

## 8. Land Use

This element provides an analysis of the existing development pattern in the Town of Delta. Land use regulations, private market demands, ownership patterns, and resource management programs all contribute to the character of the Town of Delta as it is known today. This element also includes an explanation of the town's preferred future development pattern.

A primary function of this comprehensive plan is to help guide future land use in a way that is desirable in the town. This requires the consideration of a range of ideas and opinions relative to land use, property rights, and community values. The Town of Delta can effectively manage land use through sensible land use controls and policies. This element covers the range of issues that affect land use, and how the Town of Delta intends to manage expected future development.

### 8.1 Existing Land Use

Forests, open space and other non-intensive uses make up the vast majority of land use in the Town of Delta. Less than 3% of the town is composed of intensive land uses like housing, businesses, government services, campgrounds, boat landings, and resorts. The majority of existing intensive uses are concentrated around the lakes with the most focused development in the areas of Eagle, Muskellunge, Delta and Flynn Lakes.

Resource uses in the town are predominantly forest related with the most significant agricultural and open space uses in the northeast part of the town. Both public and private forest lands are significant in the town with the United States as the largest single land owner. Public lands represent more than half of the Town of Delta, and lands associated with the Chequamegon National Forest occupy approximately 45% of the town.

These data all support the fact that the Town of Delta is a remote, rural community that has substantial public lands and is closely tied to its resource base. Table 8-1, Figure 8-1 and Map 8-1 portray the existing land use situation in the town.



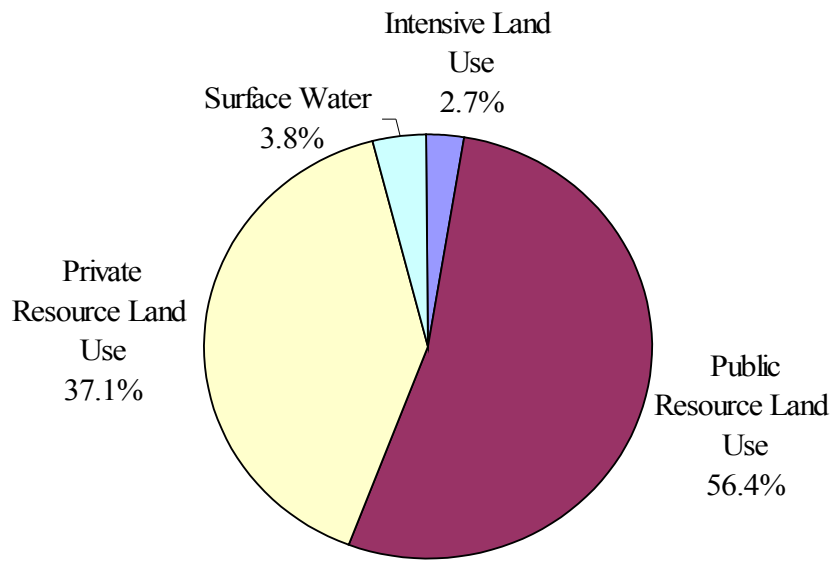
Surface water in the Town of Delta covers nearly 1,800 acres, or roughly 4% of the town's land area. The amount of surface water shown in Table 5-1 differs from the amount shown in Table 8-1, because Table 5-1 includes areas of lakes that extend beyond the town's borders.

Table 8-1: Existing Land Use, Town of Delta

Active Quarry	49.4	0.1%
Commercial	21.9	0.0%
Cemetery	1.7	0.0%
Farmstead	28.4	0.1%
Government Service/Institutional	356.8	0.8%
Public Outdoor Recreation	24.5	0.1%
Public Road	456.9	1.0%
Private Outdoor Recreation	11.8	0.0%
Residential - Single Family	311.9	0.7%
Structure - Non Residential	4.3	0.0%
<b>Public Resource Land Use</b>	<b>26,012.2</b>	<b>56.4%</b>
County Resource Land	17.6	0.0%
Federal Resource Land	22,118.4	48.0%
State Resource Land	3,727.5	8.1%
Town Resource Land	148.8	0.3%
<b>Private Resource Land Use</b>	<b>17,078.5</b>	<b>37.0%</b>
Cropped Farmland	916.5	2.0%
Managed Forest Law (Open)	1,257.4	2.7%
Managed Forest Law (Closed)	917.1	2.0%
Industrial Forest	1,554.6	3.4%
Private Woodland/Open Space	12,433.0	27.0%
<b>Surface Water</b>	<b>1,751.1</b>	<b>3.8%</b>
<b>Total</b>	<b>46,109.5</b>	<b>100.0%</b>

Refer to Appendix D for a full description of the existing land use classifications used in Table 8-1, Figure 8-1, and Map 8-1.

Figure 8-1: Existing Land Use, Town of Delta



Map 8-1 Existing Land Use

## 8.2 Development Regulations

Development regulations provide insight into existing development patterns and are essential to the implementation of a comprehensive plan. Land use regulations are also an important part of the planning process, as Wisconsin's Comprehensive Planning law (Wis. Stats. 66.1001) requires that the comprehensive plan and associated land use ordinances are consistent with each other by the year 2010. The vast majority of Delta's land use regulations are administered by Bayfield County, so cooperation with the county will be paramount to the implementation of the town's plan.

A general description of existing land use controls and related issues pertaining to Delta are presented in this section. The applicable ordinance must be consulted for additional information.

### **Town Ordinances**

The only land use ordinance currently administered by the town is a *Driveway Ordinance* that was last updated in 2008. This ordinance sets minimum standards for new driveways and requires inspection and the issuance of a permit before beginning construction. Other existing town ordinances are identified in the *Implementation* element.

### **Bayfield County Ordinances**

The following ordinances are administered by Bayfield County and have jurisdiction in the Town of Delta.

#### *Zoning Code*

Under Wisconsin Statutes, counties and local units of government are authorized to adopt zoning ordinances. Zoning is one method that can be utilized to implement or carry out the recommendations contained in the *Land Use* element of a comprehensive plan.

The zoning ordinance consists of a map and written text. The zoning map arranges the community into districts or zones such as residential, agriculture, commercial, industrial, or conservancy. The text of the ordinance specifies, for each district, the permitted land uses, the size of buildings, yard/lot dimensions, and other prerequisites in obtaining permission to develop. The goal of the zoning ordinance is to secure a reasonable development pattern by keeping similar and related uses together and separating dissimilar, unrelated, and incompatible uses.

A county may enforce a zoning ordinance as described above for the unincorporated areas of the county, that is, outside the corporate boundaries of cities and villages. It is only effective, however, if a town adopts it for application to its jurisdiction. Initial countywide zoning in Bayfield County was enacted in 1934 and revised to incorporate shoreland zoning provisions in the 1970s. All towns in Bayfield County, except the Town of Pilsen, adopted the county zoning ordinance by 1990.

The county=s zoning ordinance identifies 12 distinct land use districts (zones). Map 8-2 displays current zoning in the town. County zoning districts currently found within the Town of Delta include:

**R-1 Residential-1.** This district provides for permanent residential developments in unsewered neighborhood environments capable of being served with required services and utilities while, at the same time, being protected from traffic hazards and the intrusion of incompatible land uses. The minimum lot size is 30,000 square feet.

**R-RB Residential-Recreational Business.** This district is intended to provide for permanent or seasonal residential development and associated recreational value. The minimum lot size is 30,000 square feet.

**F-1 Forestry-1.** This district is to provide continuation of forestry programs and to permit compatible recreational development. Permanent residences in this district shall require Town Board approval. The minimum lot size is 4.5 acres.

**F-2 Forestry-2.** This district is to provide for large contiguous tracts that may be used primarily for forestry programs. The minimum lot size is 35 acres.

**A-1 Agricultural-1.** This district is designed to provide areas for general agriculture and to prevent the encroachment of scattered commercial and industrial enterprises and small lot residential development. Non-farm residences in this district shall require Town Board approval. The minimum lot size is 4.5 acres.

**C Commercial.** This district is intended to provide for the orderly and attractive grouping, at convenient locations, of retail stores, shops, offices, and establishments serving the daily needs of the area. The minimum lot size is 20,000 square feet.

Other Bayfield County zoning districts not currently found within the Town of Delta include:

- ◆ R2, Residential-2
- ◆ R3, Residential-3
- ◆ R4, Residential-4
- ◆ I, Industrial
- ◆ A-2, Agricultural-2
- ◆ W, Conservancy

The expressed purpose of the Bayfield County Zoning code is “promoting and protecting the public health, safety, convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish, and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource such as a lake, to preserve shore cover and natural beauty, and to promote the better uses of scenic resources.”

## Lake Classification

In the Town of Delta, Lake Classification is an important aspect of the Bayfield County Zoning Code. Lakes in Bayfield County have been classified into one of three groups depending on surface area, lake depth, lake type, watershed size, and existing development density. Zoning requirements have been increased for those lakes considered more sensitive that could react negatively to additional development. For example, spring fed lakes are considered more sensitive than drainage lakes. Small lakes and lakes with small watersheds are considered more sensitive than larger lakes. Map 5-2, Water Features, displays the classifications of lakes in the Town of Delta.



### Lake Connections

Lake Classification zoning regulations are especially important in the Town of Delta. Most lakes in the town have been classified at levels 2 or 3, meaning that they are considered more sensitive to development than other lakes. Zoning regulations on these lakes require increased setbacks, larger lots, and a deeper vegetation protection zone along the shore.

Zoning regulations modified by the Lake Classification system include lot sizes, shore frontage requirements, lot depths, water setbacks, side yard setbacks, and shoreline vegetation protection areas. Class 1 lakes have the least restrictive requirements, while class 3 lakes are the most restrictive. The following requirements apply to lakes in Delta depending on their classification:

Lake Class	Class 1	Class 2	Class 3 (and all rivers)
<b>Lot Size</b>	30,000 sq. ft.	60,000 sq. ft.	120,000 sq. ft.
<b>Shoreline Frontage</b>	150 ft.	200 ft.	300 ft.
<b>Lot Depth</b>	200 ft.	300 ft.	400 ft.
<b>Shoreline Setback</b>	75 ft.	75 ft.	100 ft.
<b>Shoreline Vegetation Protection Area</b>	50 ft.	50 ft.	75 ft.
<b>Side Yard Setback</b>	10' min/ 40' min total	20' min/ 50' min total	30' min/ 60' min total

(See Map 5-2 for Lake Classifications)

### *Floodplain Zoning*

The Bayfield County Floodplain Zoning ordinance regulates development and use of town floodplains, rivers, streams, and creeks. Land uses and alterations within the floodplain district are limited and subject to specific development and engineering standards to minimize flood hazard.

### *Shoreland-Wetland Zoning*

The Bayfield County Shoreland-Wetland Zoning ordinance creates a zoning district that applies to all wetlands, 5 acres or greater, within the shoreland zone. This ordinance specifies uses which are allowed by right, allowed by permit, and uses which are prohibited. Alterations of shoreland wetlands including filling, grading, excavating, and construction are limited in order to prevent negative impacts to wetlands.

### *County Subdivision Control Code*

Bayfield County also administers a Subdivision Control Code in order to govern the division of land into smaller parcels. This ordinance defines a land division as the creation a lot of less than 5 acres generally for the purpose of sale or transfer of ownership. Land divisions are reviewed for compliance with minimum lot dimensions, various design standards, surveying standards, and recording requirements.

Bayfield County reviews land divisions on two levels. When four or fewer lots of less than five acres are created, a certified survey map review process is required. When five or more lots of less than five acres are created within a five year period, a plat review process is required.

### *Sanitary and Private Sewage Code*

Bayfield County is required to administer regulations that apply to private on-site waste treatment systems (POWTS) by the Wisconsin Department of Commerce. The Sanitary and Private Sewage Code enacts Wisconsin Administrative Code Chapter Comm 83 for Bayfield County. This code includes requirements for the design and installation of POWTS (or septic systems), inspections, enforcement, and ongoing maintenance.

### *Nonmetallic Mining Reclamation Ordinance*

Bayfield County is required by the Wisconsin Department of Natural Resources to administer regulations that apply to nonmetallic mines. The *Nonmetallic Mining Reclamation Ordinance* enacts Wisconsin Administrative Code Chapter NR 135 for Bayfield County. This code includes requirements for reclamation and restoration of active non-metallic (sand, gravel, stone, etc) mines, annual licensing, and enforcement.

## 8.3 Supply and Price Trends of Land

The supply of land in the Town of Delta is extensive. Table 8-1 indicates that 40.6% of the town, or 18,713.1 acres are currently undeveloped and in private ownership. Undeveloped land is well distributed throughout the town including many undeveloped parcels around the lakes.



Tables 8-2 and 8-3 detail trends in agricultural and forestland sales for Bayfield County. Agricultural land sale trends indicate that while the number of transactions and the number of acres sold decreased, the dollar value per acre has continually increased.

Table 8-2: Agricultural Land Sales, Bayfield County, 1999-2001

	1999	2000	2001	# Change 1999-01	% Change 1999-01
<b>Agricultural Land Continuing in Ag Use</b>					
Number of Transactions	23	26	14	-9	-39.1%
Acres Sold	942	1,065	747	-195	-20.7%
Dollars per Acre	\$636	\$748	\$785	\$149	23.4%
<b>Agricultural Land Diverted to Other Uses</b>					
Number of Transactions	10	14	9	-1	-10.0%
Acres Sold	445	479	266	-179	-40.2%
Dollars per Acre	\$559	\$749	\$812	\$253	45.3%
<b>Total of all Agricultural Land</b>					
Number of Transactions	33	40	23	-10	-30.3%
Acres Sold	1,387	1,544	1,013	-374	-27.0%
Dollars per Acre	\$612	\$748	\$792	\$180	29.4%

Source: Wisconsin Agricultural Statistics Service, Agricultural Land Sales, 1999-2001.

The most dramatic trend in forest land sales is the significant increase in dollars per acre for forest land being diverted to other uses. However, most forest land sold remains as forest and is not diverted to other uses.

Table 8-3: Forest Land Sales, Bayfield County, 1999-2001

	1999	2000	2001	# Change 1999-01	% Change 1999-01
<b>Forest Land Continuing in Forest Land</b>					
Number of Transactions	50	57	68	18	36.0%
Acres Sold	2,655	3,590	3,872	1,217	45.8%
Dollars per Acre	\$1,765	\$1,008	\$1,075	-\$690	-39.1%
<b>Forest Land Diverted to Other Uses</b>					
Number of Transactions	23	37	19	-4	-17.4%
Acres Sold	1,252	1,666	1,218	-34	-2.7%
Dollars per Acre	\$655	\$1,553	\$1,278	\$623	95.1%
<b>Total of all Forest Land</b>					
Number of Transactions	73	94	87	14	19.2%
Acres Sold	3,907	5,256	5,090	1,183	30.3%
Dollars per Acre	\$1,409	\$1,181	\$1,123	-\$286	-20.3%

Source: Wisconsin Agricultural Statistics Service, Forest Land Sales, 1999-2001.

## Map 8-2 Existing Zoning

#### 8.4 Projected Supply and Demand of Land Uses Over Planning Period

The following table reports the estimated total acreage that will be utilized by residential, commercial/industrial, government/institutional, and agricultural land uses for five-year increments throughout the planning period. These future land use demand estimates are largely

dependent on population increases as well as a number of other factors, therefore, should only be utilized as planning estimates.

Table 8-4: Projected Land Use Demand (acres), Town of Delta, 2000-2030

Year	Residential (1)*	Commercial/Industrial (2)*	Institutional (3)*	Agricultural (4,5)
2000	340.3	56.3	373.5	916.5
2005	356.2	58.9	391.0	891.8
2010	373.6	61.8	410.1	867.7
2015	391.0	64.7	429.1	844.2
2020	409.8	67.8	449.8	821.5
2025	428.6	70.9	470.5	799.3
2030	448.9	74.3	492.7	777.7

\* Assumes that year 2000 ratios will remain the same throughout the planning period. (1) Includes residential – single family and farmsteads. (2) Includes commercial and active quarry. (3) Includes government service/institutional and cemetery. (4) Includes cropped farmland. (5) Assumes 2.7% decrease in farmland per year. Based on county trends.

Year 2000 acreage figures are the existing land use acres for each land use category in the town while year 2005 to 2030 acreage calculations are projected by utilizing linear trend population projections, as presented in the *Issues and Opportunities* Element. Projected demand for residential, commercial/industrial, and government/institutional land use assumes that the ratio of the town’s 2000 population to the current land area in each use will remain the same in the future. In other words, each person will require the same amount of land for residential use in the future as today. The projected decrease in agricultural land use is based on Bayfield County trends from 1992 to 1997. Data from the 1997 Census of Agriculture indicate that land in Bayfield County farms decreased by approximately 2.7% per year from 1992 to 1997. Therefore, projected agricultural land use acreage assumes these trends will continue.

## 8.5 Land and Resource Protection/Management Programs

A tremendous amount of the land in Delta is impacted by land and resource management programs. This section identifies the various natural resource management programs, including forms of public ownership, that are being utilized in the Town of Delta. These programs are an important element of the town’s rural character and natural resource base. These lands provide wood products, employment, and recreation opportunities. Map 8-3 displays the impact of land and resource management programs in the town.

### Privately Owned Lands

Private lands play a vital role in land and resource protection and management. According to the WDNR, 57% of Wisconsin’s 16 million acres of forest land is owned by private landowners. Although there is a significant amount of public land in Delta, the actions and management decisions of private landowners are equally important in protecting and enhancing the town’s rural character and resource base. There are approximately 18,713 acres of private resource (undeveloped) land in Delta. Voluntary land and resource management programs including

Managed Forest Law, Forest Crop Land, and the Farmland Preservation Program are utilized by private landowners in the Town of Delta.

### **Federally Owned Lands**

The United States owns approximately 22,000 acres of land in the Town of Delta. These lands are managed by the USDA Forest Service as the Chequamegon-Nicolet National Forest and include the Rainbow Lake Wilderness Area. See the *Utilities and Community Facilities*, *Transportation* and *Agricultural, Natural, and Cultural Resources* elements for a description of the uses and management of these lands.

### **State Owned Lands**

The State of Wisconsin owns approximately 3,900 acres in the Town of Delta. These lands include the White River State Fishery Area and the Inch Lake and Sadjak Springs State Natural Area. See the *Agricultural, Natural, and Cultural Resources* element for a description of the management and uses of these lands.

### **County Owned Lands**

County owned resource lands in the Town of Delta are primarily associated with the Delta Lake Campground. See the *Utilities and Community Facilities* element for a description of the management and uses of this campground.

### **Town Owned Lands**

The Town of Delta owns approximately 160 acres of resource lands in the town. These lands include a wayside park and a non-metallic mine site that is operated as a source of pit run gravel. The town's remaining acreage is currently managed for forest production. Forest management plans for these areas were developed with the WDNR in 1990. The town's reclaimed landfill property is now owned by the county.

### **Managed Forest Law (MFL)**

More than 2,000 acres of privately owned forest lands were enrolled in the Managed Forest Law program in 2002 in the Town of Delta. 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. However, at least 80% of the land must be productive forest land (timber producing). Lands may be enrolled for either 25 or 50-year periods, requiring a long-term commitment. Land occupied by residences and commercial buildings are not eligible, however cabins, hunting shacks, and utility buildings are allowed though will be taxed as personal improvements.

Preparation of an approved forestry management plan is required which a WDNR forester, at no charge, can prepare. Practices identified in the plan must be carried out for the duration of the contract period. Mandatory management activities required by the law include cutting mature timber, thinning plantations and natural stands, pine release, planting, post harvest treatments, and soil conservation practices. The MFL program is managed by the WDNR.

Private landowners in the town should be encouraged to participate in the Managed Forest Law program, or engage in some other form of formalized forest management practices, to ensure the preservation and health of the town's woodlands. There are numerous benefits which result from participation in forestry management programs, including:

- ◆ Protection against over cutting.
- ◆ Low regular property tax.
- ◆ Predictable property tax.
- ◆ Technical assistance for private forest lands.
- ◆ Long-term forestry investment.
- ◆ Preservation and management of wildlife habitat.
- ◆ Preservation of community character.

It is anticipated that during the planning period a number of revisions or adjustments may be made to the Managed Forest Law Program. Assembly Bill 323, introduced in May of 2003, detailed some major proposed changes to the program including tax adjustments and changes in the amount of lands that can be closed to public hunting, when lands can be withdrawn from the program, and fines for failure to comply with management practices. Contact the WDNR for further information and any possible changes to the program that have been made.

### **Forest Crop Law (FCL)**

Approximately 280 acres of privately owned forest lands were enrolled in the Forest Crop Law program in 2002. The number has decreased to 80 acres by 2008. The management objectives of FCL lands are essentially the same as MFL, but the older FCL program is being phased out. No new enrollments in FCL are being accepted. Those lands currently in the program are nearing the completion of their management commitments.

Map 8-3 Land Resource Management

## 8.6 Land Use Trends and Growth Pressures

The following land use trends and predictions were developed based partly on the analysis of the background data which were presented in the previous sections of this report. Other predictions are based on local, regional, or statewide trends. These trends or growth pressures identify situations that are likely to be experienced within Delta over the next 20 to 25 years. These trends should be viewed as the forces that the town must be prepared to address throughout the life of this comprehensive plan.

### **Population and Housing**

1. Continued steady growth in population.
2. Persons per household will continue to decline meaning proportionately more housing units will be required to accommodate growing population.
3. Continued growth in total number of housing units.
4. Increasing demand for services and housing related to aging population.
5. Increasing federal protection of the right to use manufactured and mobile homes.

### **Shoreland Development**

6. Additional pressure for development of medium and small lakes for permanent and seasonal homes.
7. Increased conversion of seasonal homes to permanent homes.
8. Increasing size of waterfront homes.
9. Closing of resorts and conversion to condominium ownership.
10. Increasing value of waterfront property.

### **Resource Lands Development**

11. Increasing value of forested and open land for recreational use.
12. Price of land for recreational use or development will continue to outpace price of land that continues in forestry or agricultural use.
13. Increasing pressure on forests for both timber harvest and recreational uses.
14. Increasing enrollment in MFL for property tax relief on forested lands.
15. Increasing agricultural land use for property tax relief under use-value assessment.
16. Increasing tax burden shifting to home owners.

### **Community Facilities and Services**

17. Increasing demand for “state of the art” emergency rescue services resulting in local budget impacts.
18. Additional development will result in increasing demands for local services such as police, fire, emergency rescue, recycling, and solid waste collection.
19. Town residents will demand improved local government efficiency – continued quality service for the lowest possible cost.

## **Economic Development**

20. Town's economic strengths are expected to continue in tourism, forestry, and individuals employed in professional services.
21. Recreation and tourism will continue to play a major role in local economy.

### **8.7 Existing and Potential Land Use Conflicts**

No existing land use conflicts have been identified within the town or with neighboring towns. No potential future conflicts are anticipated, and the plan has been designed to minimize potential conflicts. For example, the town has not proposed any development densities that differ from what is already contained in the Bayfield County Zoning ordinance. As a result of the town's planning process, there are some inconsistencies between the town's preferred land use plan and *Bayfield County's Land Use Plan* for the town.

Inconsistencies between the *Bayfield County Land Use Plan* and the preferred land use component of the *Town of Delta Year 2030 Comprehensive Plan* will not be an issue. A land use plan for the Town of Delta was completed at the county level, because the town had not developed its own plan at that time. The county's policy for land use planning is to incorporate local land use plans into the county plan as they are developed. Bayfield County's planning process was not intended to take the place of more detailed local level planning.



## 8.8 Preferred Land Use

The plan for preferred land use is a central component of the comprehensive plan and helps to guide the type, location, and appearance of community growth and development. The Town of Delta's land use plan consists of the Preferred Land Use Map (Map 8-4), the preferred land use classifications, and the land use goals, objectives, policies, and recommendations.

All components of the preferred land use plan were developed through a consensus based process. The Plan Commission began by thinking broadly about land use by developing goals and objectives. It continued by creating a conceptual map and a draft set of preferred land use classifications. This map was presented for feedback in the May, 2003 public informational meeting. The conceptual map and draft classifications were generally supported by those in attendance. Portions of the map and classifications that were objected to were specifically identified and revisions were made. A revised preferred land use map and classifications were presented for feedback at the August, 2003 public informational meeting. No additional changes to the draft map or classifications were identified by those in attendance. The preferred land use map and classifications included in the comprehensive plan reflect the results of this process.

In the Town of Delta, the vision for the future pattern of land use can be generally described as accommodating expected growth in areas scattered throughout the privately owned lands in the town. Some concentration of the development pattern is expected to continue as a function of the lakes. These features of the landscape are attractive for development, and are extensively regulated through shoreland zoning. Continued development around the lakes is anticipated on lands that are suitable for development. The remote and undeveloped areas of the town are expected to remain largely undeveloped. Although agriculture is expected to decline, adequate areas have been designated for continuing agricultural use.

Until the County's new campground ordinance is in place, any new campground proposals should adhere to the following: regarding density and location, 4 campsites per acre in all areas except those parcels having lake access which shall be 3 campsites per acre. There should be a 75 foot shoreland vegetative buffer and campsites and buildings shall be setback 200 feet from the high water mark.

The intent of the preferred land use plan is generally to support the rights of property owners to pursue the land uses that are allowed under Bayfield County zoning and land division regulations while at the same time honoring and preserving the natural resource capital in the Town of Delta. The only variation of this intent can be found with regard to the Resource Conservation preferred land use classification. This category establishes a policy that subdivisions (the creation of five or more lots of less than five acres within a five year period) not be allowed in the remote areas of the town. The creation of one to four lots within a five year period would continue to be allowed. The Resource Conservation area is found primarily in the undeveloped areas of the town including shoreland areas that are dominated by wetlands and floodplain. This policy does not change the existing regulations, but is intended to help prevent the untimely development of large, multiple lot land divisions in the remote areas of the town.

Business uses, including commercial and industrial development, have not been precluded in any of the preferred land use classifications. The policies for each classification should be used to evaluate the potential impacts of a proposed business use. Business uses in Shoreland

Community areas should be evaluated especially for potential negative impacts to existing residences and businesses. A mixed-use pattern of land use is encouraged within the Town Center overlay areas. Business uses that meet the policies and site design criteria of the Town Center classification are encouraged in these areas.

Map 8-4 Year 2025 Preferred Land Use

**Figure 8-2 Desired Features of Town Center Development**

Table 8-5 displays the area occupied by each of the preferred land use classifications as shown on Map 8-4. In comparison with the projected land use demand displayed in Table 8-4, more than adequate amounts of land have been designated to accommodate expected growth to the Year 2030 and beyond

Table 8-5: Preferred Land Use Classifications (acres), Town of Delta

Preferred Land Use	Acreage	% of Total
Public Resource	23,935.4	51.9%
Resource Conservation	11,228.4	24.4%
Wetlands and Floodplains	3,548.6	7.7%
Agriculture	2,621.2	5.7%
Shoreland Community	2,019.6	4.4%
Surface Water	1,751.2	3.8%
Rural Transition	551.3	1.2%
Roads	453.7	1.0%
Total	46,109.4	100.0%

### How to Use the Preferred Land Use Plan

The comprehensive plan is a tool for the citizens and Town Board of the Town of Delta, and the *Land Use* element is a key component of that tool. Some examples of town decisions that should involve consulting the preferred land use plan include:

- ◆ Review of conditional use and special exception permits
- ◆ Review of rezone requests
- ◆ Review of land divisions
- ◆ Review of proposed commercial buildings and sites
- ◆ Review of Bayfield County plans and actions that impact the town
- ◆ Road improvement planning
- ◆ Community facilities improvement planning
- ◆ Responding to changes in county zoning regulations
- ◆ Responding to changes in the town’s development pattern

Land use decisions that apply to a specific property or area of the town should be evaluated based on the preferred land use classification. After determining which classification applies based on the preferred land use map, the corresponding classification’s intent and policies/review criteria should be consulted for guidance.

The *Land Use* element is connected to all other elements of the comprehensive plan. Therefore, land use decisions should be evaluated based not only on the preferred land use map, classifications, and land use policies, but also on the policies of all other related plan elements. For example, a proposed business development will impact the town’s economy. The *Economic Development* element contains a list of the desired features of business development. In addition to the land use plan, this list should be used to evaluate any such proposal. A proposed residential development is another example. Any new residential development will need access to the public road system. The town’s policies for the road system are located in the *Transportation* element and should also be considered.

## **Relationship Between Planning and Zoning**

A land use plan is not a zoning ordinance, and a preferred land use map is not a zoning map. A plan defines community goals based on a combination of scientific data, the desires of the public, and the wishes of private property owners. The preferred land use map is an advisory map that expresses the town's vision for the future use of all properties in the town. These are not mandates, but rather the town's desires for the future. Some aspects of the preferred land use plan may not be realized in the town for 10, 15, or even 20 years. Some aspects may never take place during the planning period.

After the local government adopts the plan, it should be put in motion, or implemented. Zoning is one tool that may be used to implement a plan. Unlike plans, zoning ordinances contain legally enforceable standards and requirements. Different zoning districts may be mapped to realize the community land use desires previously expressed in the preferred land use map. Although plans do not carry the same legal status as zoning ordinances, the preferred land use component of a comprehensive plan should serve as a guide for zoning decisions.

### **8.9 Preferred Land Use Classifications**

The following preferred land use classifications correspond with the preferred land use map and have been provided to guide future growth in the town. Included with each classification is a statement of intent to provide general guidance, and a set of polices to provide more specific guidance. The review criteria can be used to review zoning requests, such as conditional use and special use applications, as forwarded to the town by Bayfield County. These criteria are one of the key tools that the town can use to promote consistency and to establish an objective basis for land use decision making.

#### **Public Resource**

The intent of this classification is to identify all lands that are under the jurisdiction of other units of government (federal, state, county, town) for which land and/or resource management plans already exist.

Key Policies and Conditional Use/Special Exception Review Criteria:

- ◆ Although the Town of Delta does not have jurisdiction in most Public Resource areas, it is the town's desire that any future use or development of these lands be consistent with the comprehensive plan and the remote, rural character of the town.

#### **Wetlands and Floodplains**

The intent of this classification is to identify physical features of the land for which regulations and conditions that severely restrict development are in place.

Key Policies and Conditional Use/Special Exception Review Criteria:

- ◆ Development in wetlands and floodplains shall meet all federal, state, and county requirements.

## **Town Center**

The intent of this classification is to promote the future development of a mixed use town center that could potentially include a mixture of compatible residential, commercial, and public land uses. Due to historic and existing development patterns, two areas have been designated for this classification. The Town Center area indicated at the intersection of County Road H and Pike River Road is likely to continue as the central location for government services including the town hall and any other town facilities. The Town Center area designated at the intersection of County Road H and Delta-Drummond road is the most likely location for commercial uses. Attention to building and site design is paramount in order to promote town identity and preserve connections to the town's history and culture.

### **Key Policies and Conditional Use/Special Exception Review Criteria:**

- ◆ A site plan shall be submitted to the Town Board for the review of all proposed developments that involve town review. The site plan shall include proposed plans for structures, parking, landscaping, lighting, signage, grading, driveway access, and any other items deemed necessary by the town.
- ◆ A construction plan shall be submitted to the Town Board for the review of all proposed developments that involve town review. The construction plan shall detail the design, materials, and colors for all buildings, signs, lighting, and other structures.
- ◆ Proposed developments will be reviewed by the Town Board for consistency with the intent of the Town Center planned land use classification as described above and as demonstrated in Figure 8-2.
- ◆ All components of the site and construction plan approved by the Town Board will be forwarded to Bayfield County as recommended conditions of approval.

## **Figure 8-2 Desired Features of Town Center Development**

## **Shoreland Community**

The intent of this classification is to identify suitable areas for future waterfront development, to ensure the continued use of these areas for homes and compatible businesses, and to focus future growth into areas without physical constraints (wetlands and floodplains). This classification includes existing concentrated waterfront development. Both existing residential and recreational business uses are included. Densities in these areas would be consistent with lake classification provisions established by Bayfield County Shoreland Zoning.

Key Policies and Conditional Use/Special Exception Review Criteria:

- ◆ A site plan shall be submitted to the Town Board for the review of all proposed developments that involve town review (conditional uses, special exceptions, rezones, etc.). Where applicable, the site plan shall include proposed plans for structures, parking, landscaping, lighting, signage, alterations to shoreline vegetation, grading, driveway access, and any other items deemed necessary by the town.
- ◆ Proposed developments will be reviewed by the Town Board for consistency with the intent of the Shoreland Community planned land use classification as described above. Potential negative impacts to existing residences and businesses should be a primary consideration.
- ◆ All components of the proposed development approved by the Town Board will be forwarded to Bayfield County as recommended conditions of approval.

## **Rural Transition**

The intent of this classification is to identify areas in the town where future growth can be directed at a medium density in order to take advantage of substantial existing roads and service areas, thereby maximizing the efficiency of public investment. This classification most closely parallels the existing zoning outside of the lakes area. A 4.5 acre minimum lot size would produce the desired development density within this classification.

Key Policies and Conditional Use/Special Exception Review Criteria:

- ◆ A site plan shall be submitted to the Town Board for the review of all proposed developments that involve town review (conditional uses, special exceptions, rezones, etc.). The site plan shall include proposed plans for structures, grading, driveway access, and any other items deemed necessary by the town.
- ◆ Proposed developments that involve town review will be reviewed by the Town Board for consistency with the comprehensive plan, the intent of the Rural Transition planned land use classification, and its related policies.

## **Agriculture**

The intent of this classification is to identify areas that are currently being farmed and for which the right to farm should be protected. The town can do very little to promote farming in the



midst of a struggling farm economy, but it can take steps to reduce the potential for conflicting land uses to move into farming areas. A low development density is anticipated in Agriculture areas.

**Key Policies and Conditional Use/Special Exception Review Criteria:**

- ◆ A site plan shall be submitted to the Town Board for the review of all proposed developments that involve town review (conditional uses, special exceptions, rezones, etc.). The site plan shall include proposed plans for structures, grading, driveway access, and any other items deemed necessary by the town.
- ◆ Proposed developments that involve town review will be reviewed by the Town Board for consistency with the comprehensive plan, the intent of the Agriculture planned land use classification, and its related policies.
- ◆ Proposed non-farm residential uses should not adversely affect surrounding agricultural operations or be situated so that future inhabitants of non-farm residences might be adversely affected by agricultural operations.
- ◆ Road building should be discouraged in order to prevent the fragmentation of farmland and the costly expansion of the town road network.

**Resource Conservation**

The intent of this classification is to identify areas in the town that currently have very little development and where future development should be limited. Limiting development in Resource Conservation areas is intended to preserve the remote character of the town, to limit sporadic development that inefficiently expands service areas at a cost to the local taxpayers, and to preserve large blocks of forested lands to protect the viability of forest management and forest based recreational activities. A low development density is anticipated in Resource Conservation areas.

**Key Policies and Conditional Use/Special Exception Review Criteria:**

- ◆ A site plan shall be submitted to the Town Board for the review of all proposed developments that involve town review (conditional uses, special exceptions, rezones, etc.). The site plan shall include proposed plans for structures, grading, driveway access, and any other items deemed necessary by the town.
- ◆ Proposed developments that involve town review will be reviewed by the Town Board for consistency with the comprehensive plan, the intent of the Resource Conservation planned land use classification, and its related policies.
- ◆ Subdivisions as defined by the Bayfield County Subdivision Control Ordinance (the creation of five or more lots of less than five acres within a five year period) shall not be permitted in Resource Conservation areas. Other land divisions should be permitted only when consistent with the comprehensive plan, the intent of the Resource Conservation planned land use classification, and its related policies.

- ◆ Proposed permanent residences should not adversely affect surrounding forestry operations or recreational pursuits or be situated so that future inhabitants of permanent residences might be adversely affected by forestry operations or recreational pursuits.
- ◆ Road building should be discouraged in order to prevent the fragmentation of forest land and the costly expansion of the town road network.

## 8.10 Land Use Goals and Objectives

Community goals are broad, value-based statements expressing public preferences for the long term (20 years or more). They specifically address key issues, opportunities, and problems that affect the community.

Objectives are more specific than goals and are measurable statements usually attainable through direct action and implementation of plan recommendations. The accomplishment of objectives contributes to fulfillment of the goal.

### **Goal 1) Provide for a well-balanced mix of land uses within the Town of Delta.**

#### *Supporting Objectives:*

- ◆ Identify and establish planned land use classifications that contain areas of similar features and functions (e.g., private forest, single-family residential, commercial, recreational, etc.) and potential land uses that can co-exist with each another.
- ◆ Explore the establishment of a “town center” that incorporates existing public facilities and allows for a mix of business, residential, and public land uses while strengthening a sense of town identity.

### **Goal 2) Encourage planned growth that enhances the local economy without harming the quality of natural resources, viability of recreational opportunities, or the character of the town.**

#### *Supporting Objectives:*

- ◆ Identify preferred areas for future residential growth that minimize negative impacts to productive forests, farmland, and environmentally sensitive areas.
- ◆ Maintain the characteristic low density of development throughout the vast majority of the town.
- ◆ Direct higher density development to areas already served by existing roads, public utilities, public lands, and other services.
- ◆ Explore various programs and concepts that encourage creative ways to preserve rural character and natural resources such as conservation subdivisions, planned unit developments, and design review.

- ◆ Require industrial and extractive uses to locate in areas where impacts to residences are minimized and to operate in a manner that minimizes negative impacts to the environment.
- ◆ Identify Delta’s natural resources, environmentally valuable features, open spaces, and cultural and historic resources that should be afforded protection from inappropriate development.

**Goal 3) Work cooperatively with Bayfield County to achieve the town’s desired future pattern of land use.**

***Supporting Objectives:***

- ◆ Continue to provide recommendations to Bayfield County Zoning on Conditional and Special Use applications using the *Town of Delta Year 2030 Comprehensive Plan* as a basis for decision making.
- ◆ Continue to review all rezone requests within the town and provide recommendations to Bayfield County using the *Town of Delta Year 2030 Comprehensive Plan* as a basis for decision making.
- ◆ Develop a planned response to the sale of large tracts of land such as industrial forests (possibly including an evaluation of existing zoning, environmental conditions, and options for preservation).
- ◆ Recognize the changing nature of the camping and resort industries and develop a planned response to their conversion to other uses.
- ◆ Compile long-term and short-term recommendations to Bayfield County for zoning map and ordinance changes that would assist in implementing the town’s desired future pattern of land use.
- ◆ Identify issues and provide alternative solutions to Bayfield County regarding the regulation of nonconforming lots and structures.

**8.11 Land Use Policies and Recommendations**

Policies and recommendations build on goals and objectives by providing more focused responses to the issues that the town is concerned about. Policies and recommendations become the tools that the town can use to aid in making land use decisions.

Policies identify the way in which activities are conducted in order to fulfill the goals and objectives. Policies that direct action using the words “will” or “shall” are advised to be mandatory and regulatory aspects of the implementation of the *Town of Delta Year 2030*

*Comprehensive Plan.* In contrast, those policies that direct action using the word “should” are advisory and intended to serve as a guide.

Recommendations are specific actions or projects that the town should be prepared to complete. The completion of these actions and projects is consistent with the town’s policies, and therefore will help the town fulfill the comprehensive plan goals and objectives.

### **Policies**

- ◆ All proposed development shall be reviewed for consistency with the *Town of Delta Year 2030 Comprehensive Plan*.
- ◆ The Town of Delta will utilize its preferred land use classifications and map when reviewing development proposals.

### **Recommendations**

1. Review the effectiveness of the conditional use/special exception review criteria on an annual basis at a minimum. Revise those criteria that are unclear, and consider codifying in an ordinance any specific standards that prove to be consistently effective.

## **8.12 Land Use Programs**

### **Wisconsin Land Information Program**

The Wisconsin Land Information Program is a voluntary, statewide program that provides financial support to local governments for land records modernization efforts. All 72 Wisconsin counties voluntarily participate in the program. The Wisconsin Land Information Board oversees the program's policies. The Board's statutory authority includes preparing guidelines to coordinate the modernization of land records and land information systems; implementing a grant program for local governmental units; approval of countywide plans for land records modernization; serving as the clearinghouse for access to land information; and providing technical assistance and advice to state agencies and local governmental units with land information responsibilities.

### **Office of Land Information Services (OLIS), Wisconsin Department of Administration**

OLIS provides staff support to the Wisconsin Land Council, and it administers the Wisconsin Land Information Program in conjunction with the Wisconsin Land Information Board. It also houses Plat Review and Municipal Boundary Review, both of which have statutory authority for approval of specific land use related requests, and the GIS Services, dedicated to the efficient use of geographic information systems. For further information about OLIS visit its web-site via the WDOA web-site at: [www.doa.state.wi.us](http://www.doa.state.wi.us).

### **UW-Extension Center for Land Use Education**

The Center for Land Use Education uses a team-based approach to accomplish its dual missions in campus based undergraduate and graduate education and Extension outreach teaching related

to: land use planning, plan and ordinance administration, project impact and regional trends analysis, and public involvement in local land use policy development. For more information on the Center for Land Use Education visit its web-site at [www.uwsp.edu/cnr/landcenter/](http://www.uwsp.edu/cnr/landcenter/).

### **Trust for Public Land**

Land trusts are private, community-based, non-profit organizations established to protect land and water resources for the public benefit. They are independent, non-governmental organizations whose mission is determined by their volunteers and members. The Trust for Public Land is a nation-wide land trust that has been active in Bayfield County. Camp Shewahmagon in the Town of Drummond was recently purchased (May of 2003) and the property will be added to the Chequamegon National Forest.

### **Bayfield Regional Conservancy**

A locally based land trust, the Bayfield Regional Conservancy seeks to initiate innovative partnerships that combine economic development with conservation. The core work of the Bayfield Regional Conservancy is helping private landowners draft conservation easement deeds. They also provide technical assistance, such as grant writing, to local governments working on land protection. The Conservancy is currently partnering with the Town of Bayfield by administering their Farmland Preservation Program.