

8. Land Use

A primary function of this Land Use element is to help guide future land use in a way that is compatible, desirable, and accepted by the local community. This requires the consideration of a range of ideas and opinions relative to land use, property rights, and community values. The community can effectively manage land use through sensible land use controls and policies. Because land use is a people-oriented process, personal opinions, desires, and attitudes, and legal and political considerations all have land use impacts.

8.1 Existing Land Use (Current State)

Existing land use as of 2007 was inventoried during the planning process using aerial photography, other existing maps, and input from local communities. Existing land uses were also “field verified” through a windshield survey. The existing land use inventory incorporates land use classifications that were determined to best represent the character and features of the county. Table 8-1 and map 8-1 display the existing land use within the Town of Beaver.

Most of the Town of Beaver is actively farmed while the incorporated cities of Greenwood, Loyal and Owen Withee provide fundamental services (i.e., food, gas, banking, hardware). Only 1.87% of the town contains intensive or developed uses. The largest land use category is cropped farmland which accounts for over 53.55% of the town. The highest concentration of woodlands is evenly distributed throughout the town.

Development Patterns

Intensive Uses

Intensive land uses include properties which have developed structures or are places managed for public use or commerce. There are approximately 264.3 acres of single family residential, farmstead and seasonal housing uses in the town.

Private Resource Land

Private resource land includes cropped farmland, woodland, pasture, tree farms, wetlands, and all other undeveloped rural properties. Private resource land accounts for 22,205.6 of the entire town.

Public Resource Land

There are no county or state owned parcels in the Town of Beaver.

8.3 Land and Resource Management

Land and resource management takes place under both private and public land ownership. Public and private land and resource management programs are important in preserving the

county's and town's rural character and natural resource base. There are three voluntary land and resource management protection programs with significant utilization on private lands in Clark County: Managed Forest Law, Conservation Reserve Program, and the Wisconsin Farmland Preservation Program.

Managed Forest Law (MFL)

As of 2007, there are approximately 369.6 acres of enrolled MFL lands within the Town of Beaver. However, acreages can change yearly depending on terms of the management contracts with the state. The MFL program is administered by the WDNR. The purpose of the Managed Forest Law is to promote sound forestry management practices by providing property tax reduction incentives to landowners. Wooded parcels at least 10 acres in size are eligible to be enrolled in the program. At least 80% of the land must be productive forestland in order to be eligible for the program. Lands may be enrolled for either 25 or 50 year periods. This requires a long-term commitment from the property owners, but also provides long term protection from property tax escalations. For this reason, interest in using the program by private landowners is increasing.

Conservation Reserve Program

USDA Farm Service Agency's (FSA) Conservation Reserve Program (CRP) is a voluntary program available to agricultural producers to help them safeguard environmentally sensitive land. Producers enrolled in CRP plant long-term, resource-conserving covers to improve the quality of water, control soil erosion, and enhance wildlife habitat. In return, FSA provides participants with rental payments and cost-share assistance. Contract duration is between 10 and 15 years.

Producers can offer land for CRP general sign-up enrollment only during designated sign-up periods. For information on upcoming sign-ups, contact your local FSA office. To find your local office, visit FSA's website at:

http://oip.usda.gov/scripts/ndisapi/dll/oip_agency/index?state=us&agency=fsa.

Environmentally desirable land devoted to certain conservation practices may be enrolled at any time under CRP continuous sign-up. Certain eligibility requirements still apply, but offers are not subject to competitive bidding.

Wisconsin Farmland Preservation Program

The purpose of the Farmland Preservation program is to help preserve farmland through local planning and zoning, promote soil and water conservation, and provide tax relief to participating farmers. Farmers qualify if their land is zoned or if they sign an agreement to use their land exclusively for agricultural purposes. The landowner must own 35 acres or more, and produce gross farm profits of \$6,000 in the previous year. Public access is not required. Due to the lack of zoning in Clark County, most farmers exercise direct agreements with the state. Contact: County Land Conservation Department, Wisconsin Department of Agriculture or County Planning and Zoning Office.

8.4 Existing Development Regulations

The Town of Beaver and Clark County administer a variety of codes and ordinances related to land use.

Clark County Development Regulations

The following is a list of Clark County administered ordinances which apply to the Town of Beaver:

- ◆ Clark County Shoreland/Wetland Zoning
- ◆ Clark County Forestry and Recreation Zoning
- ◆ Clark County Floodplain Regulations
- ◆ Clark County Subdivision Regulations
- ◆ Clark County Nonmetallic Mining Reclamation
- ◆ Clark County Animal Waste Management
- ◆ Clark County Landspreading of Petroleum Contaminated Soil
- ◆ Clark County Private Onsite Waste Treatment System (POWTS) Ordinance

Town of Beaver Development Regulations

The following pages list Town of Beaver's administered ordinances:
When using CD, refer to table of contents for ordinances

8.5 Land Use Trends and Outlook

Land use trends likely to impact the Town of Beaver more directly are as follows:

Housing, Population, and Land Use

- ◆ The Town of Beaver's population will steadily grow, but at a rate slower than the state of Wisconsin as a whole.

Transportation and Land Use

- ◆ Hwy. K is the only major highway running through the Town of Beaver.
- ◆ The Town of Beaver will continue to be agricultural-based.

Community Services and Land Use

- ◆ County and local government administration of land use regulations will increase in response to a growing population and the need to provide this service.

Agriculture, Natural Resources, and Land Use

- ◆ The sale of forested, open, and agricultural lands for conversion to private recreational use will continue.
- ◆ Agriculture will maintain a strong presence in the Town of Beaver. There will likely be a decreasing number of total farms, but increasing numbers of large farms.
- ◆ Due to the different cultures found in the Town of Beaver, farms may continue to stay small to medium size in productive use.
- ◆ Productive land uses like forestry and grazing will increase in order to take advantage of property tax breaks.
- ◆ Cash cropping and specialty farming will increase.
- ◆ Nonmetallic mine sites will continue to be developed to meet demands for sand, gravel, and other resources in accordance to any ordinances and regulations that the town has.

Economic Development and Land Use

- ◆ Due to the growing cultural populations in the Town of Beaver, the number of home-based businesses are expected to increase.

8.6 Preferred Land Use Plan

The preferred land use plan is one of the primary components of the comprehensive plan that can be used as a guide for local officials when considering future development within the town.

Land Use Management Areas

Land Use Management Areas or (LUMA's) are identified areas within the town that share similar goals and objectives. Each LUMA represents an area of consistent character and use. It must be stressed that land use management areas are not zoning districts and do not have the authority of zoning. The Town of Beaver selected two (2) LUMA's to develop the town's preferred land use map. They include:

- ◆ Agricultural Transitional (AT)
- ◆ Agricultural Enterprise Area (AEA)

A more detailed description of each land use management area follows:

Agricultural Transitional (AT)

- ◆ **Purpose:** To accommodate agricultural uses but also allow for land use change or "transition" within existing agricultural areas that are driven primarily by market forces or land sale trends.
- ◆ **Primary Goal:** To allow landowners the opportunity to respond to economic trends and market conditions while maintaining land in agriculture as the primary use.
- ◆ **Possible Density:** Minimum lot size of 1 acre for **non-farm use**. Existing lots of record would be exempt from this provision. No other density provisions apply.
- ◆ **Preferred Use:** All agricultural uses. Farms transitioning to more subsistence forms, to recreational use, to hobby farms or secondary farming operations. The conversion of agricultural land to some non-farm residential/commercial or industrial uses are anticipated.
- ◆ **Discouraged Uses:** Non-farm development that places undue strain on existing public services such as roads and support services.

Agricultural Enterprise Area (AEA)

- ◆ **Purpose:** To provide participating landowners an opportunity to voluntarily sign Farmland Preservation Agreements where the landowner agrees to keep eligible land in agricultural use for the next 15 years in exchange for the opportunity to claim the Farmland Preservation Tax Credit.
- ◆ **Primary Goal:** To preserve and promote the agricultural economy and its social,

cultural, and economic heritage. This goal includes maintaining large areas of contiguous land devoted primarily to agriculture, achieving compliance with the Soil and Water Conservation Standards prescribed under s. ATCP 50.04 Wis. Adm. Code, and encouraging farmers, businesses and governments to invest in agriculture.

- ◆ **Possible Density:** Density of non-farm residences should be at a ratio of non-farm residential acreage to farm acreage not greater than 1 to 20 (0.05) on any base farm tract. Non-farm residence should be constructed in a rural residential cluster that does not convert prime farmland to non-agricultural uses. There is no minimum lot size, as smaller clustered residential lots will convert less farmland.

- ◆ **Preferred Use:** Agricultural uses including the following:
 - Crop or forage production
 - Livestock raising and housing
 - Beekeeping
 - Nursery, sod or Christmas tree production
 - Floriculture
 - Aquaculture
 - Fur farming
 - Forest management
 - Enrollment in a federal commodity payment program or federal or state land conservation payment program
 - Accessory uses
 - Farm related residences and structures (silo, barn, manure storage, etc.)
 - Farm related businesses
 - Wind turbines or on-farm energy production
 - Dairy, grain, food, and/or agricultural waste processing
 - Undeveloped natural resource and open space uses

- ◆ **Discouraged Uses:**
 - Any land use that covert agricultural lands into non-agricultural use
 - Any land use that substantially impairs or limits the current or future agricultural use of adjacent parcels of land
 - Non-agricultural related businesses
 - Landfills and other types of waste disposal sites
 - Metallic and non-metallic mining
 - Oil and gas exploration shafts and wells

8.7 Land Use Goals and Objectives

Goal: Provide for a well-balanced mix of land uses within the town.

Objectives

1. Conserve the majority of the town’s rural lands by focusing new areas of growth within or near existing areas of development where adequate public facilities and services exist or are planned.
2. Identify preferred land use management areas (i.e. productive agricultural, rural residential, commercial etc.) which contain areas of similar features and functions to avoid future land use conflicts.
3. Utilize the existing road network to accommodate most future development.
4. Buffer incompatible land uses.
5. Allow all landowners to have equitable options for proposing land use change.

8.8 Land Use Policies and Recommendations

Policies

1. All development proposals approved in the town shall meet the intent of the preferred land use management area definitions, goals and objectives as described within the Land Use element or as amended in accordance with due process requirements.

Recommendations

1. The town cannot deny land division outside of its authority granted under Chapter 236 Wis. Stats. The town should monitor the need to develop ordinances to protect land divisions and land uses.
2. Monitor the need for a conventional town zoning ordinance. A zoning ordinance shall be considered if the use of a land division ordinance is considered ineffective in meeting the purpose and goals of the land use management areas.
3. Review, and if necessary, amend ordinances.
4. Convert the current culvert policy into an ordinance which includes dimensional standards.