

## **Chapter VIII**

### **LAND USE ELEMENT**

#### **INTRODUCTION**

The previous chapters of this plan focused on housing, transportation, agriculture, natural resources, cultural resources and economic development. Having a comprehensive plan with a land use element helps guide land use decisions. Land use planning provides for an orderly, efficient, and logical extension of preservation and development.

The State of Wisconsin Comprehensive Planning Law provided 14 local planning goals. The goals are:

1. Promote the redevelopment of lands with existing infrastructure and services
2. Encourage neighborhood designs that support a range of transportation choices
3. Protect natural areas, including wetlands, wildlife habitats, lakes, woodlands, and open spaces.
4. Protect economically productive areas, including farmlands and forests
5. Encourage land uses, densities, and regulations that promote efficient development patterns plus relatively low municipal, state governmental and utility costs.
6. Preserve cultural, historic, and archaeological sites
7. Encourage coordination and cooperation among nearby units of government
8. Build community identity by revitalizing main streets and enforcing design standards
9. Provide an adequate supply of affordable housing for individuals of all income levels throughout each community.
10. Provide adequate infrastructure and public services and an adequate supply of developable land.
11. Promote the expansion or stabilization of the current economic base.
12. Balance individual property rights with community interests and goals.
13. Plan for and develop land uses that create or preserve varied and unique urban and rural communities.
14. Provide an integrated; efficient, economical transportation system that affords mobility, convenience, and safety that meets the needs of all citizens, including transit-dependent and disabled citizens.

Most of the above goals are related to the land use element. The need for the planning of land uses is extremely important. This plan has helped to explain the existing base of resources within the Town of Byron. Good land use decisions help create a satisfying environment and quality of life that influences public service needs, community character, tax base, and the economy.

#### **EXISTING LAND USE PATTERNS**

The land use pattern in the Town of Byron consists of agricultural land, woodlots, wetlands, scattered residential development, subdivisions, commercial, and light industrial uses (Appendix A, Map 12). The unincorporated hamlets of Byron and South Byron have a fair amount of both single and multi-family residential development.

**Table VII-1**

**TOWN OF BYRON: EXISTING LAND USE, 2004**

Land Use Category	Acres	Percent of Total
Institutional	11	.1%
Commercial	141	.6%
Industrial	543	2.3%
Residential	845	3.6%
Transportation	1,018	4.4%
Environmental	3,584	15.3%
Agriculture (Ag)	17,264	73.7%
Total	23,406	100%

Source: Innovative Community Development Survey, 2004

**Agricultural Land Use**

The largest land use category in the Town of Byron is agricultural land. A total of 17,262 acres or 73.7 percent of total land use in the town is agriculture (Table VIII-1).

**Environmental Land Use**

Environmental land use is the second largest land use in the town. Environmental lands include woodlands, open space lands, and recreational areas. The majority of open lands in the town are wetlands. A total of 3,584 acres of environmental lands exist in Byron, which makes up 15.3% of total land use.

**Transportation Land Use**

The Town of Byron has 1,018 acres or 4.4 percent in transportation land use. This includes local roads, county highways, state highways, federal highways, and railroads. The Wild Goose State Trail is considered recreational and included in environmental land use.

**Residential Land Use**

The Town of Byron's 1,550 residents live on 845 acres or 3.6 percent of the total land in the community. This results in .54 acre of land per person.

**Industrial Land Use**

Industrial land use makes up only 543 acres or 2.3 percent of total land area in the town. This acreage includes stone quarries, gravel pits, and light industry.

**Commercial Land Use**

In the Town of Byron 141 acres or .6 percent are in commercial land uses. These include landscape, nursery, trucking, excavating, carpentry, concrete and masonry, consulting, and service businesses.

**Institutional Land Use**

Institutional land uses include the town hall area, cemeteries, and churches. The total acreage for this land use in Byron is 11 acres making up only .1 percent of land area.

## **SUPPLY, DEMAND, AND PRICE TRENDS OF LAND**

### **Land Supply**

The supply of land in the Town of Byron is 23,406 acres. The town is unincorporated and has not authority to annex land. Therefore, its land area can only decrease if annexation from the City of Fond du Lac or Town of Lomira would occur in the future. As noted previously, the majority of the land in Byron is utilized for agricultural purposes.

### **Land Demand**

Over the past 5 years, demand for land in Fond du Lac County and the Town of Byron has been moderate. Median housing prices increased from \$85,000 to nearly \$113,000 in Fond du Lac County between 1997 and 2004. At the same time, the number of existing and new home construction sales increased from 654 to 926. In the Byron area, unimproved lots are selling for \$25,000 to \$40,000. The Town of Byron's location with easy access to U.S. Highway 41 and U.S. Highway 151 and quality of life make it an attractive location.

### **Land Prices**

People are willing to pay much higher prices for a rural residential lot than the farmer is willing to pay to keep the land in agricultural production. On average in Fond du Lac County, land that is sold for agricultural purposes is averaging \$2,500 to \$3,000 an acre. This same agricultural land if sold for residential development is selling for \$7,500 to \$9,000 an acre. Over the past 5 years, Fond du Lac County has averaged 69 agricultural land sales.

### **Opportunities for Redevelopment**

The opportunities for redevelopment in Byron are limited. The unincorporated hamlet of South Byron has recently seen some redevelopment as residential homes and older commercial buildings have been restored. The majority of the older commercial buildings were converted into multi-family residential units.

The unincorporated hamlet of Byron is in need of some redevelopment. An opportunity to do some street improvements and beautification will occur when the State Highway 175 is reconstructed and becomes a county highway. The installation of the Veterans Memorial in front of the town hall in Byron is a first step in redeveloping this area and making it the Main Street for the Town of Byron.

## **EXISTING AND POTENTIAL LAND USE CONFLICTS**

This plan if used as a guide and implemented will help reduce potential land use conflicts. The following list of existing and potential land use conflicts must be considered by the Town of Byron as it plans for its future.

- Fear of intervention by Fond du Lac County and the State of Wisconsin with regard to local land use decisions made by the Byron Town Board and Byron Plan Commission.
- Increasing traffic volume on local roads and the population and automobile registrations increase.
- More pressure by developers to convert agricultural land to residential.

- More pressure by farmers to sell their land for development if they are not making enough financial gain on the farm.
- Continued increase in the herd size of existing dairy farms may create conflicts if residential development occurs near them.
- Byron's population and the number of housing units will continue to increase.
- The median household size will continue to decrease resulting in demand for more housing units and more land to accommodate those units.
- Sale of agricultural land for residential and recreational use will continue to outpace the price of land sold that continues in agricultural uses.
- Conflict will occur if residential development is allowed near operating quarries and gravel pits.
- Continued water withdrawals from wells within the town by the City of Fond du Lac may cause future conflict.
- Potential land use conflicts may occur within the extraterritorial plat review areas of the Village of Lomira and City of Fond du Lac.
- Failure to cooperate and work with neighboring communities may create land use conflict and litigation.

## **LAND USE PROGRAMS THAT GUIDE DEVELOPMENT AND REDEVELOPMENT OF PUBLIC AND PRIVATE PROPERTY**

### **Zoning Ordinance**

The Town of Byron regulates land development and building activity. The Town of Byron Zoning Ordinance regulates land use within the town. The Byron Town Board and Plan Commission administer this ordinance. The zoning ordinance has 5 districts. The largest district is exclusive agricultural. The other districts are residence district, multi-family residence district, agricultural transition district, business district, and industrial district. The ordinance requires a building permit for land development and building activity. The ordinance is enforced by the town building inspector.

### **Shoreland Zoning**

The Fond du Lac County Planning Department administers a shoreland zoning ordinance for all navigable waters in unincorporated areas in the county. The ordinance is enforced within 1,000 feet of the ordinary high water mark of navigable lakes, ponds, and flowages, and within 300 feet of the ordinary high water mark of navigable rivers or streams or to the landward side of a floodplain, whichever distance is greater. The shoreland zoning ordinance has 3 districts. They are shoreland-wetland district, recreational-residential district, and general purpose district. The ordinance requires a land use permit and the county zoning administrator manages and enforces the ordinance.

### **Flood Plain Zoning Ordinance**

The Fond du Lac County Planning Department administers a flood plain zoning ordinance. The ordinance sets guidelines, restrictions, and criteria for development within the 100 year floodplain. The ordinance has a floodway district, floodfringe district, and general floodplain district. The ordinance requires a land use permit and the county zoning administrator manages and enforces the ordinance.

### **Automobile, Tire, and Junk Ordinance**

Fond du Lac County regulates the storage and disposal of automobiles, tires, and junk to prevent the proliferation of junkyards, tire piles, and dumps. The county code enforcement officer and the Sheriff's Department enforce the ordinance.

### **Private Onsite Wastewater Treatment Systems (POWTS)**

In 2000, the Wisconsin Department of Commerce implemented Wisconsin Administrative Code Comm. 83 pertaining to POWTS. In 2004, Fond du Lac County began implementing a new program as required by Wisconsin Administrative Code Comm 83.54 Management Requirements and Comm. 83.55 Reporting Requirements. This program requires that all pre-1980 POWTS in Fond du Lac County be inspected and placed on a maintenance schedule. All homeowners with pre-1980 POWTS or holding tanks must comply by having their systems inspected and serviced by a licensed professional. A filing fee is required to be submitted to Fond du Lac County along with an inspection and maintenance report.

### **Subdivision Ordinance**

The impact of subdivision regulations is more permanent than zoning. Once land is divided into lots and streets are constructed the development pattern is set. Failure to plan for the proper subdivision of land can lead to extra tax burdens, traffic problems, and a loss of a sense of community. Wisconsin State Statutes Chapter 236 sets minimum requirements and procedures for subdivisions. It defines a subdivision as 5 or more lots of 1.5 acres or less. Both the Town of Byron and Fond du Lac County have subdivision ordinances that go beyond the minimum state requirements. The Wisconsin Department of Administration also reviews subdivision plats and the Wisconsin Department of Transportation becomes involved if a subdivision has an entrance or departure that abuts a state highway.

## **PROJECTIONS FOR SUPPLY AND DEMAND OF LAND USE**

**Table VIII-2**

### **TOWN OF BYRON: FUTURE LAND USE ACREAGE PROJECTIONS, 2010-2030**

Land Use	2004 Acres	2010 Acres	2015 Acres	2020 Acres	2025 Acres	2030 Acres	Percent of Total
Governmental	11.0	11.0	11.0	11.0	11.0	11.0	0.1%
Commercial	141.0	189.8	238.6	287.4	336.2	385.0	1.6%
Industrial	543.0	665.8	777.2	888.6	1,000.0	1,100.0	4.7%
Residential	845.0	1,068.0	1,291.0	1,514.0	1,737	1,960.0	8.4%
Transportation	1,018.0	1,018.0	1,020.0	1,020.0	1,020.0	1,020.0	4.4%
Environmental	3,584.0	3,547.2	3,510.4	3,473.6	3,436.8	3,400.0	14.5%
Agriculture	17,264.0	16,917.2	16,570.4	16,223.6	15,876.8	15,530.0	66.3%
Total	23,406.0	23,406.0	23,406.0	23,406.0	23,406.0	23,406.0	100%

Table VIII-2 projects future land use acreage for the Town of Byron for five-year increments through 2030. These projections are based on future population projections and are used for planning purposes.

### **Future Land Use Categories**

The categories are displayed on the *Future Land Use Map* for the Town of Byron (Appendix A, Map 13). This map depicts the potential for future land uses within the town and should be used as a guide when considering future developments within the town. The land use categories are not engraved in stone, but are displayed as a tool for guidance.

### **Governmental (Gray)**

These areas include the town government facilities and City of Fond du Lac Well #24 and Well #25. This land use is not projected to grow during the next 25 years.

### **Commercial (Red)**

These mapped areas represent where commercial land uses exist and are anticipated to grow in the future. Examples of uses found in this category include retail sales and services, eating and drinking establishments, storage facilities, service and repair businesses, and visitor accommodations. This land use is projected to increase slightly between 2004 and 2030.

### **Industrial (Purple)**

This land use represents industrial uses such as light manufacturing and production, agricultural processing, feed mills, and resource extraction and processing.

### **Residential (Yellow)**

This land use category provides opportunities for residential growth that includes single and multi-family homes. Residential land use is projected to increase by 1,115 acres from 2004 to 2030. If this occurs, over 8 percent of Byron would be in residential use in 2030.

### **Transportation (White)**

Transportation land uses include local roads, state highways, federal highways, and railroads. The transportation land use projections shows an increase of two acres over the planning period. This is due to growth in local roads. It is assumed that future redevelopment of State Highway 175 or U.S. Highway 41 will occur within their current highway corridors.

### **Environmental (Green)**

Environmental lands include woodlands, wetlands, and recreational areas. All efforts would be made to preserve these lands over the planning period. Under the projected future land use scenario less than one percent of environmental land uses would be converted to other uses.

### **Agriculture (AG) (Lime Green) and Secondary Agriculture (AG) (Light Green)**

The Agriculture land use category represents those areas where dairy and production agriculture are the current and projected predominant land use. The agriculture category will include limited amounts of residential development, wind generation towers, and wildlife ponds, but agriculture would still predominate.

Secondary agriculture is similar to the agricultural transition district in the Town of Byron zoning ordinance. It recognizes that the land use areas on the map may be planned for urban expansion

once adequate public services are in place. About 4.7 percent of the total future ag land use acres are in secondary agriculture.

## **LAND USE ELEMENT GOALS AND OBJECTIVES**

### **Goal**

Support planned growth that enhances the local economy while taking into account the protection of natural resources, recreational opportunities, and the peaceful rural character of the Town of Byron (See Agriculture, Natural, and Cultural Resources Element Goal 2, pg. 39).

### **Objectives**

1. Support efficient development that focuses on enhancing the local road network by encouraging street connectivity and discouraging cul-de-sacs (See Transportation Element Goal 2, Objective 2, pg. 25).
2. Permit the development of conservation subdivisions in the town to maintain environmentally sensitive areas for stormwater runoff, groundwater protection, recreational opportunities, and to buffer subdivisions from agricultural areas (See Transportation Element Goal 1, Objective 2, pg 24 and Housing Element Recommendation, Pg. 18).
3. Support the growth of small business entrepreneurs in the Town of Byron (See Economic Development Element Goal, pg 46).
4. Cooperate with surrounding communities to support landowner education on purchase of development rights, transfer of development rights and land trusts (Relates to Intergovernmental Cooperation Element).
5. Encourage landowners with an interest in preserving their land to explore working with local and state land trusts (Related to Agriculture, Natural and Cultural Resources Element).

## **LAND USE ELEMENT POLICIES AND RECOMMENDATIONS**

### **Policies**

1. The comprehensive plan will be used as a guide in the review of all development proposals that are presented to the Town of Byron Plan Commission.
2. The town will have the authority to offer housing unit bonus densities to encourage the development of conservation subdivisions in areas where traditional subdivisions may create conflicts with agricultural production.
3. The town should consider the development of sanitary districts to provide an option for higher housing densities in areas designated as residential on the future land use map.
4. Since the citizens of Byron ranked the small town atmosphere as one of the most important valuable attributes of living in the town, the current peaceful rural character should be maintained to the fullest extent possible.
5. The town will follow the future industrial land use guidelines to prevent future residential development from encroaching on active quarry areas and causing conflict.

**Recommendations**

1. Utilize conservation subdivision clustered development as a tool to reduce conflicts with farmers who engage in production agriculture.
2. Promote the elements of the comprehensive plan among developers and landowners so they have a better understanding of local planning.
3. Make certain that communication is maintained with neighboring towns to ensure consistent land use along Byron's borders.