

## 8. Land Use

### 8.1 Introduction

This element provides an analysis of existing land use in the Town of Herman. Transportation networks, ownership patterns (public and private), natural resources, market forces, existing ordinances, and resource management activities all contribute to the pattern of development that occurs in the Town.

### 8.2 Existing Land Use

Land use is a means of broadly classifying different types of activities relating to how land is used. The type, location, density, and geographic extent of developed and undeveloped lands influence community character, quality of life, public service needs (e.g., roads, utilities, parks, emergency services), tax base, and availability of jobs throughout the Town.

The land use pattern in Herman consists mostly of agricultural land and scattered residential development. The unincorporated village of Woodland has the greatest amount of residential development in the Town of Herman. The existing land uses in the Town of Herman are shown on Map 8-1, Appendix.

**Table 8-1: Existing Land Use, Town of Herman, 2004**

Land Use Category	Acreage	% of Total
Single Family Residential	264.4	1.1%
Two Family Residential	0.0	0.0%
Multi-Family Residential	0.0	0.0%
Mobile Home Parks	0.0	0.0%
Commercial	16.3	0.1%
Industrial & Quarries	58.8	0.3%
Public & Quasi-Public	42.7	0.2%
Transportation	844.4	3.6%
Parks & Recreation	0.0	0.0%
Communication & Utilities	2.0	0.0%
Water Features	25.9	0.1%
Agricultural & Other Resource Land	22,012.0	94.6%
<b>Total</b>	<b>23,266.4</b>	<b>100.0%</b>

#### Agricultural and Other Resource Land

By far the largest of the land use categories is the combined total for agriculture and other resource land, which is a reflection of the large amount of prime agricultural soils found in the Town. This category also includes wetlands and open space areas. Agriculture and other

resource land accounts for 22,012 acres of land or 94.6 percent of the Town of Herman's 23,266.4 acres. The question of how much land is converted to urban type uses and where this conversion takes place is a key element of the land use planning process.

### **Residential**

Residential development in Herman consists almost exclusively of single family housing, including farmsteads. Residential development is mostly scattered throughout the Town, and generally follows transportation corridors. However, greater concentrations of residential development can be found in Woodland. Residential land uses account for 264.4 acres of land or 1.1 percent of the land area in the Town.

### **Commercial**

Commercial uses make up only .1 percent or 16.3 acres of the land area in the Town. There are few commercial operations located in the Town of Herman.

### **Industrial**

Industrial development uses make up only .3 percent or 58.8 acres of land area in the Town. There are few industrial uses located in the Town of Herman.

### **Public and Quasi-Public**

Public and Quasi-Public land uses occupy 42.7 acres, for .2 percent of the land area in the Town. Public and Quasi-Public land uses perform a support function to the people living and working in both urban and rural environments. Land uses within this classification include hospitals, schools, cemeteries, and churches, along with government offices, prisons, and public buildings. The amount of land devoted to these uses is not large in comparison to the other land use categories, but these facilities provide critical support and employment opportunities to the residents of the Town.

### **Parks and Recreation**

The Town of Herman does not have any land that is dedicated for use as parks and recreational land. The effects of a growing population and growing interest in outdoor activities will place demands on creating recreational facilities in the Town.

### **Transportation**

Transportation related land use features include local roads, county and state highways, and railroad corridors. In the Town of Herman, transportation related land uses occupy 844 acres of land or 3.6 percent of the total land area.

### **Communication and Utilities**

Communication and utilities land use features include power lines, electrical substations, wastewater treatment plants, water towers, recycling centers, and telecommunication towers. In the Town of Herman, communication and utility land uses occupy 2 acres of land.

### 8.3 Supply, Demand, and Price Trends of Land

Table 8-2 displays information on agricultural land sales in Dodge County from 1998 to 2001.

**Table 8-2: Agricultural Land Sales, Dodge County, 1998-2001**

	1998	1999	2000	2001	# Change 1998-01	% Change 1998-01
<b>Ag Land Continuing in Ag Use</b>						
Number of Transactions	78	65	46	39	-39	-50.0%
Acres Sold	6,379	5,633	4,171	2,917	-3,462	-54.3%
Dollars per Acre	\$2,114	\$2,165	\$2,112	\$2,665	\$551	26.1%
<b>Ag Land Being Diverted to Other Uses</b>						
Number of Transactions	17	16	27	17	0	0.0%
Acres Sold	858	749	1,404	624	-234	-27.3%
Dollars per Acre	\$3,113	\$2,822	\$3,389	\$3,358	\$245	7.9%
<b>Total of all Ag Land</b>						
Number of Transactions	95	81	73	56	-39	-41.1%
Acres Sold	7,237	6,382	5,575	3,541	-3,696	-51.1%
Dollars per Acre	\$2,232	\$2,242	\$2,434	\$2,788	\$556	24.9%

Source: Wisconsin Agricultural Statistics Service, Agricultural Land Sales, 1998-2001.

As indicated in Table 8-1, the amount of agricultural land sold in Dodge County has been decreasing since 1998. However, the value of the acres sold has been increasing. In 2001, the value of agricultural land that is sold for other uses is valued higher than agricultural land that continues in agricultural use. However, the value of agricultural land continuing in agricultural use increased by 26.1% from 1998-2001, while the value of land diverted to other uses rose only 7.9%.

#### Supply of Land

The supply of land in the Town of Herman is fixed. Unincorporated municipalities such as Towns do not have the power to annex land. Furthermore, the Town of Herman does not contain an incorporated municipality that has the power to annex land from the Town. However, the Village of Iron Ridge is located along the Town's southwestern border. If the Village of Iron Ridge grows and annexes land to its east edge, the Town of Herman may be affected. Therefore, the supply of land within the Town may be reduced as development occurs around that area. It should be noted, the Town does have a large amount of undeveloped land that is currently being used for agricultural purposes.

#### Demand for Land

Demand for land in the Town of Herman can be classified as moderate. The Town's location near the Cities of Hartford, Horicon, Mayville, and a quiet rural setting make the Town a desirable place to locate a residence. The demand for agricultural land will depend on the price farmers receive for their crops. High prices will lead to high demand for farmland; low prices will lead to more farmland being offered for other uses.

## Price of Land

There is a moderate demand for rural lots in the Town of Herman and the rest of Dodge County as well. Unimproved rural lots usually range between one to three acres in size and do not have public services such as sewer or water. Generally, these unimproved vacant lots are selling for approximately \$50,000 in the Herman area. In addition, agricultural property in the Town of Herman area has seen increased competition among agricultural interests in the area. Recently, agricultural land has been selling for approximately \$5,000 an acre.

## Opportunities for Redevelopment

Opportunities for redevelopment of land in the Town of Herman are limited. Little developed land exists that is not currently being utilized in some manner. No significant areas of land are in need of redevelopment in the Town.

## 8.4 Land Use Programs

Land development and building activity in the Town of Herman is subject to both Town and County regulations. Land use within the Town is regulated by the Town of Herman Zoning Ordinance as well as The Dodge County Land Use Code. The Zoning Ordinance is administered by the Town of Herman and the Dodge County Land Use Code is administered by the Dodge County Planning and Development Department. The Town and County land use regulations are described in more detail below.

### Dodge County Land Use Code

The Dodge County Land Use Code was adopted by the Dodge County Board in March of 2000. The Code establishes 10 primary use districts, as well as 7 overlay districts. The A-1 Prime Agricultural, Wetland, and A-2 General Agricultural Districts comprise the three largest zoning districts found in the Town. The zoning regulations contained in the Land Use Code are only in effect in the shoreland areas of the Town. The Airport Height Limitation Overlay district does not apply to the Town of Herman. All other sections of the Land Use Code apply in the Town of Herman and are described below.

#### Floodplain Overlay District

The Floodplain Overlay District was originally adopted as the Floodplain Zoning Ordinance by the Dodge County Board in 1981 in response to a mandate by the state. The Floodplain Overlay District is in effect within the 100 year floodplain as identified on the Flood Insurance Rate Map developed by the Federal Emergency Management Agency. The Floodplain Overlay District sets up guidelines, restrictions, and criteria for development within the 100 year floodplain.

#### Shoreland-Wetland Overlay District

The County Shoreland-Wetland Overlay District was originally adopted as the Shoreland-Wetland Ordinance by the Dodge County Board in 1984, also in response to a mandate by the state. The Shoreland-Wetland Overlay District is in effect within 1,000 feet of a navigable lake, pond, or flowage, within 300 feet of a navigable river or stream, or within floodplain areas. Wetlands

documented in the Wisconsin Wetland Inventory of 1994 and located within a shoreland area are protected, with few exceptions, from draining, filling, and grading under the Shoreland-Wetland Overlay District.

### **Subdivision Design and Improvement Regulations**

The Subdivision Design and Improvement Regulations were originally adopted as the Subdivision Control Ordinance by the Dodge County Board in 1968 and were revised in 1973. These regulations control the divisions of land within unincorporated areas for the purpose of: facilitating provision of public services, facilitating orderly divisions and developments, and restricting building sites in environmentally sensitive areas or on lands poorly suited for development.

Under these regulations, the County requires the recording of approved certified survey maps for minor subdivisions which create less than five parcels. Minor subdivision approval begins with the filing of a letter of intent. The County Planning and Development Committee decides whether to grant or deny the proposal. Upon approval by the Committee, a certified survey map is submitted for final approval and recorded. Table 8-2 shows the land divisions for the past five years in the Town of Herman. Since 1999, there have been a total of 37 letters of intent, an average of 7.4 per year. A total of 28 certified survey maps have been approved since 1999, an average of 5.6 approvals per year.

Major subdivisions resulting in five or more lots are also regulated under the Land Use Code. Chapter 236 of the Wisconsin Statutes requires platting when there are five or more lots of 1.5 acres or less. The County Subdivision Design and Improvement Regulations within the Land Use Code go beyond the requirements of Chapter 236 in requiring platting when five or more lots are created regardless of their size. However, the County Planning and Development Committee can waive the additional platting requirement.

**TABLE 8-3**  
**Letters of Intent and Certified Survey Maps**  
**Town of Herman, 1999-2003**

<b>Year</b>	<b>Letters of Intent</b>	<b>Certified Survey Maps</b>
1999	6	8
2000	4	2
2001	8	4
2002	9	4
2003	10	10
<b>Total</b>	<b>37</b>	<b>28</b>

Source: Dodge County Planning and Development Department

### **Sanitary Facilities Overlay District**

The Sanitary Facilities Overlay District assists in guiding development to lands with appropriate soil conditions. The Sanitary Facilities Overlay District was originally adopted as the County Sanitary Ordinance in 1968 and is a state mandate in effect on all lands within Dodge County.

This Overlay District regulates the location, construction, installation, alteration, design, and use of all private sewage disposal systems. Table 8-3 summarizes the number of permits issued for new and replacement private sanitary systems within the Town of Herman over the past 10 years. Mound systems have accounted for about 72.8 percent of the new and replacement systems since 1994, while conventional systems have accounted for about 13.0 percent.

**TABLE 8-4**  
**Number of Permits Issued for On-Site Sanitary Systems by Year**  
**Town of Herman, 1994-2003**

YEAR	Conventional	At-Grade	Mound	Holding Tank	Other	Total
1994	4	0	7	0	1	12
1995	3	0	11	0	0	14
1996	0	0	7	0	1	8
1997	0	0	11	1	1	13
1998	0	1	5	0	0	6
1999	1	2	4	0	0	7
2000	0	0	4	1	0	5
2001	3	1	4	0	0	8
2002	1	3	6	0	0	10
2003	0	1	8	0	0	9

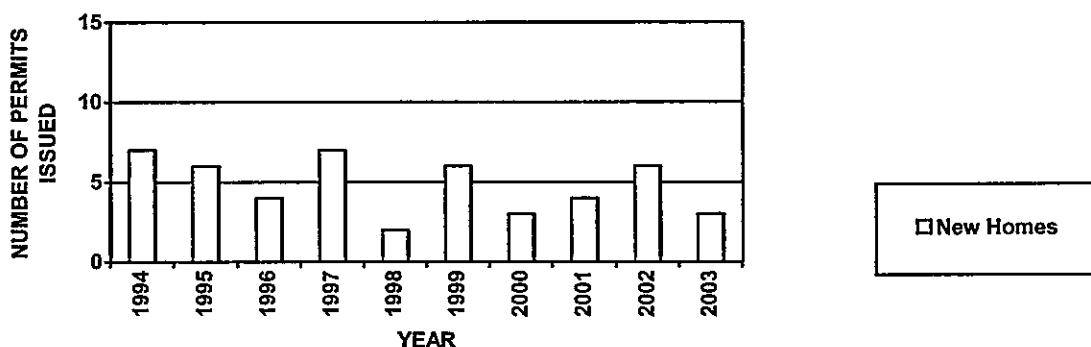
Source: Dodge County Planning and Development

#### **Town of Herman Zoning Ordinance**

The Town of Herman Zoning Ordinance was comprehensively amended by the Town Board in 2000. The ordinance regulates the use and development of all structures, land and water. Furthermore, the Town Zoning Ordinance helps to facilitate the provision of public services and to stabilize and protect property values.

Under the Town Zoning Ordinance, land development and building activity require the issuance of a Land Use Permit. The application can be filed with the Building Inspector. Figure 8-1 shows the Land Use Permit activity in the Town of Herman from 1994 to 2003. Over this 10 year period, an average of 4.8 new housing units was constructed each year.

**FIGURE 8-1**  
**Permits for New Housing Units**  
**Town of Herman 1994-2003**



## 8.5 Land and Resource Management

Land and resource management takes place under both private and public land ownership. Public and private land and resource management programs are important in preserving the county's rural character and natural resource base. There are three voluntary management programs, Managed Forest Law (MFL), Conservation Reserve Program (CRP), and the Agricultural Preservation Program which occur throughout Dodge County.

### Managed Forest Law (MFL)

The MFL program is administered by the WDNR. 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. At least 80% of the land must be productive forest land in order to be eligible for the program. Lands may be enrolled for either 25 or 50-year periods. This requires a long-term commitment from the property owners, but also provides long term protection from property tax escalations.

Preparation of an approved forestry management plan is required, which can be prepared by a WDNR forester at no charge. 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 releases, planting, post harvest treatments, and soil conservation practices. Landowners have the right to close up to 80 acres of their land to the public, otherwise the land is classified as open, and public access is permitted for hunting, fishing, cross-county skiing, sight seeing, and hiking.

### Conservation Reserve Program (CRP)

The CRP is the Federal Government's largest environmental protection program in existence. Administered by the United States Department of Agriculture (USDA), the purpose of the program is to provide wildlife benefits, tree planting benefits, water quality benefits, and

economic benefits. CRP is a voluntary approach to improving the environment using partnerships between government and private landowners. The program provides incentives to farmers for establishing conservation practices, which benefit resources both on and off the farm. Incentives are in the form of annual rental payments and cost-share assistance in return for establishing long-term, resource conserving measures on eligible lands. Rental payments are based on the agricultural rental value of the land, and cost-share assistance is provided in the amount up to 50% of the participant's costs to establish approved practices. The contract duration is from 10-15 years.

### **Farmland Preservation Program**

The Farmland Preservation Program is available to landowners who own at least 35 acres of land zoned for exclusive agricultural uses, or land that is under a long term preservation agreement with the state, and can show \$6,000 gross farm profits from the land per year. Land must remain in agricultural use or zoned for exclusive agricultural use and cropland must be farmed so that soil erosion rates comply with conservation standards. In Dodge County this program is managed by the Dodge County Land Conservation Department, and the Planning and Development Department.

Appendix, Map 8-2, shows properties participating in the program.

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

The following list represents existing and potential land use conflicts that need to be considered by the Town of Herman when planning for the future.

- ◆ Increasing pressure to convert farmland to residential use is expected.
- ◆ An increase in the number of large animal confinement operations may have a negative impact on nearby non-farm residences.
- ◆ Annexation conflicts between the Town of Herman and the Village of Iron Ridge may arise.
- ◆ Development along STH 33 may conflict with existing land uses along the transportation corridor.
- ◆ Land use conflicts may develop in the extraterritorial area of the City of Hartford and the Town of Herman.
- ◆ Intervention by the County and the State relative to local land use issues.
- ◆ The prices of land for residential and recreational uses will outpace the price of land continuing in agriculture.
- ◆ The Town will continue to experience increased traffic volumes on all local, county, and state roads which will in turn require additional local road maintenance and construction costs.

### **8.7 Land Use Trends**

Changes in land use are related to changes in population, housing, transportation, community services, agriculture, natural resources, and economic development. The following land use trends are anticipated in Herman over the next 20 to 25 years.

- ◆ Herman's population and the number of housing units will continue to grow.

- ◆ The number of persons per household will continue to decrease requiring more housing units and more land to accommodate the Town's growing population.
- ◆ The Town's woodlands and highland areas will be desired for residential development.
- ◆ Agriculture will maintain a strong presence in Herman. There will likely be a decreasing number of total farms, but an increasing number of large farms.