

ELEMENT 8: LAND USE

8.1 PURPOSE

The Land Use Element is intended to provide important background data, analyze trends, and define future needs related to community land use. This information will serve as the foundation for the development of goals, objectives, policies, programs, and actions. This planning element must be defined and utilized in conjunction with the other eight elements and will serve as a guide to future growth and development within the community. Tools to implement the community actions taken related to land use are defined and described under Element 9, Implementation.

Defining appropriate land use is about more than making ecologically and economically intelligent choices. It is also about retaining values, lifestyles, cultural assets, and community character. The planning of future land uses is sometimes perceived as an intrusion on the rights of private property owners. The actual purpose of this activity is to protect the rights of the individual and to give landowners, citizens, and local communities the opportunity to define their own destiny.

Many northern Wisconsin communities are facing the same problems now engulfing the southern parts of the state including pollution, a loss of community character, traffic problems, and rising costs to individuals and governments. Taxes have reached all time highs, and infrastructure and maintenance costs continue to encumber local units of government. These issues are being further exacerbated by the trends of unplanned, haphazard growth and development. By giving communities the opportunity to define the way they wish to grow and developing a “road map” to reach that destination, the magnitude of these problems can be reduced.

8.2 BACKGROUND

The Town of Frog Creek, located in northeastern Washburn County encompasses 45,793.19 acres (71.6 mi²). Frog Creek is rural in nature and generally has a low development density. Surface water, which can be a significant development factor, covers only 0.6 square miles of the town. The Washburn County Forestry Department presently owns 35,100.25 acres of land in the town, leaving a minimum amount of land use in the town to be determined.

8.3 EXISTING LAND USE

An inventory of existing land uses was compiled through analysis of 1996 digital aerial photography and verified by the town’s comprehensive planning committee in October 2002. The determined land use boundaries are approximations based of photo-identifiable changes in land use and are not based on parcel classifications used for assessment and zoning purposes.

A standard land use classification system was used to assign different use areas into categories:

Agriculture The predominate existing land use is agriculture. The lands include croplands, livestock grazing, and dairy farming.

Commercial Retail sales establishments, restaurants, hotels/motels, and service stations.

Commercial Forest The use of land primarily for the cultivation of trees for timber and other forest products.

Communications/Utilities Facilities Lands use for generating and/or processing electronic, communication, or water, electricity, petroleum, or other transmittable product, and for the disposal, waste processing and/or recycling of by-products.

Government/Institutional These lands include: government-owned administration buildings and offices, fire stations, public hospitals and health care facilities, day care centers, public schools, colleges and educational research lands, and lands of fraternal organizations (BSA, VFW, etc.). Cemeteries, churches, and other religious facilities are included in this land use category.

Industrial Manufacturing and processing, wholesaling, warehousing and distribution and similar activities.

Mobile Home Park Designated multi-unit mobile home clusters.

Open Space Privately owned non-wooded undeveloped lands, fallow fields.

Parks and Recreation Recreation lands under public or private ownership. Publicly owned recreational lands may include: town parks, nature preserves, athletic fields, boat landings, campgrounds, etc. Examples of privately owned lands may include: golf courses, campgrounds, marinas, shooting range, etc.

Residential Lands with structures designed for human habitation including: permanent, seasonal, and mobile housing units (not in a designated mobile home park), recreational cabins and cottages.

Transportation Use of land corridors for the movement of people or materials, including related terminals and parking facilities.

Water Open water areas, including natural and impounded lakes and streams.

Woodlands Forested lands under private ownership, private forest woodlots.

8.4 EXISTING LAND USE PATTERN

Woodlands

The vast majority (94.8%) of land use within the Town of Frog Creek is woodlands. Most of the woodlands in the town of Frog Creek are under public ownership. The Washburn County Forestry Department owns 35,100.25 acres of forestland in the town, amounting to 76.6% of the entire town. Most private woodlands in the town are used as recreational parcels.

Agriculture

Agricultural use is the second most dominant land use in the Town of Frog Creek, and a patchwork of agricultural lands is found throughout the western portion of the town. Agricultural land use is relatively sparse, accounting for only 4.3% of the total acreage in the town.

Residential

Rural density residential land use is scattered throughout the Town of Frog Creek, particularly in the western half along County Road G and State Highway 77. The vast majority of these residences are single-family homes. The spatial distribution of homes corresponds to typical patterns for a rural Wisconsin community.

Transportation (local and county roads)

Road corridors are defined as the actual road surface and the associated right-of-ways. The town has a limited road network consisting of both county and town roadways. State Highway 77 traverses the western portion of the town and County Road G is the only county thoroughfare in the town.

Commercial

The Town of Frog Creek has very little commercial land use. A trend towards commercial home-based business has emerged in many Washburn County communities. It is difficult to determine the exact numbers of these businesses in the community due to lack of available data.

Industrial

There are presently three industrial areas identified in the Town of Frog Creek. All are non-metallic mineral operations.

Government/Institutional

Government/Institutional land use within the Town of Frog Creek consists of the town hall located at the intersection of Town Hall and Frog Creek roads. Bids are presently out for a new town hall/community center.

The remainder of land uses within the town comprises little land area. Surface waters account for 261.5 acres, while the remaining uses (Parks and Recreation, Communications & Utilities) represent less than one acre.

**Table 8.1:
Land Use by Category – Town of Frog Creek**

Land use	Acres	Percent of Total
Agriculture	1,954.6	4.3%
Commercial	3.7	<0.1%
Open Space	80.3	0.2%
Gov't/Inst	0.8	<0.1%
Park & Rec	0.8	<0.1%
Residential	69.5	0.1%
Water	261.5	0.6%
Woodlands	43,421.8	94.8%
TOTALS	45,793.0	100.0%

8.5 PRIMARY FACTORS INFLUENCING THE DEVELOPMENT PATTERN IN THE TOWN OF FROG CREEK

Transportation network

The town’s road network provides access to land parcels throughout the town. Further road development will open new lands to potential development pressure.

Frog Creek and surface water resources

A visible trend across northern Wisconsin continues to be the development of private lakeshore frontage, and in some cases, second tier (backlot) growth. This is not the case in the Town of Frog Creek, where surface waters account for only 261.5 acres of total town acreage.

Forested Rural Lands

As lake frontage becomes developed and expensive, more landowners will look towards developing homes in rural forested lands. This type of development can lead to fragmentation of the landscape and general loss of rural character. Rural developments of this type often have long and/or inadequately maintained driveways, which pose challenges for emergency/police/fire response.

Lands enrolled in forest management programs

Lands that are enrolled in forestry programs such as the Managed Forest Law (MFL) program 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.

8.6 WISCONSIN DEPARTMENT OF REVENUE ASSESSMENT STATISTICS

Wisconsin Department of Revenue real estate classes are used to determine land assessments and valuations. Because these data cover extensive time periods, they can be useful in conducting a simplified land use analysis and for examining trends, which are determined by the conversion from one type of assessment class to another over a period of time. The land use classes used for

assessment purposes are: Residential, Commercial, Manufacturing, Agricultural, Forest, and Undeveloped. Excluded from this inventory are lands categorized as “other” or tax-exempt lands. See Figure 8.1 for a breakdown of land use class assessments in the Town of Frog Creek.

Wisconsin Real Estate Class Definitions

Residential includes any parcel or part of a parcel of untilled land that is not suitable for the production of row crops, on which a dwelling or other form of human abode is located.

Commercial includes properties where the predominant use is the selling of merchandise or a service. Apartment buildings of four or more units and office buildings.

Manufacturing property consists of all property used for manufacturing, assembling, processing, fabricating, making or milling tangible personal property for profit. It also includes establishments engaged in assembling component parts of manufactured products. All manufacturing property is assessed by the Wisconsin Department of Revenue.

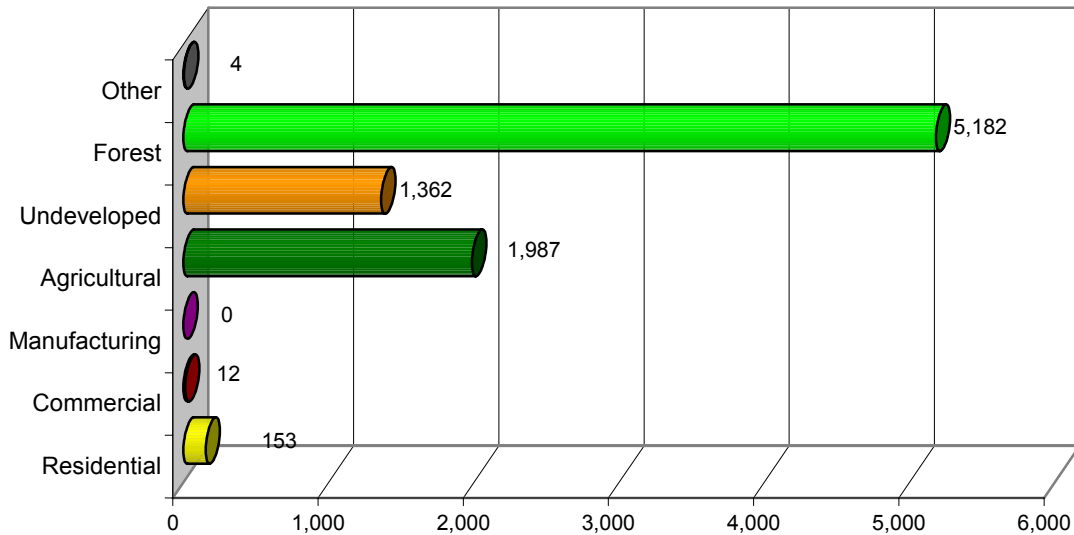
Agricultural land means land, exclusive of buildings and improvements that is devoted primarily to agricultural use, as defined by rule.

Undeveloped means bog, marsh, lowland brush, and uncultivated land zoned as shoreland under §59.692 and shown as a wetland on a final map under §23.32 or other nonproductive lands not otherwise classified.

Productive forestland means land that is producing or is capable of producing commercial forest products.

Other means tax exempt lands.

Figure 8.1: Town of Frog Creek 2004 Statement of Assessments



Source: WI Dept. of Revenue as reported on or before March 3, 2005

8.7 AGRICULTURAL, FOREST AND RESIDENTIAL TRENDS IN THE TOWN OF FROG CREEK

As indicated by Figure 8.2, the total acreage of lands assessed for residential purposes has increased over the past 20 years through 2001. Between 1981 and 2001 residential acreage increased by approximately 56 percent. The number of residential parcels has increased from 62 to 90 over the twenty-year period, an increase of 45 percent.

Lands assessed for agricultural purposes have remained relatively constant over the past 20 years. The Town lost 11.3 percent of its agriculturally assessed lands from 1981 through 2001. The number of parcels declined insignificantly from 100 to 98, a 2 percent decline.

Figure 8.2: Residential Assessment 1981-2001

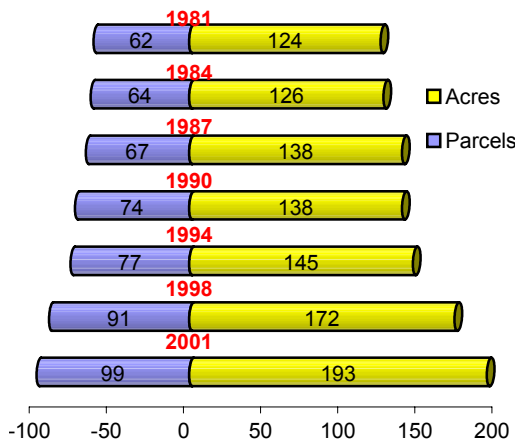
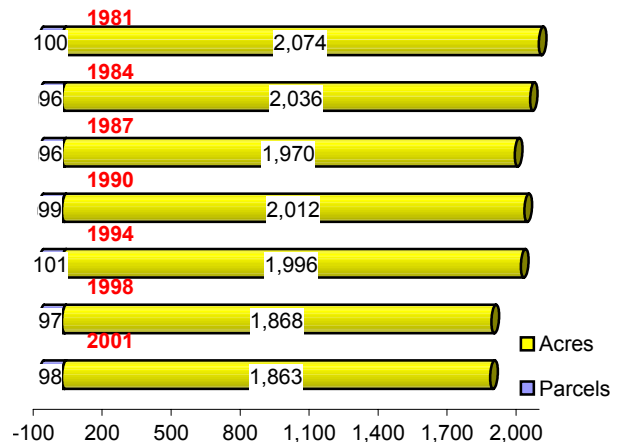


Figure 8.3: Agricultural Assessment 1981-2001



Over the past 20 years, forest acreage has diminished minimally in the Town of Frog Creek. The total acreage decrease from 1981 to 2001 amounted to 13 percent. The number of forest parcels has remained the same during the past 20 years, with minimal fluctuation.

Commercial acreage in the Town of Frog Creek has increased by almost 43 percent in the past 20 years. This is primarily due to the very low number of commercial acres existing in 1981 – any increase in acreage over this twenty-year horizon thereby creates a large percentage jump. The ‘swamp & waste’ classification area remained virtually the same in acreage between 1981 and 2001. Frog Creek did not have any ‘manufacturing’ acreage in 2001.

Figure 8.4: Forest Assessment 1981-2001

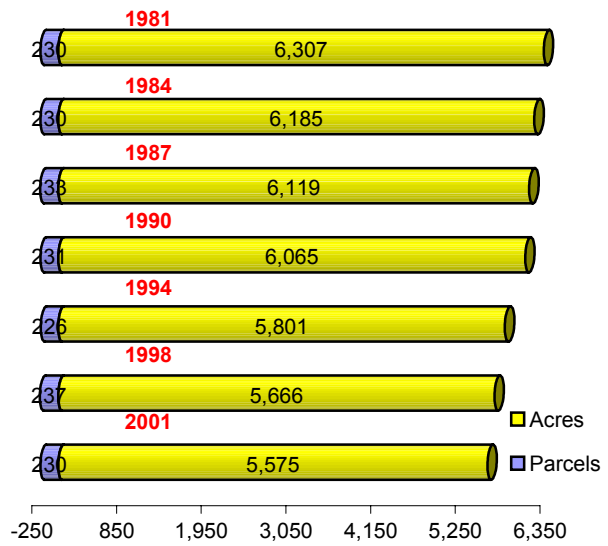
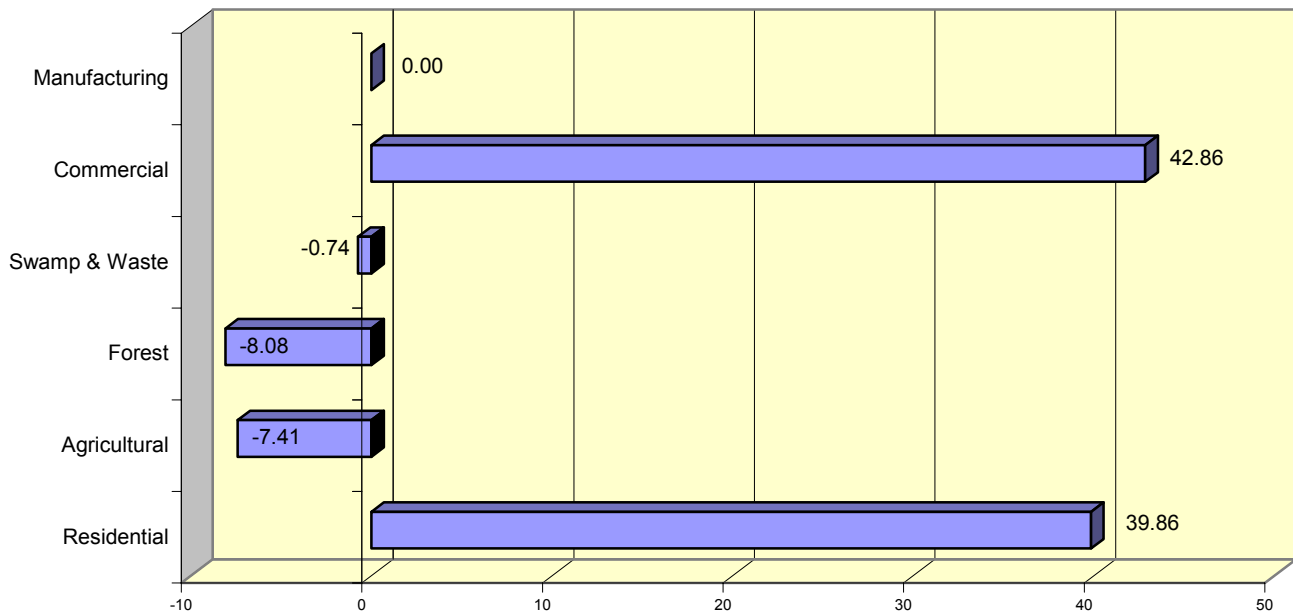


Figure 8.5: Percent Change in Assessment Classes 1990-2001 (Acres)



8.8 WASHBURN COUNTY WATERFRONT ZONING PERMITS, 2000 & 2001

Zoning permits issued for the construction of waterfront homes accounted for approximately half of all zoning permits issued in both 2000 and 2001. In 2000, a total of 197 permits were issued, with a total of 97 issued for dwellings. In 2001, 197 total permits were issued, with 93 permits

for dwellings. The remaining zoning permits were issued for additions, accessory buildings, deck and stairs, or other structures.

	2000	2001
Rezoning requests	24%	35%
Variance requests	55%	55%
Conditional use requests	7%	11%

Source: Washburn County Zoning Department

8.9 LAND USE REGULATION

General Land Use

Zoning is the regulation of the use of land and buildings, which permits a community to control the development of its own jurisdiction. For all intensive purposes, zoning is a locally enacted law that regulates and controls the use of private property. Zoning involves dividing the countryside into districts or zones for agricultural, residential, commercial, industrial, and public purposes. The zoning law or resolution then states which specific uses are permitted in each district and under what circumstances. It provides for orderly growth by protecting homes and property from harmful uses on neighboring properties.

Zoning is the primary tool regulating land use in the Town of Frog Creek and the town is currently under Washburn County zoning jurisdiction. The town could develop and enforce its own zoning ordinance and future research may be directed towards this possibility. Counties are granted general zoning powers within the unincorporated areas (towns) of the county. However, a general county zoning ordinance becomes effective only in those towns that approve the county ordinance. Towns in counties with a general zoning ordinance (such as Washburn), which have not adopted the county zoning ordinance may adopt village powers and use the city zoning enabling authority, subject to county board approval.

Zoning ordinances must be based on a land use plan in order to be effective and protect the public interest. The current general Washburn County zoning ordinance is not plan-based and, to some extent, fails to recognize the interests of local government, landowners and the general public. The planning for future land uses as a component of the Washburn County comprehensive planning process will form the basis for revision of the existing zoning ordinances.

Shorelands and Wetlands

The Washburn County shoreland/wetland zoning ordinance establishes development standards for lands adjacent to county surface waters. These standards are based on the 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 are also regulated under this ordinance.

Zoning District	Parcels	Total Acres	Percent of Total Area
Agriculture	116	3351.8	7.4%
Ag w/conditions	22	478.6	1.0%
Commercial	2	22.6	< 0.1%
Conservation	386	4551.7	10.0%
Forestry	1118	35605.0	78.1%
Industrial	2	51.8	0.1%
Residential	10	84.1	0.2%
Residential Agricultural	43	1100.3	2.4%
Residential Ag w/conditions	1	19.4	< 0.1%
Residential Recreational (1)	1	2.8	<0.1%
Residential Recreational (2)	4	70.0	0.2%
Water	23	252.8	0.6%
Total	1728	45590.9	100.0%

Source: Washburn County Zoning

Redevelopment and Contaminated Sites

Leaking underground storage tanks (LUST’s) are an often a source of localized contamination problems and may pose threats to health and safety. These threats may include: contamination of soil and groundwater, contamination of drinking water, or contamination of lakes, rivers, and streams. Underground storage tanks are regulated in Wisconsin under,

- **Comm 10** Wisconsin Department of Commerce's rule governing installation, registration, maintenance and abandonment of petroleum storage tanks.
- **NR 746** - Applies specifically to sites where petroleum products have discharged from storage tanks.
- **Comm 47** Department of Commerce rule that governs reimbursement from Petroleum Environmental Cleanup Fund Act (PECFA).
- **PECFA** Wisconsin's reimbursement program for eligible costs of cleaning up contamination from leaking underground and aboveground petroleum storage tank systems, administered by the Department of Commerce.

Community	LUST Sites
Bass Lake Town	1
Beaver Brook Town	2
Birchwood Village	5
Brooklyn Town	1
Gull Lake Town	1
Long Lake Town	1
Minong Town	2
Minong Village	5
Sarona Town	4
Shell Lake City	15
Spooner City	23
Spooner Town	1
Springbrook Town	2
Stone Lake Town	1
Trego Town	4
Total Washburn County	68

The Wisconsin Department of Natural Resources has jurisdiction over 54 LUST sites within Washburn County, while the Department of Commerce has jurisdiction over 14 sites. The siting

of land uses should consider the potential negative impact of LUST sites and other pollution hazards. Wisconsin's corrective action rules (NR 140 & NR 700 series) define the process for management of environmental discharges from the time of discovery until site closure. Soil and groundwater clean up standards under these rules are 'risk-based', with consideration of individual site conditions.

There are no LUST sites presently identified in the Town of Frog Creek.

Closed Sites with Groundwater Contamination

The Wisconsin Department of Natural Resources GIS registry of closed remediation sites indicates 4 sites of known groundwater contamination in Washburn County. Only closed sites with groundwater contamination remaining above chapter NR140 enforcement standards or soil contamination above NR720 residual contaminant levels are included in this registry. None of these sites are located in the Town of Frog Creek.

Redevelopment & Smart Growth Areas

Wisconsin Chapter 66 planning legislation requires local communities to explore and plan for redevelopment options such as infill housing, brownfield sites, and obsolete buildings. Local communities are also 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.

The plan does not specifically identify any particular area or parcel in the Town of Frog Creek in need of redevelopment. The vast majority of the town is currently undeveloped.

Future Land Use Development Strategy

The future land use development strategy for the Town of Frog Creek is based on several components. 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 provided the direction for development of a preferred future land use scenario. These tools were utilized in conjunction with GIS 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, recommendations, policies, programs, and actions.

8.10 EXPECTED FUTURE TRENDS IN NORTHWEST WISCONSIN

- A. The year-round population of the Town of Frog Creek should continue to rise, but at a low rate. More retirees will likely relocate to the region.
- B. The number of seasonal residents and tourists is expected to increase.

- C. Demands for rural housing will continue to increase, coupled with increased demand for larger parcels of land.
- D. Demand for waterfront property will continue to be high, with increased pressure to develop smaller lakes and riverfront property (Not applicable to the Town of Frog Creek).
- E. Future industrial development is not likely or anticipated.
- F. Commercial growth will continue at the current rate.
- G. Increased traffic on town roads to accommodate more residents and visitors.
- H. More lake users resulting in a more intensive recreational use of town lakes.
- I. Areas within the town may be attractive to developers wishing to create condominium and retirement communities.
- J. Land prices and taxes will continue to rise.
- K. Seasonal housing units will continue to be converted to year-round permanent residences.
- L. Home-based business and telecommuting will become more prevalent allowing more people the flexibility to live in rural areas such as the Town of Frog Creek.
- M. Significant expansion of infrastructure into the town within the next 20 years may include the Arrowhead-Weston transmission line project.
- N. Water quality concerns may increase due to increased development.

8.11 GROWTH FORECASTS

Residential

The Department of Administration population projection model for the Town of Frog Creek indicates that by the year 2025, the number of year-round residents of the town will increase by 20 people and the number of households (owner-occupied housing units) will increase by 17.

Table 8.5: Town of Frog Creek Population and Household Projections						
	2000	2005	2010	2015	2020	2025
Population	160	165	170	175	180	180
Households	65	69	74	78	80	82
Total Housing Units	86	97	111	129	153	185

U.S. Census and DOA

The projected increase in total housing units and households is due, in part, to the steadily decreasing average household size (see Table 2.1 in Housing Element). This trend is also being experienced at both the state and national levels. Not factored into the projection model is the rate of conversion of seasonal homes to permanent year-round residences. This phenomenon is certainly occurring in many Washburn County communities but is difficult to quantify due to lack of available data.

Acreage requirements for residential growth will be a factor of both number of total housing units required and housing unit density. Table 8.6 reflects the varying acreage requirements for residential growth based on different housing unit densities. Optimal housing density varies significantly by community and should be based on the community’s goals and objectives. The purpose of Table 8.6 is to show how differing development densities will impact the overall community land base.

Table 8.6: Potential Acreage Required for Total Housing Units 2005-2025											
Average Density (Acres)	2005 Potential New Units	2005 Acres	2010 Potential New Units	2010 Acres	2015 Potential New Units	2015 Acres	2020 Potential New Units	2020 Acres	2025 Potential New Units	2025 Acres	Total Acres 2005-2025
40	11	440	14	560	18	720	24	960	32	1280	3,960
20	11	220	14	280	18	360	24	480	32	640	1,980
10	11	110	14	140	18	180	24	240	32	320	990
5	11	55	14	70	18	90	24	120	32	160	495
3	11	33	14	42	18	54	24	72	32	96	297
1	11	11	14	14	18	18	24	24	32	32	99
0.5	11	.55	14	7	18	9	24	12	32	16	44.55

Commercial

There has been virtually no growth in commercial acreage in the town in the past. As a result, there is insufficient data to accurately project any changes in commercial acreage during the twenty-year planning horizon.

Industrial

The Town of Frog Creek presently has no industrial land use other than non-metallic mineral extraction. Additional industrial growth is not projected to occur within the town during the next 20 years.

Agricultural

Based on past assessment trends, in the next 20 years, the Town of Frog Creek will have nearly 239 fewer assessed acres of agricultural land than today. The town has been losing agricultural land at a rate of nearly 11 acres per year from 1981-2001.

Table 8.7: Projected Agricultural Acreage						
	2001	2005	2010	2015	2020	2025
Agricultural Acres	1863	1821	1769	1719	1671	1624
Change		-42	-52	-50	-48	-47

2025 Future Land Use Summary

Total Residential Land (2025)	495 Acres
Total Industrial Land (2025)	0 Acres
Total Agricultural Land (2025)	-239 Acres

8.12 LAND USE GOALS, OBJECTIVES, AND ACTIONS

A set of recommended goals, objectives, and action steps has been developed to assist the town with existing and future land use activities.

LAND USE

GOALS, OBJECTIVES AND ACTION STATEMENTS

Goal: Encourage community growth and development in an organized, efficient and environmentally sound manner.

1. Consult the town's future land use map when making decisions regarding future development activities.
 - a. Review the future land use plan throughout the twenty-year planning horizon to ensure it is kept up-to-date.
2. Research the possibility of town-based zoning.
 - a. Investigate the costs of implementing a zoning program at the town level
 - b. Monitor upcoming county zoning decisions regarding the Town of Frog Creek to see if town concerns are being addressed, and whether its comprehensive plan is being consulted on town issues.
3. Recommend that new forestry and rural residential parcels be at least five acres in size.
4. Insist that the town comprehensive plan be consulted when county, state and federal agencies or departments develop plans concerning land use in the town.