

Chapter 6 - Land Use

Introduction

Per State of Wisconsin Statute 66.1001 (2) (h), the Land Use Element of a community's comprehensive plan is intended to be: *A compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of the amount, type, intensity and net density of existing uses of land in the local governmental unit, such as agricultural, residential, commercial, industrial and other public and private uses. The element shall analyze trends in the supply, demand and price of land, opportunities for redevelopment and existing and potential land-use conflicts. The element shall contain projections, based on the background information specified in par. (a), for 20 years, in 5-year increments, of future residential, agricultural, commercial and industrial land uses including the assumptions of net densities or other spatial assumptions upon which the projections are based. The element shall also include a series of maps that shows current land uses and future land uses that indicate productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries of areas to which services of public utilities and community facilities, as those terms are used in par. (d), will be provided in the future, consistent with the timetable described in par. (d), and the general location of future land uses by net density or other classifications.*

Goal and Objectives

Land Use Goal

Ensure various and diverse land uses, including agriculture, residential, commercial, and recreational/open space, are encouraged, supported, and regulated, in appropriate locations, and in a responsible manner that preserves the Town's rural character and balances the rights of property owners with the Town's collective well-being.

- Objective:* Preserve the Town's Agricultural areas, for continued agricultural utilization.
- Objective:* Guide future residential development to appropriate areas, at an appropriate pace.
- Objective:* Promote appropriate commercial uses in the vicinities of the I-43 and Hwy. 140 interchange, and southwest of the Village of Clinton.
- Objective:* Continue to identify and protect vital natural resources in the Town, and guide future land development in a manner to avoid degradation of natural resources.
- Objective:* Continue to foster productive working relationships with the County and neighboring municipalities, to aid implementation of various plans, policies and programs pertaining to land use in the Town.

Purpose of Land Use Planning

The degree to which a rural community balances housing, commercial, light industrial, and associated transportation infrastructure development with preservation of agricultural and open space lands, and natural resources ultimately determines that community's quality of life. Comprehensive and thoughtful land use planning, which respects private property rights but also recognizes the importance of the community's collective well-being, allows for responsible development in appropriate locations while concurrently preserving agricultural and open space lands, and natural resources.

The Town's rural character, evident in its abundant, valuable agricultural lands, provides the community with a socio-economic identity and an exceptional quality of life. Population growth, though necessary and inevitable if the Town is to remain vibrant, can also have negative effects. These effects, particularly in the form of scattered and sprawling housing development, pose a threat to the Town's rural character. Thus, preservation of valuable agricultural land and responsible housing development in appropriate locations is central in planning for the Town's future land use, and subsequently, preservation of its identity and quality of life.

Existing Land Use, Land Use Trends, and Land Use Projections

This section identifies the Town's existing land use, historic land use trends, and future land use projections. This *Plan* utilizes two different sources in examining these components, the WDOR's Statement of Assessment, utilizing Statutory Classes of Real Property for tax assessment purposes, and the County's Geographic Information System (GIS) data, utilizing the Town's zoning districts. WDOR's Statement of Assessment data is utilized as it provides a depiction of actual land use, whereas the County's GIS data is utilized as it represents regulated land use.

Existing Land Use

The Town's existing land use has vast implications in planning for its future land use. Existing land use aspects identified in this section include land use categories, land use regulation (including zoning) and total equalized value by land use category.

Existing use of the Town's land is varied. Agriculture use prevails, although residential activities are also common, with farmsteads and some clustered subdivisions throughout the Town.

The following classifies the Town's existing land use into eight categories, slightly modified from the WDOR's Statutory Classes of Real Property:

- **Agricultural:** Lands, exclusive of dwelling units and other improvements, devoted primarily to agriculture (as defined by State of Wisconsin Statute 70.05) and other supporting activities
- **Agricultural Accessory:** Lands containing dwelling units and related improvements associated with agricultural use
- **Forest:** Lands producing, or capable of producing, commercial forest products

- **Residential:** Lands containing dwelling units and related improvements not associated with agricultural use
- **Commercial:** Lands, including improvements, devoted primarily to commercial operations, including, but not limited to dining, lodging, and retail sales establishments
- **Light Industrial:** Lands, including improvements, devoted primarily to manufacturing and industrial operations, including, but not limited to, assembling, processing, and fabricating
- **Undeveloped:** Lands generally unfit for any of the aforementioned uses, including, but not limited to, parks, hunting grounds, wetlands, ponds, gravel pits, and road rights of way
- **Other:** Surface water areas, including streams, creeks, rivers, and lakes

Figure 6.1 displays the Town’s land use by category in 2007.

**Figure 6.1:
Land Use Category: 2007**

Land Use Category	Acres	Percent
Agricultural	19,408	89.1%
Agricultural Forest	64	0.3%
Forest	382	1.8%
Residential	587	2.7%
Commercial	84	0.4%
Light Industrial	50	0.2%
Undeveloped	834	3.8%
Other	362	1.7%
TOTAL	21,771	100.0%

Source: State of Wisconsin Department of Revenue - Statement of Assessments 2007

Figure 6.1 indicates the majority of the Town’s land (19,408 acres or 89.1%) was categorized as *Agricultural* in 2007. The *Residential* category comprised only 2.7% and 587 acres.

The Town’s existing land use is regulated most directly by the following:

- *Town of Clinton Zoning Ordinance*
- *Rock County Zoning Ordinance*
- *Rock County Land Division Regulations*

Of these regulatory mechanisms, the Town’s *Zoning Ordinances* is the predominant measure utilized. This *Ordinance* regulates use of all land in the Town. This *Ordinance* also identifies zoning districts, stipulating allowable uses on lands in the Town, including agricultural,

residential, business/commercial, special/unique, and environmentally sensitive/open space area preservation. The Town’s zoning districts are limited in determining actual land use (e.g. a parcel of land with a dwelling unit, zoned as agriculture, may not be large enough for farming to be an economically viable activity, and therefore the land lies fallow). The County’s *Land Division Regulations* are applicable only to creation of new lots and building sites of 15 acres or less, and its *Zoning Ordinance* applicable only to shoreland, lowland/wetland, and County-owned land.

Figure 6.2 displays Town and County zoning districts as identified in their respective ordinances, as of 2007.

Figure 6.2:
Zoning Districts: 2008

Zoning District	Primary Use	Minimum/Maximum Lot Size	Dwelling Units Per Lot
Exclusive Agricultural District (A-1)	Large-scale Agriculture	40 acres / None	1*
Transition Area (A-1-A)	Agricultural, planned for future rural development	40 acres / None	1*
General Agricultural Area (RU-2)	Small-scale Agriculture	10 acres / None	1
Small Scale Agricultural Area (RU-2)	Low-density residential and small-scale agriculture	3 acres / 10 acres	1
Rural Residential Area (R-R)	Low-density residential - unsewered	40,000 sq ft / 3 acres	1*
Local Commercial District (B-1)	Commercial operations Compatible with residential uses	1 acre / None	None
Commercial Highway Interchange District (CHI)	Commercial operations to serve traveling public	3 acres / None	None
Recreational District (REC)	Recreational uses	1 acre / None	summer homes *
Special Purpose (SP)	Special and unique	5 acres / None	None
Shoreland Overlay (SO) - County	Protect environmentally sensitive areas	Sewered: 40,000 sq. ft./None Unsewered: 15,000 sq. ft/None	Dependent on underlying district
Lowland/Wetland Overlay (C-1) - County	Restrict development in flood-prone areas	Dependent on underlying district	None

*Conditional uses allow for additional dwelling units.

Source: *Town of Clinton Zoning Ordinance Code*
Rock County Zoning Ordinance

The Town’s *Agricultural (A-1)* zoning district, consisting of the largest minimum lot size and lowest dwelling unit density of all the Town’s zoning districts, is thus the district most conducive to large-scale, productive agricultural activities. Conversely, the *Rural Residential (R-R)* district is designated for low-density residential use. The *Highland Conservation (C-2)* district, is formulated to restrict development in environmentally sensitive areas. The Town’s shorelands and lowlands/wetlands, both environmentally sensitive areas, are included in the County’s *Shoreland (SO)* and *Lowland/Wetland (C-1) Overlay* zoning districts.

The A-1-A zoning district is a transition district. This district has the same permitted uses and bulk requirements as A-1, but was created as a means to identify areas planned for future development. But in fact, the Land Use Plan Map, as a component of this Comprehensive Plan, identifies lands planned for future development. The use of A-1-A zoning can cause confusion and speculation. It is advisable that this district be abolished, and properties currently zoned as such should simply be zoned A-1.

Figure 6.3 identifies the Town’s land use by zoning district in 2007 (Map 6.1), as well as the number of lots and average lot size for each district.

**Figure 6.3:
Land Use Zoning: 2008**

Zoning District	Acres	Percent	Lots	Average Lot Size (Acres)
Agricultural One (A-1)	18,942.6	86.6%	407	46.5
Agricultural Transition (A-1-A)	1550.3	7.2%	51	30.4
General Agricultural Two (RU-2)	389.4	1.8%	32	12.2
Small Scale Agricultural Three (RU-3)	128.0	0.6%	33	3.9
Rural Residential (R-R)	149.7	0.7%	107	1.4
Business (B-1)	6.4	0.0%	2	3.2
Commercial Highway Interchange (CHI)	193.8	0.9%	11	17.6
Special Purpose (SP)	141.4	0.7%	9	15.7
Lowland/Wetland Overlay (C-1)	36.8	0.2%	1	36.8
Unknown, Dedicated, or Right of Way	327.9	1.3%	16	20.5
TOTAL	21,866.3	100%	669	32.7

Source: Rock County Geographic Information System (GIS) data 2008

Figure 6.3 indicates the majority (18,942.6 acres, 86.6%) of the Town’s land was zoned *Agricultural One (A-1)*, whereas the *A-1-A* transition zoning district comprised the next largest portion of the Town’s land (1550.3 acres, 7.2%), in 2008. Figure 5.3 indicates the combined, predominately residential (*RU-3* and *R-R*) zoning districts totaled 278 acres and 1.3% of the Town’s land use in 2008. The Town had 669 lots, with average lot size of 32.7 acres, in 2008. The average size of a lot in the predominately residential (*RU-3* and *R-R*) zoning districts was 1.8 acres in 2008.

Map 6-2 depicts current land uses in the Town. It was created by collectively analyzing current zoning, aerial photography, and on-the-ground observation.

Insert Zoning Map (Map 6.1)

Insert Existing Land Use Map (Map 6.2)

Figure 6.4 displays the Town's total equalized value in 2007, utilizing land use categories. Total equalized value represents the full (fair) market value (most probable selling price) of the Town's land and improvements for all land use categories except *Agricultural, Agricultural Forest, Forest and Undeveloped*. The total equalized value of these land use categories is derived from use (ability to generate income), utilizing 50% of full (fair) market value. Total equalized value is determined by the WDOR, with property taxes apportioned to the Town on the basis of this value.

**Figure 6.4:
Total Equalized Value: 2008**

Land Use Category	Land	Improvements	Total Equalized Value	Percent
Agricultural	\$5,913,900	\$0	\$5,913,900	9.1
Agricultural Forest	\$67,200	\$0	\$67,200	0.1
Forest	\$802,200	\$0	\$802,200	1.2
Residential	\$6,967,200	\$35,691,600	\$42,658,800	65.5
Commercial	\$403,900	\$655,500	\$1,059,400	1.6
Light Industrial	\$165,200	\$116,800	\$282,000	0.4
Undeveloped	\$538,700	\$0	\$538,700	0.8
Other	\$2,128,000	\$11,724,500	\$13,852,500	21.3
TOTAL	\$16,986,300	\$48,188,400	\$65,174,700	100.0%

Source: State of Wisconsin Department of Revenue - Statement of Equalized Values 2008

Figure 6.5 indicates the *Residential* land use category entails the largest total equalized value and percent (\$42,658,800 and 65.5%) of all the Town's land use categories, whereas the *Agricultural Forest* land use category entails the smallest.

Land Use Trends

Identification of the Town's historic land use trends is similarly vital in planning for the Town's future land use. This section identifies trends in land use category, *Agricultural (A-1)* zoning district rezones, building permits issued and sales in the *Agricultural, Forest, and Residential* land use categories. Figure 6.5 displays the Town's land use by category from 2002 to 2007.

**Figure 6.5:
Land Use Category: 2002 - 2007**

Land Use Category	2002		2007		Change: 2002-2007	
	Acres	Percent	Acres	Percent	Acres	Percent
Agricultural	19,602	90.0%	19,408	89.1%	-194	-0.9%
Forest	459	2.1%	446	2.0%	-13	-0.1%
Residential	520	2.4%	587	2.7%	67	0.3%
Commercial	160	0.7%	84	0.4%	-76	-0.3%
Light Industrial	50	0.2%	50	0.2%	0	0%
Undeveloped	613	2.8%	834	3.9%	221	1.1%
Other	367	1.8%	362	1.7%	-5	-0.1%
TOTAL	21,771	100%	21,771	100%	0	

Source: State of Wisconsin Department of Revenue Statement of Assessments 2002 and 2007

Figure 6.5 indicates the Town has not experienced dramatic land use change from 2002 to 2007, although the *Agricultural* land use category did experience a relatively high decrease, with a loss of 194 acres. Also, it appears that a large portion of land; 221 acres was possibly recategorized from *Agricultural* to *Undeveloped*. *Residential* land use increased by 67 acres from 2002 to 2007.

If this trend of an average of 194 acres of agricultural land is lost every five years, then the following projection, shown in Figure 6.6, shows future forecasted amounts of agricultural land in the Town.

**Figure 6.6:
Agricultural Land Projections: 2015 - 2035**

	2015	2020	2025	2030	2035
Acreage	19,098	18,904	18,710	18,516	18,322
Percentage of Total Land	87.7%	86.8%	85.9%	85.0%	84.2%

Source: Rock County Planning and Development Agency

Figure 6.7 displays acreage rezoned from the Town's *Agricultural District (A-1)* to other zoning districts from 1986 to 2004.

**Figure 6.7:
Lands Enrolled in State of Wisconsin Department of Agriculture (DATCP) Farmland Preservation Program Rezoned from *Agricultural District (A-1)*: 1986 - 2004**

New Zoning District	Acres
RU-2 or RU-3	214.58
R-R	64.04
B-1 or CHI	1.00
TOTAL	278.62

Source: Rock County Planning and Development Agency 2004

Figure 6.6 indicates nearly 300 acres in the Town, enrolled DATCP's Farmland Preservation Program, have been rezoned out of the *Agricultural District (A-1)* to other zoning districts from 1986 to 2004. Figure 6.8 also indicates that the majority of these rezones were to a different agricultural district, assumingly to allow the construction of one residence.

Figure 6.8 displays sales of land in the *Agricultural* and *Forest* land use categories in the Town from 2002 to 2006.

**Figure 6.8:
Agricultural and Forest Land Sales: 2002 - 2006**

Totals	2002	2003	2004	2005	2006	2002-2006	
						Total	Average
Sales	3	3	3	1	2	12	2.4
Acres	325	879	141	44	94	1483	296.6
Value	\$1,077,100	\$3,441,200	\$754,000	\$222,000	\$690,000	\$6,184,300	\$1,236,860
Value per acre	\$3,315	\$3,915	\$4,174	\$4,852	\$5,667	\$21,923	\$4,385

Source: State of Wisconsin Department of Revenue - Fielded Sales System 2002 - 2007

Figure 6.8 indicates an average of 2.4 *Agricultural/Forest* land sales of 296.6 acres, valued at \$4,385 an acre, took place in the Town from 2002 to 2006.

Figure 6.9 displays sales of land in the *Residential* land use category in the Town from 2002 to 2006.

**Figure 6.9:
Residential Land Sales: 2002 - 2006**

Totals	2002	2003	2004	2005	2006	2002-2006	
						Total	Average
Sales	6	7	4	4	10	31	6.2
Vacant lots	0	2	0	0	1	3	0.6

Source: State of Wisconsin Department of Revenue - Condensed Sales Summary Report 2002 - 2007

Figure 6.9 indicates an average of approximately 6 *Residential* land sales each year, with hardly any of those being vacant lots, took place in the Town from 2002 to 2006.

Land Use Projections

Formulation of Town land use projections, illustrating possible future Town land use from 2010 to 2035, is also necessary in planning for the Town’s future land use. Land use projections presented in this section include households, residential, , and (A-1) rezone, and Village of Clinton annexation acreage.

Figures 6.10 and *6.11* display projections of Town households (occupied housing units), and associated required acreage utilizing various average household (residential) lot sizes, from 2015 to 2035. *Figure 6.10* was developed according to household projections as formulated by WDOA and presented in *Table 2-3*.

**Figure 6.10:
Households (Above 2010 WDOA Estimate): 2010 - 2035**

2015	2020	2025	2030	2035
6	10	15	19	23

Source: State of Wisconsin Department of Administration 2005

**Figure 6.12:
Household (Residential) Acreage (as required per Figure 6.10): 2010 - 2035**

Average Household (Residential) Lot Size	2015	2020	2025	2030	2035
.75 acre	4.5	7.5	11.25	14.25	17.25
2.0 acre (average Town residential lot size in 2007)	12	20	30	38	46
3 acre	18	30	45	57	69

Source: Rock County Planning and Development Agency 2008

Figure 6.11 indicates the Town will have only an additional 23 households, above the 2005 WDOA estimate, by 2035. *Figure 6.12* indicates that, dependent on average household lot size, between 17 and 70 acres of the Town’s land base will be converted to residential use by 2035.

Regarding the Town’s commercial and light industrial acreage through 2035, there is not projected to be a population increase significant enough to trigger new commercial or industrial growth. The Town wishes to promote commercial uses at appropriate locations, to serve the traveling public, independent of the number of people residing in the Town.

Figure 6.13 displays a projection of Town land rezoned out of the (A-1) zoning district to other zoning districts, through 2035. This projection was formulated utilizing the Town’s average annual acreage (15) rezoned out of the A-1 zoning district to other zoning districts from 1986 to 2004, as presented in *Figure 6.7*.

**Figure 6.13:
Acreage Rezoned out of (A-1) Zoning District: 2010 - 2035**

2010	2015	2020	2025	2030	2035
15	90	165	240	315	390

Source: Rock County Planning and Development Agency 2008

Figure 6.13 indicates approximately 390 acres of land will be rezoned out of the (A-1) zoning district between the years 2010 and 2035.

Figure 6.14 displays a Village of Clinton annexation projection scenario, indicating possible Town land acreages annexed by the City through 2035. The *Linear (18-Year Historical Trend)*

projection scenario utilizes the City's annual average annexation acreage (38.4) from 1990 to 2008.

**Figure 6.14:
Village of Clinton Annexations of Town Land: 1990-2008**

Projection Scenario	Total Acreage	Average Annual Acreage
Linear (18-Year Historical Trend)	315	17.5

Source: Rock County Planning and Development Agency 2008

If the trend continues, by 2035 it can be summated that over 400 additional acres will be annexed out of the Town, and into the Village of Clinton.

Future Land Use Classifications

The Land Use Plan Map for the Town of Clinton (Map 6.3) indicates six (6) land use classifications, in addition to Right of Way. These are: Agriculture, Commercial, Commercial Highway, Park/Open Space, Rural Residential and Special Purpose classifications. Descriptions of each planned use are as follows.

Agriculture (shown in green)

The vast majority of unincorporated land in the Town is planned to remain in agricultural use. The agricultural uses envisioned for these areas range from large commercial farming operations zoned A-1, to 3-acre farmettes zoned RU-3.

Commercial (shown in red)

Areas planned for Commercial uses are located primarily southwest of the Village of Clinton. The intended use would be for sales and services, provided for local residents that are compatible with nearby residential uses.

Commercial Highway (shown in red with black hatching)

Commercial Highway use is desired in the area surrounding the I-43 and Highway 140 interchange. The intent of this use is to provide sales and services to the traveling public; uses such as gas stations, motels, restaurants and so forth.

Park/Open Space (shown in purple)

A county park, town park, and the Pelishek Trail are all depicted as Park/Open Space on the Land Use Plan Map. No addition park or open space is planned to be acquired in the Town.

Rural Residential (shown in yellow)

The Rural Residential areas are where R-R zoning currently exists, as well as where future residential growth will be guided to locate. Future rural residential expansion is planned to only occur in the northwestern portion of the Town, surrounding the Village of Clinton. Given

population projections and the resultant increase in number of households that is expected, there is significantly more land shown as Rural Residential on the Land Use Plan Map than necessary. However, if property owners of the lands shown in yellow would like their land to be developed residentially, it would be consistent with the Town's future vision.

Special Purpose (shown in blue)

No additional Special Purpose uses are planned in the Town, and the areas shown as such on the Land Use Plan Map already exist. Special Purpose uses include uses that could potentially cause negative externalities affecting health and comfort. In Clinton, quarries and cemeteries are the prevailing Special Uses that are found in the Town.

Insert Land Use Plan Map (Map 6.3)

Land Use Policies

1. Utilize the Town's Future Land Use Map in review and evaluation of all conditional use, rezone and development proposals, with approval dependent on consistency with the Future Land Use Map.
2. Consider developing a standardized process to review and evaluate all conditional use, rezone and development proposals in the Town, including but not limited to Land Evaluation Site Assessment (LESA) scoring, septic suitability mapping, and the evaluation of development hazards.
3. Consider developing a process to ensure protection of the Town's vital natural resources, including but not limited to requiring identification of these resources in all rezone and development proposals.
4. Promote clustered development of residential uses, in order to maintain critical masses or agricultural land.
5. Explore the possibility of requiring a "Cost of Development" analysis to be conducted, and paid for by the developer, for each proposed residential development in the Town.
6. Consider participating in and/or supporting the formulation of a Growth Management Coalition, to guide the pattern and pace of regional growth, composed of Town representative(s), as well as those from other county municipalities.
7. Abolish the A-1-A zoning district from the Town's Zoning Ordinance.
8. Develop strategies and plans to locate commercial uses near I-43 in the Town, to provide sales and services for residents and for the traveling public.
9. Work with the Village of Clinton, to possibly draft a Boundary Agreement.