

Chapter 10: Land Use Element

Credit to Larry Oliverson and Dale Konle, who originally drafted and presented this element.



10.A. Vision Statements

1. The official guide for land use planning in the Town of Concord will be the *Town of Concord Comprehensive Land Use Plan*.
2. The Town will have a comprehensive plan that provides a distribution of various land uses both now and in the future that protects the Town's natural resources, especially prime agricultural soils, wetlands, floodplains, upland woods, wildlife habitats, state-designated natural areas, rivers, and surface waters.
3. The Town's current infrastructure capacity, including road, fire, emergency services, and other public services and facilities, will be adequate to serve development through the life of this plan.
4. The rates of commercial and residential development in the Town will remain at or below the levels the Town has experienced in the last 10–15 years.
5. The rural character of the Town and the quality of life enjoyed by the current residents of the Town will not be compromised by excessive new residential or commercial development.
6. The primary land uses in the Town of Concord will remain as agriculture, open space, and natural environmental features.
7. Agricultural land use will not be compromised by establishment of land uses that are incompatible with farming.
8. The Town will support stringent requirements for CAFOs (Concentrated Animal Feeding Operations) and any other livestock facility that may have adverse environmental effects.
9. All new non-residential development will be limited to the hamlet area.
10. The existing rural hamlet as defined by the 1999 *Jefferson County Agricultural Preservation and Land Use Plan* will remain as it is, and no new hamlets will be created.

10.B. Strategies

1. As stated in “Chapter 5: Agricultural Element,” the Town will limit the maximum number of lot splits in the A-1 zoning district. Procedures to be followed to implement this strategy are outlined in “Chapter 11: Implementation Element” (*see Appendix B for current A-1, A-2, and A-3 land use policies from the Jefferson County Agricultural Preservation and Land Use Plan, October 1999*).
2. Densities of new development and redevelopment within the hamlet and the scattered lot splits will not exceed the ability for that use to properly provide for a private on-site wastewater treatment system.
3. Higher densities of all new development and redevelopment within the Town are not possible due to the lack of public sanitary sewer service. For that reason, multifamily residential and other alternative residential housing styles, such as senior housing, will not be allowed.
4. Residential densities should remain highest in Spacious Acres and the previously developed subdivisions in the Town. In no case should lots be less than one acre.
5. The Town will encourage the primary land uses of agriculture, open space, and natural environmental features.
6. The Town will continue working with Jefferson County and other agencies and groups to create efficient and effective farmland preservation programs (*see Chapter 5: Agricultural Resources Element for further discussion and information on this issue*).
7. Concord will work with the Jefferson County Farmland Conservation Easement Commission concerning the purchase of conservation easements. The Town may also work directly with area land trusts to educate citizens regarding the voluntary sale or donation of conservation easements to such trusts (*see 5.E. Conservation Programs for more information*).
8. The Town will seek to educate farmers regarding the benefits of participation in the **Wisconsin Farmland Preservation Program** and encourage their participation in the program.
9. Establishment of land uses that are incompatible with farming will not be allowed in areas where such uses may reasonably be expected to have a negative impact on the continuation of farming.
10. The Town Board will investigate any application for a CAFO to ensure that the proposed facility meets all the requirements set forth in Wisconsin's livestock facility siting law as interpreted by ATCP 51.¹ It will also investigate *any* livestock facility that may have adverse environmental effects. The Town Board maintains the right to impose further regulations regarding any adverse environmental concerns associated with these operations including but not limited to: ground water pollution, water quality, air pollution, dust, traffic, noise, odor, and lighting.
11. Rural development, including farming, raising of livestock and exotics, and rural residential development, will not be allowed in areas with soils classified by Jefferson County as unsuitable for development because of their permeability, slope, or drainage patterns.

¹ Wisconsin Department of Agriculture, Trade and Consumer Protection, administrative rules, chapter 51.

12. The Town will preserve floodplains, stream channels, surface waters, woodlands, and wetlands. Development, dredging, or filling that would either raise the base flood elevation, produce flood damage, or alter the ecological integrity of those natural resources will be prohibited to ensure the environmental benefits of these significant natural resources are preserved into the future.
13. The Town of Concord is in agreement with the A-2 District policies from the *Jefferson County Agricultural Preservation and Land Use Plan*,² and they are hereby incorporated as part of the overall policy framework in the Town of Concord Comprehensive Plan (see Appendix B for current A-1, A-2, and A-3 land use policies from the *Jefferson County Agricultural Preservation and Land Use Plan*).
14. The Town will oppose the expansion of the current rural hamlet area as defined by the 1999 *Jefferson County Agricultural Preservation and Land Use Plan*. The Town will also oppose the creation of additional rural hamlet areas and additional rural subdivisions within the Town.

10.C. Issues

Agricultural Success

The success of the agricultural industry so integral to the economy of the Town is dependent on many factors. One significant factor is the properties of the soils and their ability to support crops planted in successive years. A second factor is profitability. Another factor is the presence of a large non-agricultural population that may interfere with farming practices, although maintaining a small non-agricultural population is also important.

Preservation of Agricultural Land

Despite the robust state of Concord's farm economy and the predominance of agricultural land uses in the Town, residents remain concerned about the potential loss of farmland through conversion and development for other uses. As discussed in "Chapter 5: Agricultural Resources Element," possible ways to address this issue are through the donation or sale of conservation easements and the promotion of the Farmland Preservation Program.

Donation or sale of conservation easements to land trusts would allow farmland to be preserved in perpetuity for agricultural use. Preserving working farms is a guideline that the trusts follow in their efforts to purchase land or conservation easements. Another potential use of conservation easements would be to prevent annexation.

A significant portion of the farmers in Concord utilize the Farmland Preservation Program. In 2005 more than 30 percent of the acreage able to be placed into the Farmland Preservation Program in the Town of Concord was included in the program, which comprised more than 6,000 acres county wide. Through promoting the Farmland Preservation Program, additional acreage could become protected to ensure that incompatible uses are not located adjacent to productive farmland. This would ensure that productive farmlands are preserved and would protect the rural character desired by the residents of the Town.

² *Jefferson County Agricultural Preservation and Land Use Plan* (Jefferson County, October 1999), pp. 91–92.

Lot Splits in the A-1 and A-3 Districts

(See Appendix B for current A-1, A-2, and A-3 land use policies from the 1999 Jefferson County Agricultural Preservation and Land Use Plan.)

The major concern at the time of this writing is the potential impact of lot splits permitted in the A-1 zoning district on the land use patterns, traffic flow, and rural character of the community. The *Jefferson County Agricultural Preservation and Land Use Plan*³ provides for a maximum of 521 additional lot splits for new housing units.⁴ Assuming 2.67 persons per household, an exercising of all available lot splits could result in as many as 1,391 additional residents. This could increase the population from its year 2000 level of 2,023, to 3,414 and would irrevocably alter the rural character that residents cherish. Although there is no policy currently in place to either limit or regulate the rate of development on these available splits, under Jefferson County zoning Concord is allowed to further reduce lot splits to address this problem. A citizen questionnaire conducted in November 2008 indicated that of 255 respondents, 138 (54.7%) supported limiting lot splits, and 113 (45.3%) did not support limiting lot splits.

A-2 Agricultural Business District Policies

(See Appendix B for current A-1, A-2, and A-3 land use policies from the Jefferson County Agricultural Preservation and Land Use Plan.)

A small portion of the land in the Town of Concord is zoned A-2 Agricultural Business District under the Jefferson County Zoning Ordinance.⁵ This district provides for agricultural businesses that are related to the sustainability and productivity of agriculture in Jefferson County. The only residential use permitted in the A-2 District is “farm labor housing,” which is to be occupied exclusively by employees or families of employees on farms in Jefferson County. Jefferson County has set forth detailed policies regarding the A-2 District in the *Jefferson County Agricultural Preservation and Land Use Plan*.⁶ One of these policies states that all uses in the A-2 District should be considered conditional uses and should require a conditional use permit. A second policy is that all non-agricultural structures in the A-2 District should be subject to site plan review to evaluate the proposed building and driveway locations with respect to impact on prime farmland.

Criteria for evaluating proposals for rezoning land from A-1 Exclusive Agricultural to A-2 Agricultural Business are also included in the County Plan. One of these criteria is that access to the land proposed for rezoning from A-1 to A-2 should be either from a public road or from a new private access drive that does not divide an existing field. The Town of Concord is in agreement with these A-2 District policies from the *Jefferson County Agricultural Preservation and Land Use Plan*, and they are hereby incorporated as part of the overall policy framework in the Town of Concord Comprehensive Plan.

³ *Jefferson County Agricultural Preservation and Land Use Plan* (Jefferson County, October 1999), pp. 88–91.

⁴ Information from the Jefferson County Zoning Office 11-21-2006 (see Appendix B).

⁵ *Jefferson County Zoning Ordinance No. 11* (Jefferson County Effective January 15, 1975, Last Amended September 11, 2006), pp. 20–21.

⁶ *Jefferson County Agricultural Preservation and Land Use Plan* (Jefferson County, October 1999), pp. 91–92.

10.D. Existing Land Use

Table 10-1: Table of the Existing Land Uses in the Town of Concord

Land Use Category	Area in Acres	Percent of Land Area
Agricultural	11,899	51.2%
Open Uncultivated Land	1,826	7.9%
Residential	1,022	4.4%
Commercial	13	Less than one percent
Industrial	12	Less than one percent
Extractive/Mining	6	Less than one percent
Public	31	Less than one percent
Utilities and Communication	2	Less than one percent
Recreational	48	Less than one percent
Wetlands	5,859	25.2%
Woodlands	1,221	5.3%
Landfill/Dump	28	Less than one percent
Surface Water	389	1.7%
Right of Ways	895	3.8%
Grand Totals	23,251	100%

Source: Jefferson County 2002

The Town of Concord is a community based on agricultural land uses, open spaces, and acres of environmental features requiring preservation. Table 10-1 above provides a breakdown of the existing land uses in the Town of Concord, including acreage and percentage of the Town in each land use category. Map 18 in Appendix A provides a map of the Town and its current land uses. This provides a good spatial orientation as to the location of these different uses. The existing land uses have been grouped into categories that include agricultural, residential, commercial, industrial, public, and recreational. Environmentally sensitive areas such as wetlands, woodlands, and surface water are also included on the map.

Agricultural and Open Land

Agricultural lands account for over 59 percent of the land area in the Town of Concord, while forests and wetlands comprise over 30 percent. Many of the wetland areas are associated with, or connected to, the lowland floodplains of the Oconomowoc River. Agricultural uses including row crops, forage, and grassland make up the majority of land uses in the Town. These three categories cover the entire range of crop, dairy, livestock, and exotic farming activities. For purposes of this analysis, the farmhouses, residential yards, and accessory residential structures on the farms were considered to be part of the total acreage of row croplands, forage lands, and grassland. Soils have been separated into prime and non-prime by using different classes and characteristics of soils as identified by the Natural Resources Conservation Service. Concord is rich in prime agricultural soils (*see map 14, Appendix A*).

Commercial, Industrial, Extractive, Public, Recreational, and Residential

The least intensive land uses, in terms of acreage, are commercial, industrial, extractive, public, and recreational uses, each of which amounts to less than 1 percent of the land area. This is to be expected in a rural, agriculturally based town. The hamlet at the intersection of Concord Center

Drive, CTH E, and CTH B is 120 acres in size. Currently approximately 33 percent of the acreage in the hamlet is developed with the following land uses: residential (36 acres), commercial (1.5 acres), industrial (1 acre), and public institutional (1.1 acres). The remaining 80 acres is currently in agricultural use or is open uncultivated land and has the potential to be rezoned and developed for residential or commercial land uses.

Residential use covers only 4.4 percent of the Town's land area, according to Jefferson County data. A large portion of the residential land use in the Town is located in rural residential subdivisions and the Spacious Acres mobile home park. Scattered large lot and farm homes make up the remaining residential acreage (*see map 18, Appendix A*).

Environmental Corridors and Floodplains

Environmentally significant features found within the Town include wetlands, woodlands, and steep slopes. Together, the wetlands and woodlands impart many benefits for the natural environment and the residents of the Town. These environmentally significant features have been classified as environmental corridors (*see map 8, Appendix A*). The environmental corridor areas contribute significantly to the rural atmosphere that most area residents desire. The corridors provide natural habitat for wildlife, preserve the purity of our drinking water, and serve to maintain integral portions of our ecosystem.

Due to the negative impacts that occur with significant flooding, land areas that typically flood during the 100-year rain event are identified as lands within the 100-year floodplain (*see map 7, Appendix A*). The lands within the floodplain should be protected from future development to limit flood damage to houses and structures. Many farmers depend on the crop yield from their land that is within the floodplains, and they understand the potential impact of the large storms on their crop yield in these areas.

10.E. Land Use Trends

Consistent with the relatively slow growth in the Town of Concord's population over the last 20 years, there has been little change in the overall land use pattern. A cluster of business uses and activities has remained in the hamlet and along Concord Center Drive with the exception of established home occupations that are located throughout the Town. The highest residential densities remain confined to the area near the hamlet; in the Ruders, Union Hill, and Golden Lake Park View Subdivisions in the southeastern corner of the Town; and in a mobile home park located in the southern part of the Town. The residential growth has primarily taken the form of single-family, one- or two-story houses with attached garages located throughout the Town along existing roadways. The majority of the lots for the new residential uses were created from land formerly zoned as agricultural land, following the allowable agricultural land division policies of Jefferson County.

Agricultural Trends

As noted in “Chapter 5: Agricultural Resources Element,” approximately 90 percent of the entire Town consisted of agricultural land and open land in 1996. Currently 51.2 percent of the land uses within the Town are directly related to agriculture, and 38.4 percent is open land, for a decrease of 0.4 percent or 93 acres. Despite the loss of 93 acres of farmland and open space since 1996, the core agricultural uses remain very strong in Concord.

Public, Commercial, and Residential Trends

Public and institutional uses in the Town of Concord include the old Town Hall, Community Center, Town Garage, salt shed, and the churches, parks, and cemeteries. These serve the community in a variety of ways. The old Town Hall is used by the Concord Historical Society. The Concord Community Center is the location of Town meetings and has many other community uses including rental options.

Commercial enterprises in Concord are limited, small in scale, and locally owned. As noted in “Chapter 8: Economic Development Element,” commercial and business activities consist of an inn, a general store, a tavern, automotive repair shops, towing, HVAC, and a good variety of other small-scale, locally owned operations. This is not unusual in a predominantly rural community that lacks public sewer and water. It is anticipated that future commercial development will be minimal and small in scale and will continue to be located in the hamlet adjacent to properties currently utilized for business purposes.

Concord plans to remain without public sanitary sewer service and without public water. Future changes in land use patterns will be directed by the *Town of Concord Comprehensive Land Use Plan* and the *Jefferson County Zoning Ordinance*. Under the County Zoning Ordinance, the Community District permits a mix of residential, commercial, industrial, and institutional uses and has appropriately been designated as the future land use for the hamlet. As noted in “Chapter 8: Economic Development Element,” the Town of Concord will develop a revised list of conditional uses for the Community zoning district in conjunction with the development of a land use plan for the rural hamlet area.

Much of the surrounding farmland is zoned A-1, which permits a certain number of lot splits for residential development based on prime or non-prime soils and road access. Factors such as road improvements and road extensions also affect the location of growth.

10.G. Year 2025 Population Projections and Future Land Use

Population Projections

As noted in “Chapter 1: Issues and Opportunities Element,” the population in Concord increased from 1,884 in the year 1990 to 2,023 in the year 2000. This represents an increase of 139 residents for a population growth of 7.4 percent over 10 years. Six separate population projections are identified that project population growth in the Town for the 25-year period from 2000 to 2025. These projections are summarized in Table 10-2 on the following page.

- **Projections one and two** are based on the overall expected growth of the County by the Wisconsin Department of Administration⁷ (see section F, Appendix B). These projections anticipate a population for the Town of 2,227 by 2020 and of 2,280 by 2025. This predicts a growth rate that is slower than what the Town has experienced since 1990.
- **Projections three and four** are based on projections found in the 1999 *Jefferson County Agricultural Preservation and Land Use Plan*.⁸ The County’s “mid-range projection” anticipates a population for the Town of 2,463 by 2020. The County’s “accelerated growth projection” is based on a continuation of the annual growth rate from 1990 to 1997 and anticipates a population for the Town of 2,513 by 2020.
- **Projection five** is based on the assumption that the number of lot splits in Concord will continue at the pace of eight splits per year, which has been the rate since 2000. Using this model the Town will experience an increase of 513 residents for a total population of 2,536 by 2025 assuming that a home is constructed on each of the lots and an average household size of 2.67.
- **Projection six** takes into account that the 1999 *Jefferson County Agricultural Preservation and Land Use Plan* provides for a maximum of 521 lot splits for new housing units (see section G, Appendix B). Assuming 2.67 persons per household, an exercising of all available lot splits could result in as many as 1,391 additional residents. This could increase the population from its level of 2,023 in the year 2000 to 3,414 and would irrevocably alter the rural character that residents cherish. There is no policy currently in place to either limit or regulate the pace of development on these available splits.

Table 10-2: Residential and Population Growth Projections to 2025
All calculations are based on an average household size of 2.67

	(1) WDOA population projections to 2020	(2) WDOA population projections to 2025	(3) Jefferson County mid-range projections to 2020	(4) Jefferson County accelerated projections to 2020	(5) 8 lot splits per year – projections to 2025	(6) All potential agricultural lot splits exercised by 2025
Projected population	2,227	2,280	2,463	2,513	2,536	3,414
Population increase from 2000	204	257	440	490	513	1391
Projected number of new homes	76	96	165	184	193	521
Overall % population growth	10%	13%	22%	24%	25%	69%

⁷ *Final Population Projections for Wisconsin Municipalities: 2000-2025* (Wisconsin Department of Administration, November 25, 2003).

⁸ *Jefferson County Agricultural Preservation and Land Use Plan* (Jefferson County, October 1999), p. 43.

Projected growth rate % per year	0.5%	0.5%	1.1%	1.2%	1.0%	2.8%
---	------	------	------	------	------	------

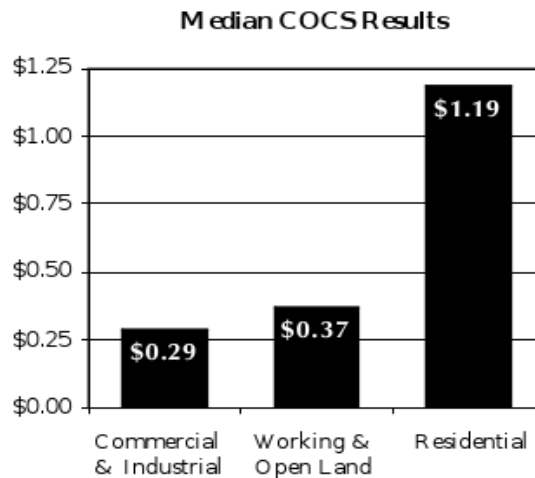
The summary of residential and population growth projections presents information for the Town to consider when implementing this Plan to achieve the goals as stated in this chapter.

Future Land Use

The Community Survey conducted in 1996 in the Town of Concord for the Jefferson 2020 Vision Plan indicated a strong preference to preserve the rural and agricultural character of the countryside. This opinion was reinforced by the 2003 survey conducted by the Town of Concord Park and Plan Commission and by citizen input elicited through the visioning sessions held in 2006.

Woodlands and wetlands form environmental corridors that also contribute to the rural character. These corridors offer many benefits for the environment and must be preserved from future development to ensure that the benefits are realized and protected in the future.

As discussed earlier in this chapter, the greatest potential impact on land use in the Town of Concord under current County Zoning would occur if all possible A-1 lot splits could be exercised and homes constructed on each of those lots. The result would be the construction of an additional 521 homes and another 1,391 persons. The cost of services for residential housing is greater than what is recovered in tax dollars. Farmland and industrial land uses pay more in taxes than the cost of their services (*see chart below*).



Median cost per dollar of revenue raised to provide public services to different land uses.

Cost of community services study

American Farmland Trust

http://www.farmlandinfo.org/documents/27757/COCS_09-2007.pdf

This cost of services for residential development, along with the strong community desire to remain rural, indicates a need to consider regulatory changes that would minimize the number of allowable lot splits in the A-1 zoning district.

