

CHAPTER 8 Land Use Element

66.1001(2)(h) Wis. Stat.:

Land-use element. 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.

The purpose of this plan's land use chapter is to compile an inventory of existing land use patterns, and establish the goals, objectives and policies which will be used to guide public and private actions concerning future land use and development. These goals, objectives and policies express ideas that are consistent with the desired character of the Town and the other chapters of the Comprehensive Plan.

Section 8.1 Existing Land Use

The Town of Amherst has been and still is predominantly an agricultural community; however increased residential development in the recent past may be a signal of changes to come. The upgrade of US Hwy 10 to a four-lane facility through the Town is likely to make this a desirable area, as it is conveniently situated between Waupaca and the Fox Valley to the east, and the Stevens Point/Plover area to the west. Consequently, there is an increased potential for more residential and/or commercial development in the Town. Table 8.1 and Map 8.1 illustrate the distribution of different land use categories across the Town.

Table 8.1 Town of Amherst Existing Land Use, 2004

Existing Land Use Category	Acres	Percentage
Residential	1,196.8	4.9%
Commercial	116.3	0.5%
Agricultural	13,014.9	53.1%
Governmental/Institutional	49.0	0.2%
Right-of-Way	1,098.9	4.5%
Parks and Recreation	361.8	1.5%
Non-Metallic Mineral Extraction	5.0	0.0%
Undeveloped/Vacant	8,668.5	35.4%
Total Acreage	24,511.2	100%

Source: Town of Amherst and Portage County Planning and Zoning Department

A. Residential Land Use

This category includes several types of residential dwellings, including single family and seasonal residences, mobile homes, duplexes, and farm residences or farmsteads. Residences are scattered throughout the Town and are generally located along the established road network and water bodies. For the purposes of land use calculation, rural residences and farmsteads were estimated to occupy approximately 2 acres of area if located within a larger parcel, while calculations for residential uses concentrated in subdivisions or clusters were based on actual parcel size. Within the last few years, the Town has experienced an increase in proposals for platted subdivisions. As of December 2004, 1,197 acres, or 4.9% of the Town's land area, were devoted to residential land use.

B. Commercial/Office Land Use

Commercial development accounts for a small (0.5%) amount of land use in the Town. These lands are located primarily near the Village of Amherst and include uses such as trucking services, retail and sales establishments, restaurants, taverns, offices, and other professional services.

C. Agricultural Land Use

Lands in this category represent the predominant land use in the Town. Greater than 50% of the total acreage for Town of Amherst has a use that is primarily agricultural. This includes irrigated and non-irrigated crop lands, dairy farms and livestock operations, lands that have structures used to store agricultural equipment or products, and small, isolated stands of trees that are surrounded by agricultural use.

D. Government/Institutional Land Use

This category includes, but isn't limited to, existing municipal and government owned structures, public schools, fairgrounds, churches, cemeteries and fire stations. These lands make up only 0.2% of the total Town acreage. The greatest portion of these lands is attributed to the presence of Portage County Fairgrounds, located just west of the Village of Amherst.

E. Road and Railroad (Right-of-Way)

This land use category, which occupies 2.5% of the Town, includes all of the railroad and road right-of-way in the Town. Table 8.1 shows the combined acreage for these two modes of transportation: roads account for 1,027 acres and the railroad 71 acres.

F. Parks and Recreation

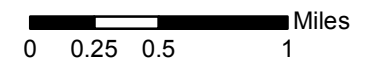
Lands in this category can be either publicly or privately owned. Public lands may include State, County, or Town Parks, nature preserves, bike trails, boat landings, or athletic fields. Private lands may include golf courses, campgrounds, etc. The majority of these lands are associated with Lake Emily Park, a County park located in the northwest portion of the Town. [More information regarding recreational facilities can be found in the Utilities and Community Facilities chapter of this Comprehensive Plan.]

G. Non Metallic Mineral Extraction

These include lands that are currently being used to extract sub-surface materials such as sand, gravel, clay, or other aggregates. Only one active gravel extraction site exists in the Town. It is approximately 5 acres in size and is located south of Packer Avenue at the western boundary of the Village of Amherst.

Existing Land Use

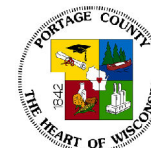
	Residential
	Commercial
	Government/Institutional
	Agriculture
	Non-Metallic Mining
	Parks & Recreation
	Road & Railroad Right-of-Way
	Vacant/Undeveloped
	Municipal Boundaries
	Extraterritorial Boundaries



Source: Portage County Planning & Zoning (2004)

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H. Undeveloped

Lands in this category include privately owned wooded and non-wooded areas, fallow fields, wetlands and water bodies. As of December, 2004, over 35% of the land in the Town was considered undeveloped. Lands in this category are scattered throughout the Town and those that are not wetlands or surface waters can be attributed in large part to steeper slopes and stonier soils.

Section 8.2 Land Use Trend Analysis and Projected Land Use

The Town of Amherst is a community that consists of increasing residential growth and a range of agricultural activities, including irrigated vegetable production, dairy farms, and other livestock operations. In order to maintain the Town's economic base and rural character, future development should include a mix of low-density, farm and non-farm residential use.

A. Residential Land Use

The Town's population has risen slowly over the last twenty (20) years, with increased residential land use impacting farm operations. The Town of Amherst Plan Commission anticipates this trend to continue and desires to direct future non-farm residential uses away from higher intensity agricultural operations. The Town Plan Commission also recognizes that the recent upgrade of US Highway 10 to a four-lane facility will most likely increase demand for commercial uses in close proximity to that facility, as well as residential uses throughout the Town. As a combination of agricultural and undeveloped lands would most likely be converted for any new residential uses, the Town recommends housing densities that have minimal impact on groundwater quality and other natural resources, as well as remaining agricultural operations. If residential land use projections were based on past permit activity (average of 9.1 single family permits per year over the past 14 years) and assume a lot size of two (2) acres per housing unit, 364 acres would be needed to accommodate new growth over a 20-year period. If population and household size projections were used (98 housing units; see the Housing chapter of this Comprehensive Plan for details), along with the same lot size assumption (2 acres), 196 acres would be needed for residential use. Due to recent experience and events, and variables that are at best difficult to anticipate, the Town projects that growth in residential acreage will be closer to the first scenario at about 364 acres, with most growth occurring in the southern and western portions of the Town.

B. Agricultural Land Use

Amherst residents consider agricultural land a valuable natural resource to the Town, and since it is the community's economic base, there is a desire to protect those who wish to farm. To encourage retention of the community's agricultural base, the Town Plan Commission recommends limiting residential densities near active agricultural operations.

Acreage in the Town of Amherst devoted to agricultural land uses is projected to decrease during this planning horizon due to a number of factors related to the impact of the relocation and construction of the 4-lane US Hwy 10 facility. In addition to cutting through some of the Town's more productive soils, this facility will most likely increase demand for residential and commercial uses due to the Town's location in relation to Stevens Point/Plover, Waupaca, and the Fox Valley.

C. Commercial Land Use

The majority of commercial activity in the Town compliments the dominant agricultural uses and serves limited residential needs. The Town anticipates that trend will continue. Developable

acreage for commercial activities is abundant, provided that new businesses have a minimal impact on the agricultural community and are complementary to surrounding uses. There is a desire by Town residents to preserve and protect the existing open space and maintain the community's rural character, resulting in a future desire for very limited commercial activity in the Town.

D. Trends in Land Values

Table 8.2 below describes the increase in the equalized values for the different property types, as compiled by the State of Wisconsin Department of Revenue. The implementation of agricultural use value assessment in the mid 1990's redistributed valuations from the Agricultural category to the Residential, Forest, and Other categories. The Other category (created between 1990 and 2000) includes, "buildings and improvements; including any residence for the farm operator's spouse, children, parents, or grandparents; and the land necessary for the location and convenience of those building and improvements (WI Statutes 70.32)." The critical factor defining "Other" property is its actual use supporting a farm enterprise. If an assessor obtains verifiable evidence that buildings on a farm are used for agricultural purposes, they qualify as "Other" (WI DOR *Agricultural Assessment Guide for Wisconsin Property Owners 12/03*). Notice that combining the Equalized Assessed Property Value of the "Agricultural" category with the "Other" category from Table 8.2 below for 2010 and the value of land supporting agricultural uses has only fallen by 9% over 30 years.

Table 8.2 Equalized Assessed Property Values, Town of Amherst

Type of Property	1980		1990		2000		2010	
	Value	% of Total	Value	% of Total	Value	% of Total	Value	% of Total
Residential	\$9,602,000	30.3%	\$16,520,000	46.6%	\$48,389,000	67.3%	\$89,814,000	72.3%
Commercial	\$1,252,000	3.9%	\$1,834,000	5.2%	\$3,256,000	4.5%	\$4,019,700	3.2%
Manufacturing	\$0	0.0%	0	0.0%	0	0.0%	0	0.0%
Agricultural	\$15,818,000	49.9%	\$13,276,000	37.4%	\$5,148,000	7.2%	\$2,173,700	1.7%
Swamp and Waste	\$22,000	0.1%	\$85,000	0.2%	\$199,000	0.3%	1,085,300	0.9%
Forest	\$3,314,000	10.5%	\$3,202,000	9.0%	\$7,488,000	10.4%	\$14,479,800	11.6%
Other	na	na	na	na	\$6,824,000	na	\$12,225,800	na
Personal Property	\$1,700,000	5.4%	\$536,000	1.5%	\$580,000	0.8%	\$497,600	0.4%
Total Value	\$31,708,000	100.0%	\$35,453,000	100.0%	\$71,884,000	100.0%	\$124,295,900	100.0%

Source: Wisconsin Department of Revenue Statistical Report of Property Valuations, 1980, 1990, 2000, 2010

F. Redevelopment Areas

Since the Town of Amherst is a rural community with no clearly defined patterns of development, other than residential use along Lake Emily, no sites or areas have been identified during this planning horizon for redevelopment.

Section 8.3 Land Use Conflicts

The primary land use conflict identified by the Town of Amherst Plan Commission was a potential for dispute between non-farm residences and existing farm operations. Due to the important role agriculture plays in the community's economy and character, the primary recommendations for conflict resolution are: to limit residential densities and direct non-farm residential building away from intensive agricultural operations, encourage the use of spatial

and/or vegetative buffers, and provide information to citizens regarding expectations for rural living.

Section 8.4 Land Use Goals, Objectives and Policies

Goal 1: Provide for orderly, planned growth which: promotes compatibility between land uses; makes efficient use of public services and tax dollars; protects the rural atmosphere; and preserves important natural resources including highly productive farmlands, high quality groundwater and environmentally sensitive areas.

Objective 1: Identify productive agricultural areas in the Town

Policy 1.1: Use Exclusive Agriculture (A-1) Zoning to fulfill existing Farmland Preservation contracts and to protect productive farmland at the owners' requests.

Policy 1.2: Inconveniences, such as aerial spraying, dust, noise, odors, etc. that come from agricultural operations and aren't a major threat to public health or safety, shall not be considered a nuisance.

Objective 2: Encourage the location of new development in areas other than those identified as productive agriculture or environmentally sensitive.

Policy 2.1: Use Lot Averaging next to natural areas and areas that are intensely farmed.

Policy 2.2: Require that new, unsewered lots are at least two (2) acres in size or developed at a 2-acre density.

Policy 2.3: Conserve the town's major environmental resources/corridors through implementation of the conservancy zoning and Rural Limited zoning district.

Policy 2.4: The town will support the granting of a variance in the R2 zoning district should a residence be damaged more than 50% of its value.

Policy 2.5: Support the amendment of the R2 zoning district in the county zoning ordinance to allow for the reconstruction of a residence or incidental structure, if damaged more than 50% of its value, on the same footprint.

Objective 3: Carefully evaluate commercial and industrial development in the town.

Policy 3.1: Avoid strip-type commercial development along roads designated as principal arterials, minor arterials, and major collectors, in order to ensure traffic safety and mobility.

Policy 3.2: Commercial uses which generate substantial volumes of traffic, particularly truck traffic, could be located near county or state trunk highways. This is intended to avoid increased maintenance of town roads, as well as minimizing traffic safety hazards to residents along those roads.

Policy 3.3: Address proposals for new industrial development on a case-by-case basis, due to the highly variable nature and potential impacts of industry.

Policy 3.4: Retain agricultural zoning and consider rezoning on a case by case basis.

Objective 4: Use techniques such as Lot Averaging, offset development, extended setbacks, and conservation buffers to limit conflict between different uses.

Policy 4.1: Encourage the county to update its ordinances to allow for density-based and offset development.

Section 8.5 Future Land Use Recommendations

Table 8.3 and Map 8.2 illustrate the Future Land Use recommendations for the Town of Amherst Comprehensive Plan, and identify how development should proceed in the future to meet the Town's goal of encouraging a pattern of community growth and development that will provide a quality living environment, protect rural character, and maintain the agricultural economy. Map 8.3 illustrates the future land use recommendations of the three Villages located within the Town of Amherst, within their 1.5 mile extraterritorial area. Future development and redevelopment should be encouraged in an orderly pattern compatible with existing development.

Land Use recommendations include both immediate and long-range planning goals to be implemented. The long-range Land Use recommendations will be implemented over the course of the 20 year planning period as development proposals and land use changes are presented to the Town for consideration. The Town will have to consider periodically updating its zoning map to reflect changing land uses and citizen requests.

Table 8.3: Future Land Use in the Town of Amherst, 2025

Future Land Use	2004 Acres	% of total	2010 Acres	2015 Acres	2020 Acres	2025 Acres	% of total	Change 2004 to 2025
Residential	1,196.8	4.9%	1,287.8	1,378.8	1,469.8	1,560.8	6.4%	30.4%
Commercial	116.3	0.5%	121.3	126.3	131.3	136.3	0.6%	17.2%
Agricultural	13,014.9	53.1%	12,923.6	12,832.3	12,741.0	12,649.7	51.6%	-2.8%
Industrial	0.0	0.0%	0.0	0.0	0.0	0.0	0.0%	0.0%
Governmental/Institutional	49.0	0.2%	49.0	49.0	49.0	49.0	0.2%	0.0%
Road/Railroad Right-of-Way	1,098.9	4.5%	1,124.7	1,150.4	1,176.2	1,201.9	4.9%	9.3%
Parks and Recreation	361.8	1.5%	361.8	361.8	361.8	361.8	1.5%	0.0%
Non-Metallic Extraction	5.0	0.0%	5.0	5.0	5.0	5.0	0.0%	0.0%
Undeveloped/Vacant	8,668.5	35.4%	8,638.1	8,607.7	8,577.3	8,546.9	34.9%	-1.4%
Total Acreage	24,511.2	100%	24,511.2	24,511.2	24,511.2	24,511.2	100.0%	

Source: Town of Amherst and Portage County Planning and Zoning Department

Section 8.6 Future Land Use Categories

MAPPING CRITERIA

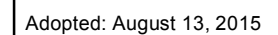
Categorizing the more than 24,000 acres of land in the Town into different land use classes was a time-consuming task. In order to ensure accuracy and consistency throughout the mapping process, specific mapping criteria were utilized.

Residential Mapping Criteria

The term "residential" is intended to identify subdivisions or clusters of lots where it was the original intent of the developer/residents to maintain a residential neighborhood character where nonresidential uses would be incompatible. Proposals for new residential development shall be considered on a case by case basis at the request of the landowner. Approval for such use may require a change to the land use map. The following areas were mapped:

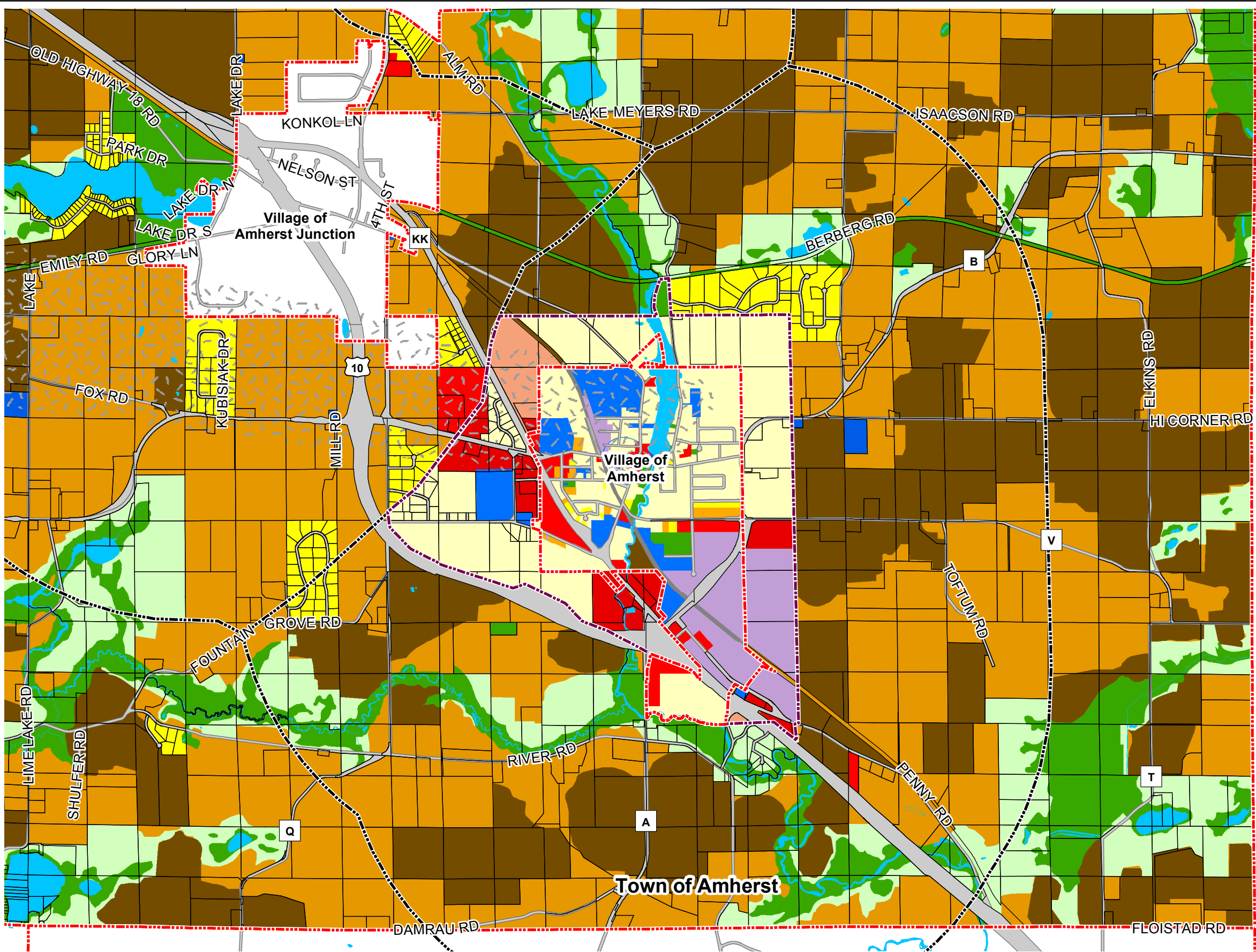
Future Land Use

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Map 8.3 Extraterritorial Future Land Use



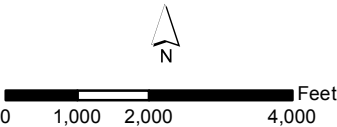
Village of Amherst Future Land Use

- Single Family Residential
- Plex (2-4 units)
- Multi-Family (5+ Units)
- Commercial
- Mixed Use, Residential & Commercial
- Industrial
- Community Facilities
- Parks and Recreation
- Agriculture and Idle
- Railroad
- Road Right-of-Way
- Water Bodies

Town of Amherst Future Land Use (Adopted 4/12/12)

- Residential
- Commercial
- Institutional
- L-2 General Agriculture
- L-3 Limited Agriculture / Mixed Use
- Non-Metallic Mining
- Natural Areas Limited
- Natural Areas Protected

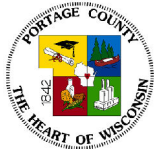
- Well Recharge Area
- Extraterritorial Boundary
- Municipal Boundary
- Village Extraterritorial Land Use Recommendation Boundary



Source: Village of Amherst (2004)
Portage County Planning & Zoning (2015)

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1. Developed residential and developed recreational zoning (i.e. shoreland).
2. Subdivision or clusters of lots, strongly residential in character, that have developed under agricultural zoning. [It is suggested that such areas be identified and considered for rezoning to an appropriate residential district where there is evidence of land use conflicts or where there is a consensus among the residents as to the need for residential-oriented restrictions]
3. Existing platted concentrations of small lots of record not yet developed.
4. Other suitable areas in the Town which were determined to be desirable for future residential development. Consideration will be based on location, soils, road access, surrounding/adjacent land use, etc.

Land Use Categories:

Low Density/Rural Residential: equal to or greater than 2 acres per residence. Existing concentrations of lots of record smaller than 2 acres are also to be included in this category.

Commercial and Industrial Mapping Criteria

For many rural communities, it is difficult to determine where commercial activity might occur. Most of the businesses that develop are home or farm-based and do not have the option of relocating. Therefore, in the Town of Amherst, proposals for new industrial and commercial development shall be considered on a case-by-case basis at the request of the landowner. All such requests must be considered by the Town Planning Commission, the Town Board, and the County based on the goals, objectives, and policies of the Town's Comprehensive Plan. Approval for such use may require a change to the land use map. The following areas were mapped:

1. Existing developed commercial zoning.
2. Existing developed industrial zoning, if any.

Land Use Categories

Commercial: Includes uses as allowed in commercial zoning districts

Industrial: Uses that relate to the manufacturing of a product or other uses that are allowed in the Industrial Zoning District.

Agricultural Mapping Criteria

Lands recommended predominantly for the continuation of agricultural pursuits, the protection of productive agricultural lands, and the retention of the rural nature of the community. In preparation for the 1996 Land Use Plan, the Amherst township was reviewed carefully, forty by forty, with regard to land use, including agriculture to determine land use and subsequent zoning. Most of this earlier review is still relevant and will serve as the baseline from which to make revisions appropriate to the changing agricultural economy, increasing residential development pressures, and the recognition that:

1. For the most part, the necessity for Farmland Preservation for tax purposes has passed; however, the Wisconsin Working Lands Initiative (found primarily in Chapter 91 of the Wis. State Statutes,) passed as a part of the state's existing farmland preservation program, establishes agricultural enterprise areas (AEAs), and develops a purchase of agricultural conservation easement matching grant program (PACE). Its goal is to achieve preservation of areas significant for current and future agricultural uses through successful implementation of these components.

2. Some of the more marginal soils that were previously farmed might better serve other uses.

The following Land Use Categories of agriculture were used based on the intensity of the agricultural operations in a particular area:

L-2 General Agriculture This category is intended to preserve and enhance land for a wide range of agricultural uses. The category's regulations are designed to encourage agricultural uses in areas where soil and other conditions are best suited to those agricultural pursuits and control residential development to avoid potential conflict with agricultural use.

New residential development adjacent to more intensive agricultural uses, *i.e. large dairies, large confined livestock feeding operations, concentrations of irrigated vegetable crop production*, will have to consider several development techniques: off-set development, open space development, density-based development, greater set-backs for siting housing, or buffer areas. These requirements will be shared with developers by the Town Planning Commission.

Recommended minimum lot size for lands in this category is five (5) acres.

L-3 Limited Agriculture/Mixed Use This category is intended to provide for the continuation of low-intensity agricultural uses, recommends against the siting of new and expanding livestock operations and large dairies, provides for the careful siting of single family residences, and supports other uses that maintain the rural characteristics of the area. It may serve as a buffer between higher-density residential or other uses, more intensive agricultural uses, and may prevent premature conversion of rural lands to urban and other non-agricultural uses in adjacent categories. The category's use and development regulations are designed to implement the Town of Amherst's Comprehensive Plan goals by discouraging urban and suburban development in areas that are best suited to agricultural uses.

Also included in this category are small fields of cropland and lands expected to remain in green space for use in forestry, recreation, and low-intensity residential use.

New residential development adjacent to more intensive agricultural uses, *i.e. large dairies, large confined livestock feeding operations, concentrations of irrigated vegetable crop production*, will have to consider several development techniques: off-set development, open space development, density-based development, greater set-backs for siting housing, or buffer areas. These requirements will be imposed upon developers by the Town Planning Commission. In addition, new residential development proposals involving five (5) or more lots should be submitted to the Town Plan Commission and Board (in addition to the County) for review and, if approved, may be rezoned to the R-1, Rural and Urban Fringe Residence District.

Recommended minimum lot size for lands in this category is two (2) acres.

Natural Areas Mapping Criteria

Lands recommended remaining in their natural state or for non-intensive uses such as recreation, wildlife habitat, or forest management. This category will be applied to lands which are environmentally important or sensitive, including shorelands, wetlands, floodplains, steep slopes, substantial wildlife habitat and public resource areas. Limited residential development could occur in a manner that does not negatively impact the ecological or aesthetic value of areas designated for preservation in their natural state. Criteria for identification may include the following:

1. Lands within 100 feet of navigable waters or to the landward side of adjoining wetlands, if greater than 100 feet. This includes wetlands within 300 feet of navigable waters, and excluding preexisting structures or cropland that would be nonconforming uses under Conservancy Zoning.
2. Other wetlands (not adjoining navigable waters.)
3. Federal Emergency Management Agency (FEMA) 100-year floodplains as adopted by Portage County in 2009. Pre-existing cropland that would be nonconforming under Conservancy Zoning is to be excluded.
4. Hydric soils as mapped by Natural Resource Conservation Service (NRCS)
5. Publicly owned lands used for recreation or wildlife/resource management.
6. Other natural features of the landscape deemed important by the local community.
7. Homes and dwellings designed for human habitation that would be nonconforming under Conservancy Zoning are to be excluded from the Natural Areas – Protected land use designation and placed into Natural Areas – Limited land use.

Land Use Categories

NA-Protected Lands recommended remaining in their natural state or for non-intensive, non-developed uses such as passive recreation, wildlife habitat, ground and/or surface water protection, and forest management. Development of these lands is not recommended due to the potential for destroying or degrading important or unique natural resources, or due to the excessive measures necessary to overcome development barriers presented by the environmental conditions.

Note: Designation of navigable waters and wetlands are based on DNR determination. Boundary lines may be adjusted based on on-site investigation by County or other appropriate agencies.

NA-Limited Lands recommended remaining in their natural state, which buffer unique ecological, geological, scenic areas and other natural features, lands that provide for public or private recreational opportunities, forest management, wildlife corridors, protection of threatened and endangered species, and which protect and improve water quality, lands which provide for non-intensive development uses such as low-density residential use. Development of these lands is intended to be low impact due to the potential for destroying or degrading important or unique natural resources, or due to the excessive measures necessary to overcome development barriers presented by the environmental conditions. Limited residential development could occur on these lands without negatively impacting the ecological and aesthetic value of the area. Minimum lot size for the Natural Area – Limited category is recommended to be 5 acres.

Institutional Mapping Criteria

Lands where public facilities exist or are to be located. Facilities include, but are not limited to government services and institutions, educational, religious, cemeteries, medical and health care, military, power plants, solid waste disposal sites, and transmission towers and pipelines.

Land Use Category

Institutional

Resource Extraction Mapping Criteria

These areas are considered economically viable resources, and are identified within specific boundaries to minimize or avoid conflict with other adjacent land uses. Resource extraction uses include clay, sand, gravel, and other aggregate extraction.

Land Use Category

Non-metallic Mineral Extraction

