is devoted to residential land use.

#### **B. Commercial Land Use**

The Town of Alban has a small amount of commercial property, accounting for well under 1% of the land use in the Town. This does not include economic activity consisting of agriculture or home-based business operations.

#### **C. Agricultural Land Use**

Lands in this category represent the second largest land use in the Town, accounting for approximately 33% of the total Alban acreage. This includes irrigated and non-irrigated croplands, dairy farms and livestock operations, silviculture, lands that have structures used to store agricultural equipment or products, and small, isolated stands of trees surrounded by agricultural use.

#### D. Government/Institutional Land Use

This category includes, but is not limited to, existing municipal and government owned structures and lands, churches, cemeteries, public schools and other educational facilities. These lands make up well under 1% of the total Town acreage.

#### E. Road Right-of-Way

This land use category includes all of the road surface and road right-of-way. Table 8.1 shows the acreage for this land use totaling approximately 606 acres, or 2.6% of the Town.

#### F. Natural Areas

Lands in this category consist of the wetlands, surface water with associated flood plain, hydric soils, and public recreational lands. Together they account for 29% of the Alban land area. "Natural Areas" are intended to be maintained in their natural state for non-intensive uses.

#### G. Undeveloped

As of December 2007, lands in this category made up the largest area of the Town, accounting for 7,777 acres, or approximately 34% of the total area. Undeveloped land includes scrub or shrub land, privately owned forested areas, and all lands not clearly indicated as agriculture. The majority of these lands are made up of larger tracts of contiguous forested land along rolling hills and identified agricultural lands.

### **Section 8.2 Land Use Trend Analysis and Projected Land Use**

The Town of Alban is a rural community with no commercial centers. By 2025 the Town's population is projected to increase by approximately 73 individuals; therefore, future development will likely include a mix of low density, non-farm and scattered farm residential uses.

#### A. Residential Land Use

The Town's population grew relatively slowly between 1980 and 2000, going from 768 to 897 residents over that period. State estimates indicate a further flattening of growth over the last 7 years, showing only 11 new residents between 2000 and 2007. The Town of Alban Plan Commission anticipates this trend to continue and desires to direct future non-farm residential uses away from higher intensity agricultural operations. The Town Plan Commission also recognizes that the recent upgrade of US Highway 66 (running through the center of the Town) may play a role in increasing demand for residential uses throughout the Town. As a combination of agricultural and undeveloped 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.

Chapter 1 of this Plan projects the formation of at least an additional 52 new households, based on the State of Wisconsin Department of Administration population projections for the Town of Alban population indicating an increase of 73 people through 2025. If two acres were utilized for each new household, a minimum of 104 acres would be needed for future residential use.

If residential land use projections were based on past permit activity (average of 6.3 single family permits per year over the past 14 years), and assuming a two acre lot size of per housing unit, 252 acres would be needed to accommodate new growth over a 20-year period.

**Map 8.1 Existing Land Use**

## B. Agricultural Land Use

Alban residents consider agricultural land a valuable natural resource to the Town, and since it is the community's economic base, there is a desire to protect those who wish to farm. To encourage retention of the community's agricultural base, the Town Plan Commission recommends limiting residential densities near active agricultural operations.

## C. Commercial Land Use

As stated earlier, commercial activity within the Town consists primarily of home-based businesses, and it is anticipated that trend will continue. There are currently no industrial uses within Alban. Acreage potentially developable for commercial activities is available, provided, however that new businesses have a minimal impact on the agricultural community and are complementary to surrounding uses. This Plan acknowledges a desire by Town residents to preserve and protect the existing open space and maintain the community's rural character, resulting in a future desire for limited commercial activity in Alban.

## D. Trends in Land Values

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

Table 8.2: Equalized Assessed Property Values, Town of Alban

Type of Property	1980		1990		2000		2007	
	Value	% of Total	Value	% of Total	Value	% of Total	Value	% of Total
Residential	\$8,112	36%	\$10,386	45%	\$29,475	62%	\$60,654	73%
Commercial	\$339	2%	\$325	1%	\$598	1%	\$662	1%
Manufacturing	\$0	0%	\$0	0%	\$0	0%	\$0	0%
Agricultural	\$10,320	46%	\$9,123	39%	\$3,461	7%	\$5,029	6%
Swamp and Waste	\$51	0%	\$125	1%	\$253	1%	\$1,652	2%
Forest	\$2,919	13%	\$3,112	13%	\$7,089	15%	\$6,516	8%
Other	NA	NA	NA	NA	\$6,368	13%	\$8,155	10%
Personal Property	\$498	2%	\$114	0%	\$159	0%	\$274	0%
Total Value	\$22,239		\$23,185		\$47,403		\$82,942	

Source: Wisconsin Department of Revenue Statistical Report of Property Valuations, 1980, 1990, 2000, 2007

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 12/03.*)

## E. Redevelopment Areas

At this time, the Town of Alban does not have any specific areas that require, or could benefit from, redevelopment.

### **Section 8.3 Land Use Conflicts**

Agriculture is an important contributor to the Town's rural character. Therefore, preservation of productive agricultural lands will help to ensure the continuation of the Town's rural character and the maintenance of the agricultural economy. The primary land use conflict identified by the Town of Alban Plan Commission was 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 recommendations for conflict resolution are: to limit residential densities and direct non-farm residential building away from intensive agricultural operations, encourage the use of spatial and/or vegetative buffers, and provide information to citizens regarding expectations for rural living.

### **Section 8.4 Land Use Goals, Objectives and Policies**

Goal 1: Preserve the Town's rural character.

Objective 1.1: Preserve productive agricultural lands to ensure the continuation of the Town's rural character and the maintenance of the agricultural economy.

Policy 1.1(a) Maintain productive agricultural land use through application of appropriate agricultural zoning districts.

Policy 1.1(b): Promote the initiatives at the County level supporting a density based subdivision option called Lot Averaging in order to help control residential development and preserve agricultural Land

Objective 1.2: Minimize conflict between farm and non-farm uses.

Policy 1.2(a): Limit the building of non-farm residences to single-family homes on lots with a minimum area of 2 acres with buffer requirements to protect occupants from odors, noise, etc. associated with existing agricultural operations.

Policy 1.2(b): Encourage the utilization of land not conducive to agriculture for non-farm residential building sites.

Policy 1.2(c): Allow commercial, industrial, and institutional uses only in locations specifically conducive to such uses and only if it is compatible with the interest and welfare of neighbors and the Town in general. A use involving heavy volumes of traffic or heavy weights should be located near State highways. Such requests may require a change to the Land Use map.

Objective 1.3: Limit the creation of new Town roads.

Policy 1.3(a): Priority is given to maintaining existing roads before adding new.

Policy 1.3(b): Encourage the selection of building sites of sufficient setback, especially in wooded areas, to preserve the rural atmosphere along existing roadways.

Goal 2: Protect the natural environment.

Objective 2.1: Support the maintenance of existing public lands and designated natural areas such as the Flume Creek corridor, and the Little Wolf River Fisheries Area.

Objective 2.2: Lessen impacts to natural resources by limiting development.

Policy 2.2(a) Use Conservancy Zoning to protect valued natural resources in the Town.

**Map 8.2 Future Land Use**

Policy 2.2(b): Encourage conservation easements on private lands that are environmentally sensitive.

Policy 2.2(c): Encourage the creation of lake associations to maintain or improve water quality and wildlife habitat in area lakes.

Policy 2.2(d): Recommend lake lot sizes have a 3-1 depth to width ratio.

Goal 3: Maintain a balance between the public interest and private property rights.

Objective 3.1: Encourage public participation in Town government.

Policy 3.1(a): Maintain open communication with Town residents and landowners.

**Section 8.5 Future Land Use Recommendations**

Table 8.3 and Map 8.2 illustrate the Future Land Use recommendations for the Town of Alban Comprehensive Plan, and identify how development should proceed in the future to meet the Town’s goal of encouraging a pattern of community growth and development that will provide a quality living environment, preserve rural character, and protect natural resources. Future development and redevelopment should be encouraged in an orderly pattern compatible with existing development.

Land use recommendations include both immediate and long range implementation of planning goals. 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 zoning map to reflect changing land uses and citizen requests.

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

Future Land Use Category	2025 Acres	% (of total)
Low Density/Rural Residential	155	0.7%
Medium Density Residential	0	0.0%
Commercial	19	0.1%
Industrial	0	0.0%
L-1 Enterprise Agriculture	3,948	17.0%
L-2 Intermediate Agriculture	3,705	16.0%
L-3 Limited Agriculture / Mixed Use	7,837	33.8%
Governmental/ Institutional	57	0.2%
Road Right-of-Way	606	2.6%
Natural Areas - Protected	6,824	29.4%
Natural Areas - Limited	38	0.2%
<b>Total Land Use Acreage</b>	<b>23,190</b>	<b>100%</b>

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

**Section 8.6 Extraterritorial Land Use**

Recognizing that land uses in towns may affect neighboring incorporated municipalities that may need to grow beyond their borders, state laws have long provided these municipalities with certain “extraterritorial” authority over adjacent town lands and have provided methods for them to expand their borders through annexation. This city and village extraterritorial authority may,

subject to the applicable laws, apply to planning, land division approvals, zoning and coverage of the city or village official map. The extraterritorial jurisdiction for a city with a population of 10,000 or more is three miles from its corporate boundary, while the extraterritorial jurisdiction for cities under 10,000 and for villages is one and one half miles from their corporate boundaries.

Although the Village of Rosholt's extraterritorial boundary covers the central portion of Alban (Map 8.2), the Village anticipates growth will occur within its current corporate boundaries during this planning horizon, as indicated in its Comprehensive Plan. In addition, the Village has indicated a desire to meet periodically with Town officials to discuss ideas regarding future land use and other issues of mutual interest or concern within the extraterritorial area.

## **Section 8.7 Future Land Use Categories**

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

### **A. Residential Mapping Criteria**

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

1. Existing developed residential zoning.
2. Existing platted concentrations of small lots of record which are not yet developed.
3. Areas for expansion of residential development based on the 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. Existing lots of record smaller than 2 acres are also to be included in this category.

**Medium Density Residential:** Less than 2 acres per residence. To be utilized for existing parcels, located exclusively adjacent to lakes.

### **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 develop are home or farm based and do not have the option of relocating. In Alban, proposals for new commercial and industrial development shall be considered only on a case-by-case basis at the request of the landowner.

All such requests must be considered by the Town Plan Commission, the Town Board and the County based on the goals, objectives, and policies of the Town Comprehensive Plan. Approval for such use 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 from a raw material is the primary purpose of the business.

### C. Agricultural Mapping Criteria

Lands recommended predominantly for the continuation of agricultural pursuits, the protection of productive agricultural lands, and the retention of the rural nature of the community. In Alban most of the land that is suited to agriculture has already been developed as farmland, primarily on slopes of 12% or less. The steeper sloping areas are highly erosive under cultivation and have generally remained wooded. Most of the low-lying, poorly drained wetland areas have also resisted conversion to farming. Stoniness is also a significant limitation in some areas. In recognition of the differentiation of soil characteristics throughout the County, changing agricultural economy, and development pressures, three categories of agriculture will be used based on the intensity of the agricultural operations in that area:

#### *Land Use Categories:*

**Enterprise Agriculture (L-1):** 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 operation, cranberry production, and concentrations of irrigated vegetable crop production. The category's uses 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. Enterprise Agriculture is the preferred land use category to allow individuals the opportunity to participate in Wisconsin's Farmland Preservation Program. Recommended minimum lot sizes for lands in this category are 20 to 35 acres.

**Intermediate Agriculture (L-2):** The Intermediate Agriculture Category is intended to preserve and enhance land primarily for a range of agricultural uses. The district's uses and regulations are designed to encourage agricultural uses in areas where soil and other conditions are best suited to these agricultural pursuits, control residential development to avoid potential conflict with agriculture uses, and allow individuals the opportunity to participate in Wisconsin's Farmland Preservation Program. Recommended minimum lot sizes for lands in this category are 10 to 20 acres. Large confined livestock operations are not recommended in Intermediate Agriculture category due to potential conflicts and environmental degradation.

**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 Alban'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. Large confined livestock operations are not recommended in Intermediate Agriculture category due to potential conflicts and environmental degradation.

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 to 10 acres.

#### D. Natural Areas Mapping Criteria

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

1. Lands within 100 feet of navigable waters or to the landward side of adjoining wetlands, if greater than 100 feet. Including wetlands within 300 feet of navigable waters, and excluding preexisting structures or cropland that would be nonconforming uses under Conservancy Zoning.
2. Other wetlands (not adjoining navigable waters).
3. Federal Emergency Management Agency (FEMA) 100 year floodplains.
4. Hydric soils consistent with having groundwater depths to saturated soils of 12 inches or less and chemical compositions of soils indicating the pervasive presence of water.
5. Publicly owned lands used for recreation or wildlife/resource management.
6. Other natural features of the landscape deemed important by the local community

#### ***Land Use Categories:***

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

**NA – Limited Development:** Identifies lands that are environmentally important to the community such as undeveloped land adjacent to shoreland areas and large tracts of unbroken forested land. Limited residential development could occur on these lands without negatively impacting the ecological and aesthetic value of the area. Minimum lot size for forested lands in this category is recommended to be 20 acres, and a 10-acre minimum is recommended along undeveloped shorelands.

#### E. Institutional Land Mapping Criteria

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

Municipal buildings, including administrative buildings, town halls, fire stations, and buildings for the repair or storage of machinery for road construction or maintenance are permitted uses in most agricultural zoning districts, per the Portage County Zoning Ordinance. Uses other than those listed here would be regulated by special exception.

#### ***Land Use Categories: Institutional***

F. Resource Extraction Mapping Criteria

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

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

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