

## **General Overview**

The visual and cultural character of the Town is comprised of many interrelated factors. The nature of established land uses is one of these factors. In addition to impacting the visual character of the Town, land use patterns also affect many other aspects of residents' and nonresidents' lives. For example, the mix of land use types directly affects local property taxes. Land use densities help influence the number and type of businesses a community can support. Land use patterns also affect the cost of providing public services and the cost of housing in the Town. Land use patterns affect the way people perceive the Township. Consequently, existing and future land use patterns are a critical component of this plan.

## **Purpose of the Land Use Element**

The purpose of the Land Use element is to provide background information that can serve as a resource for future land use decisions in the Town. The chapter examines existing land use conditions including land use patterns, the presence of waste disposal sites and contaminated sites, land use conflicts and local real estate forces.

### **Basic Objectives of the Land Use Element**

## **Inventory of Current Land Use**

### **Current Land Use Pattern**

For purposes of this plan, existing land uses were grouped into nine general categories for review and analysis. The categories are:

- Environmentally Significant Open Areas
- Government use
- Commercial use
- Recreational use (golf course, etc.)
- Residential
- Natural Resource Related Activities
- Crop Production
- Livestock Related
- Extractive Mining/Quarries

Map #1 shows current land uses as of December, 2005

Table #LU-1 describes the various categories and shows the number of acres in each category and as a percent of the total area of the township.

**Table LU-1: Land Use Summary, Town of Union, 2000**

Category	Typical Uses	Acres	Percent of Total
Residential	Single, two, and multi-family housing	951.2	4.39
Retail/Commercial	Stores and businesses	70.8	0.33
Industrial/Manufacturing	Manufacturing/processing plants of all types	6.5	0.03
Government/Public Service	Municipal buildings, waste disposal,	32.7	0.15
Transportation/Utilities	Roads, railroads, utility plants, communication	290.0	1.34
Other Institutional	Hospitals, clinics, churches, nursing homes	2.4	0.01
Parks/Recreation	Golf course, parks, dedicated open space	687.3	3.17
Agriculture	Agricultural operations, forestland, other rural land	19,275.8	88.92
Extractive Mining/Quarries	Quarries, gravel and sand pits	51.9	0.24
Uncategorized		307.9	1.42
<b>Total</b>		<b>21,676.7</b>	<b>100.00</b>

Source: Rock County GIS

## Waste Disposal Sites and Contaminated Sites

Properties that have been contaminated from accidental spills, improper storage or disposal of solid and hazardous waste could have implications for the continued and/or future use of the site and for adjoining properties.

There are no contaminated sites or Leaking Underground Storage Tank (LUST) sites in the Town reported in the Wisconsin Department of Natural Resources' Bureau of Remediation and Redevelopment Tracking System (BRRTS).

There are no sites in the Town listed on the DNR's Remediation and Redevelopment sites map.

There are five known waste disposal sites in the Town according to the DNR's Bureau of Remediation and Redevelopment Registry of Waste Disposal Sites. The legal description of these sites is:

SW1/4 SW1/4 Section 14 Town 04N Range 10E  
 N SW1/2 Section 26 Town 04N Range 10E  
 NW1/4 NW1/4 Section 34 Town 04N Range 10E  
 SE1/4 SE1/4 Section 16 Town 04N Range 10E

One site does not have a legal description in the registry report.

(Source: DNR; Bureau of Remediation and Redevelopment, publication RR-108)

## Town Value and Revenue

The Town receives its operating revenue from a variety of sources. Local tax levies imposed on township residents and property owners is the primary source. Other revenue comes from the State Shared Revenue Payments and General Transportation Aids (GTA). The General Transportation Aids are provided from the state to defray a portion of the costs incurred by local communities for road construction and maintenance.

**Table LU-2: General Transportation Aids, Town of Union**

Year	General Transportation Aids	Percent Change from previous year
1999	\$79,794.32	-
2000	\$84,291.67	+5.6
2001	\$84,291.66	0
2002	\$93,180.59	+10.5
2003	\$98,495.25	+5.7
2004	\$98,458.75	-0.2
2005	\$98,039.00	-0.2

Source: Town of Union

Table LU-3 shows the shared revenue payments the Town received from 1999-2005.

**Table LU-3: Shared Revenue Payments, Town of Union**

Year	Shared Revenue	Percent Change from previous year
1999	\$49,662.18	-
2000	\$48,039.17	- 0.3
2001	\$48,415.87	+0.7
2003	\$48,900.03	+1.0
2003	\$49,389.03	+1.0
2004	\$35,693.91	-27.7
2005	\$35,720.50	+0.07

Source: Town of Union

It is significant to note the 27.7% decrease in shared revenue from 2003 to 2004. This decrease in shared revenue from the State had an impact on the tax levied to meet Town expenses. (See Table LU-4)

Table LU-4 shows the tax levy and total property taxes for the years 1999 to 2005.

**Table LU-4: Property Taxes Levied, Town of Union, 1999 - 2005**

Year	Union Property Taxes Levied	Percent of Change from Previous Year	Total Property Taxes Levied	Percent of Change from Previous Year
1999	\$66,318.93	-	\$1,734,750.71	-
2000	\$113,583.46	+71.3	\$2,163,571.89	+24.7
2001	\$77,306.43	-31.9	\$2,154,780.90	-0.4
2002	\$86,289.18	+11.5	\$2,413,945.31	+12.0
2003	\$72,105.81	-16.4	\$2,478,238.74	+2.7
2004*	\$173,656.86	+40.8	\$2,677,059.11	+8.0
2005	\$179,000.00	+3.1	\$2,713,725.64	+1.4

Source: Town of Union

\*Increase in levy due to the State cut back in Shared Revenues. (See Figure LU-3: Shared Revenue)

## Assessment of Agricultural Land

According to *Impact of Use Valuation on Agricultural Land Values and Property Taxes* published by the Department of Revenue, the law governing the assessment of agricultural land in Wisconsin was changed in 1995 from a standard based on the full market value of the land to a standard based on use value. Under use value, valuations are based on the income that can be generated from the land's rental for agricultural use. (From 1848 until 1974, the Wisconsin Constitution required that all property be taxed uniformly. The constitution was amended in 1974 to permit preferential treatment of agricultural and undeveloped land. However, it was not until 1995 that legislation was enacted to provide such a preferential treatment of agricultural land. Prior to that time, agricultural land, like all other taxable property, was assessed at full market value.)

The implementation of use valuation was to have been done in phases until 2007. However, in October, 1999, the Farmland Advisory Council recommended discontinuation of the phase-in in favor of immediate implementation of full use valuation. The change to full use value has had significant impact on the value of agricultural land. For instance, the Department of Revenue has concluded that:

The value of agricultural land for tax purposes fell relative to its market value by an average of 40% during the 1998-99 phase-in period and by an average of 75% under full use value.

The decline in property taxes on agricultural land mirrored the decline in value. However, when property taxes on agricultural improvements are included, total property taxes on agricultural land and improvements fell 12.5% during the first year of full implementation of use value.

Use valuation has resulted in a significant reduction in property taxes on agricultural land. In 2000, the first year of full use value, agricultural land was valued at less than a third of its market value. Property taxes on agricultural land fell 60% in the first year of full use.

Under full use value, the total property tax per acre statewide has averaged \$18.53 compared to \$31.27 under a market-based valuation.

The shift within the agricultural sector (from agricultural land to agricultural improvements) was greatest in municipalities that were predominately agricultural. (i.e., had 25% or more of their equalized values in agricultural land and improvements.) In these municipalities, total 2000/2001 agricultural property taxes under use valuation were 24% below what they would have been under market valuation.

## Equalized Value for Land

The equalized value of land in the Town is shown in Table LU-5.

**Table LU-5: Equalized Value, Town of Union, 2000 - 2005**

Equalized Value	2000	2001	2002	2003	2004	2005
Residential Land	\$13,069,800	\$13,823,400	\$15,361,900	\$16,857,100	\$18,272,000	\$22,283,500
Residential Improvements	\$56,581,700	\$61,176,200	\$69,765,200	\$73,222,600	\$75,848,300	\$85,505,200
Commercial Land	\$1,022,300	\$1,032,300	\$1,032,300	\$1,462,300	\$1,524,600	\$1,531,800
Commercial Improvements	\$3,996,900	\$4,132,400	\$5,365,200	\$11,720,700	\$8,754,500	\$8,941,800
Manufacturing Land	\$0	\$0	\$0	\$0	\$0	\$0
Manufacturing Improvements	\$0	\$0	\$0	\$0	\$0	\$0
Agricultural Land	\$9,648,500	\$9,636,900	\$5,478,500	\$3,974,900	\$3,674,600	\$3,798,500
Undeveloped Land					\$3,819,600	\$1,967,900
Swamp/Waste Land	\$2,407,700	\$2,289,200	\$564,100	\$562,900		
Agricultural Forest Land					\$0	\$0
Other Forest Land	\$445,000	\$433,000	\$634,500	\$597,000	\$792,200	\$896,000
Other Land	\$1,606,000	\$1,704,000	\$3,372,000	\$3,168,700	\$3,110,000	\$3,315,000
Other Improvements	\$11,390,600	\$11,842,500	\$9,119,800	\$9,320,900	\$9,545,800	\$10,660,300
Watercraft & Boats	\$0	\$0	\$0	\$0	\$0	\$0
Mach., Tools & Patterns	\$424,100	\$466,100	\$877,100	\$433,100	\$655,100	\$636,000
Furn., Fixtr., & Equip.	\$100,500	\$111,100	\$675,900	\$108,500	\$280,600	\$511,100
Other Property	\$132,500	\$146,500	\$276,300	\$332,300	\$131,300	\$133,200
<b>TOTAL</b>	<b>\$100,825,600</b>	<b>\$106,793,600</b>	<b>\$112,522,800</b>	<b>\$121,761,000</b>	<b>\$126,408,600</b>	<b>\$140,180,300</b>

Source: Rock County

## Relationship to Equalized Value

Equalized value is the state's standard measure of the taxable value of property in a jurisdiction. Generally, the higher a jurisdiction's equalized value is relative to its population, the greater is its ability to pay for services with property taxes. (Source: Wisconsin Department of Revenue) The significance of the changes in per unit equalized value is that values of different land uses changed at different rates, thus changing the portion of the tax levy that is paid by each type of land use. For instance, if all land use classifications decreased in value at the same rate, the portion of taxes paid per residential unit or per acre would be the same. However, as values of one land use change at a different rate than other land uses, the proportion of the tax levy paid by each land use changes. The percentage of the Town's total equalized value derived from residential uses (residential land and residential improvements) increased from 69.1 percent in 2000 to 76.9 percent in 2005. The total equalized value in agricultural land decreased from 9.6 percent in 2000 to 2.7 percent in 2005. A small portion of this decrease can be attributed to the decrease in agriculture acreage. The change instead is a result of the change from full market value to use value. Commercial land and commercial improvements showed a slight increase from 5.0 percent in 2000 to 7.5 percent in 2005.

## Existing and Potential Land Use Conflicts

The most significant land use conflicts arise from:

Respecting the wishes of residents who want the growth rate to remain the same or decrease.

Respecting the right of the individual property owner to sell their land

Dealing with the market pressures and desire of new people to move in to the township.

Helping new residents understand the agricultural base and culture of the Town.

Protecting the rural character of the Town.

Finding a balance to these potential conflicts has been the challenge for the Union Smart Growth Committee. The Goals, Objectives and Actions in each element reflect the careful deliberations of the Committee as it considered potential conflicts.

## Land Development Trends

The demand for land in the township increased dramatically during the period of 1990 – 1999. The average annual rate of growth during this period was 6%. During this time, a total of 269 new houses were built, the highest for any ten-year period. The average annual rate of growth for the five-year period of 2000- 2005 is 3.3% with 117 new housing units built. (See Table H-1 in *Housing Chapter*) The demand for more housing units continues to grow with the growth of neighboring municipalities. In August, 2004, the Town Board approved a moratorium temporarily prohibiting the division and subdivision of land within the Town in order to study the growth demands and revise its *Comprehensive Plan*.

## Land Market Trends

The Wisconsin Department of Revenue reported a 25.4 percent increase in the full value of general property in the Town, from 2000 to 2004. Residential lots in the Town were reportedly selling for a minimum average of \$23,671 per acre during the period of 2001 – 2005.

**Table LU-6: Full Value of General Property**

Year	Population	Percent of Change from Previous Year	Full Value	Percent of Change from Previous Year
2000	1,785	-	\$100,825,600	-
2001	1,878	+5.2	\$106,793,600	+5.9
2002	1,911	+1.8	\$112,522,800	+5.4
2003	1,940	+1.5	\$121,761,000	+8.2
2004	1,976	+1.8	\$126,408,600	+3.8

Source: Wisconsin Department of Revenue

## Market Prices

Market prices for land continue to increase. Table LU-7 shows average sale prices per acre and average total sales price for properties in the Town as listed in the Multiple Listing Service records.

**Table LU-7: Average Sales Prices, Town of Union**

Property Type	Avg. Sales Price per Acre	1990-2000	2001-2005	
		Avg. Total Sales Price	Avg. Sales Price per Acre	Avg. Total Sales Price
Farms (15+ acres)	none listed in MLS	None listed in MLS	\$7,366	\$496,333
Farmettes (<15 acres)	\$22,228	\$120,812	\$32,931	\$231,923
Lots/Acreage	\$14,268	\$48,031	\$23,671	\$64,541

Source: Multiple Listing Service

## Future Land Use

### Growth and Land Development

The costs and benefits of development is a hotly debated topic in most municipalities. One of the primary issues concerning growth is the impact growth has on the amount of taxes paid by existing residents. The most measurable impact growth has on tax levels is the effect it has on the value of the tax base. The other aspect of growth that has a significant influence on taxes is the cost of providing services. The cost of providing services however can be more difficult to measure. A basic review of Union's budget will provide some insight into how growth impacts the costs of providing services

**Table LU-8: Total Tax Collection and Town of Union Budget, 2000 - 2004**

Year	Population	Total Property Tax Collection	Town of Union Portion	Union Tax Levy
IncomeExpendituresIncomeExpenditures2000				
1,860	\$1,749,211.19	\$1,632,995.97	\$200,179.67	\$301,309.60
2001	1,878	\$2,044,504.25	\$1,946,901.39	\$192,659.67
2002	1,911	\$2,126,380.60	\$1,983,548.88	\$219,247.90
2003	1,940	\$2,000,564.79	\$1,951,011.85	\$194,634.00
2004	1,976	\$2,114,118.63	\$2,077,573.53	\$188,673.95
2005	2,006	\$2,477,888.91	\$2,352,653.68	\$190,158.76
				\$363,815.62
				\$173,656.86

Source: Town of Union

Note: The figures representing Total Property Tax Collection— income and expenditures— include all tax revenue and expenditures (i.e. state taxes, school districts, technical colleges, Town taxes, etc.). The Town Portion shows the income derived from outside sources and the expenditures required by the Town. The Union Tax Levy is the difference between expenditures and outside income that must be raised through the Levy.

### Projections of Population and Households

In planning for future growth and related land use, the Smart Growth Committee based its Goals and Objectives in this section in part on population projections for the Wisconsin Department of Administration. (See Table LU-9: Population Projections)

**Table LU-9: Population Projections**

Year	Population Forecast	Increase over Previous Period	Percent Change from Previous Period
2005	2,006	-	-
	2,006		
	2006		
2010	2,149	143	+7.1
2015	2,295	146	+6.8
2020	2,439	144	+6.3
2025	2,584	145	+5.9

Source: Wisconsin Department of Administration

Considering these population projections and the number of houses built during 1995 – 2004, it is estimated that the demand for new housing will average 25 new houses per year or 500 houses over a 20-year period. (See Table H-1: Age of Housing)

### Projections for Acreage Requirements

The acreage projection for additional new housing is tied to the Town's population forecasts, household size and number of houses built during 1995-2004. (See *Issues and Opportunities and Housing in this document*)

Based upon a projected need of an additional 500 homes over a 20-year period, it is estimated approximately 1,688 acres will be needed to meet the demand for housing.

### Methodology for Calculating Acreage Projections:

The methodology used to calculate the amount of acreage needed for future housing needs is based upon the following factors:

The average lot size in 1.5 acres.

It is anticipated that 500 homes will be needed to meet the population projections and housing demand. Add 20% to allow for lots not developed.

Multiplying 1.5 acres by 600 sites equals 900 acres.

Add 25% for roads, public ways and drainage. (This could be increased to 30% if 5% is needed for parks.) This increases the total acreage to 1,125 acres.

When mapping acres for development, allow for the unknown factor of the number of current owners willing to sell. Add 50% to account for this uncertainty. This increases the total acreage needed to 1,688 acres.

**Table LU-10: Future Land Use Demand: 2005 to 2024**

Type of Unit	2005	2010	2015	2020	2025	Total
Population	2,006	2,149	2,295	2,439	2,584	
WisDOA Incremental Population Increase*	-	143	146	144	144	577
Total Population*		2,292	2,441	2,583	2,728	
USGC Population Projections Increase**		312	312	312	312	1,248



USGC Total Population Projections		2,604	2,753	2,895	3,040	
Persons per Household		2.5	2.5	2.5	2.5	
New Housing Units***		125	125	125	125	500
New Residential Land Use Area (acres)	0	422	422	422	422	1,688
New Commercial Land Use Area (acres)	0	20	20	20	20	80

\*Source: Department of Administration Population Projections

\*\*Union Smart Growth Committee projections based on historical data of new housing. See Table H-2.

\*\*\*Based on methodology described above Table LU-10.

Note: A moratorium temporarily prohibiting the division and subdivision of land within the Town was in effect.

## Development Factors

A number of factors impact the development of land. Factors that the Committee considered in drafting this *Comprehensive Plan* include:

- Environmentally Significant Areas
- Groundwater
- Age/Condition of Housing Stock
- Proximity to significantly developed areas and municipalities
- Brownfield sites
- Infrastructure capacity
- Agricultural preservation
- Land Use Conflicts
- Cultural Resources
- Archeological Resources
- Historic Resources
- Land Use Patterns
- Existing Commercial Centers
- Traffic Patterns
- Transportation Corridors
- Geologic formations

One of the major factors that impacts development is the physical features of the land itself. (See “Agriculture, Natural, and Cultural Resources Element, Physical Features” of this document)

Physical features greatly impact the potential for both agricultural production and development. For example, some soils are excellent media for crop production, building construction and private sewage systems. Whereas, other soils are unsuitable because of steep slopes, high ground water table shallow depth of bedrock, and wet soil conditions. Decisions pertaining to the optimum use of land must consider these characteristics.

Based on Map #16: Environmentally Significant Areas and Map #21: Physical Features the potential development factors of each area are:

Area 1: Development in much of the area is restricted by wet soils having septic system and engineering limitations

Area 2: Although the soils in this area are not the most productive in the township, the area divides the two largest areas of prime agricultural soils and therefore is restricted from development due to its location in a primarily agricultural area.

Area 3: The high quality of the land for agricultural and the distance the area is away from other developed areas limits that area's suitability for development.

Area 4: The area is bisected by USH-14. There are several pockets of residential development in the area. Although this area is not near the City of Evansville, it is suitable for limited residential development because of good access, existing development, and the soil conditions.

Area 5: This area is very diverse. Some of the soils are highly erodible which require special conservation practices and are therefore more costly to farm. There is a band of very poorly drained soils which are within a floodplain and are severely restricted from development. The core of this area is generally good farm land having an agricultural capability Unit II rating.

Area 6: This area's most dominant feature is its prime agricultural soils. Accessibility is good as USH-59 and USH-14 traverse the area. The area immediately around Union has development potential because it is an existing development node. The balance of the area is best used for agricultural production because of the high quality of soils for production.

Area 7: This area is mottled with highly erodible soils and prime agricultural soils. Spring Creek bisects the area and is surrounded by very poorly drained soils. Development in the Spring Creek area is restricted due to septic system and engineering limitations as well as its inclusion in the floodplain.

Area 8: This area is comprised of almost all highly erodible soils. There are areas having greater than 20% slopes. This area has experienced a considerable amount of development including the golf course. Due to the area's close proximity to the City of Evansville and USH-14, the condition of the soil, and the amount of development that has taken place in the area, this area has further development potential. However, given the erodibility of the soil, special conservation measures should be implemented during construction.

Area 9: This area is primarily flat, prime agricultural soils. Most of the soils are agricultural capability Unit II. A portion of the area is poorly drained and restricted from development. Due to the high quality of the soils for agricultural production, this area should be used for agricultural production.

Area 10: Much of the land is included in the DNR's Allen's Creek Wildlife Area. Development is severely restricted by floodplain and septic system and engineering restrictions.

Area 11: The very southern portion of this area has had some rural residential development near the City of Evansville. Due to the high quality of the soils for agricultural production and the size of the area with little existing development that will decrease the ability of farmers to be productive, this area should be used for agricultural production. The southern portion of this area that has residential development and is immediately adjacent to the City of Evansville should be filled in with additional development

Area 12: The majority of the soils in this area are highly erosive which requires special soil

conservation practices. Most of the area also has shallow bedrock which makes it unsuitable for on-site septic systems. There are some slopes in excess of 20% where septic systems may be impossible.

Area 13: Area 13 is the urban service area for the City of Evansville. The land inside of the urban service area is expected to eventually be served by public services. Therefore, development in the township which occurs within this area prior to annexation into the City of Evansville must be designed considering the City's land development standards. This will ensure cost effective public services can be provided to this area in the future.

### **Extraterritorial Jurisdiction Area**

The City of Evansville and the Village of Brooklyn have some authority over land use in the 1.5 miles extraterritorial jurisdiction area.

### **The Logic of Land Use Utilized by the Smart Growth Committee**

The Smart Growth Committee began its process of determining land use by examining the physical features of the Town. In keeping with the directive of the survey to maintain the rural character of the Town, the Committee identified those areas of the Town with the best soil capabilities that formed coherent areas and designated those areas as Agricultural Preservation Zones. In order to preserve the agricultural economy of the Town, development would be severely restricted in those areas. An area of the Town in the southwest corner (corresponding to Area 12 in the *1993 Comprehensive Plan*) is designated as a Conservation Zone. This area is considered suitable for smaller farms that would engage in a variety of agricultural practices. Because of the recognized scenic value of this area, care should be taken in siting buildings so that these scenic values are maintained.

A second principle followed by the Committee was to reduce sprawl by locating future residential development adjacent to existing development. Areas closest to existing development are designated as Targeted Short-term (within ten year) Residential Development areas; areas further from existing development are to be considered for later development and are designated as Targeted Long-term (within twenty years) Residential Development areas.

Given the large numbers of Union residents that drive to work in Madison, Dane County, and Janesville, proposed locations for future housing were placed with transportation routes in mind.

Land adjacent to USH 14 was identified for future commercial development, using reverse frontage roads to minimize the number of properties requiring access to USH 14.

### **Areas Identified for Future Development**

Map #19: Future Land Use shows the areas identified for future growth and development. The areas are designated as:

- Targeted short-term residential area
- Targeted long-term residential area
- Future commercial areas

## Alternative Development Concepts

In order to balance the potential land use conflicts and to retain the rural character of the Town, the Smart Growth Committee recommends the use of alternative development concepts. This approach enables land owners to benefit from the sale of the asset of their land while also achieving the goals of this *Comprehensive Plan*.

Alternate land use concepts could include:

- Conservation Subdivisions
- Cluster subdivisions
- Purchase of development rights (PDRs)
- Transfer of development rights (TDRs)
- Planned Unit Development (PUD)
- Conservation Easements

### Conservation Subdivisions

Conservation subdivisions can occur in a variety of settings, including urban areas, as a transition area between rural and urban areas or in rural settings. Conservation subdivisions are defined as “a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained the greatest extent possible.”

Conservation subdivisions allow for an adjustment in the location of residential dwelling units on a parcel of land so long as the total number of dwelling units does not exceed the number of units otherwise permitted in the zoning district. The dwelling units are grouped or “clustered” on only a portion of the parcel. The remainder of the site is preserved as open space by reducing the individual lot sizes. The open space is permanently protected and held in common ownership. Conservation subdivisions are an alternative approach to the conventional lot-by-lot division of land.

*Source: UW Extension, “Ordinance for a Conservation Subdivision”*

#### **Figure LU-1: Conservation Subdivision Design**

**Cluster Subdivisions** – Cluster developments recognize that all areas are not equal in terms of development potential. Rather than subdividing land into uniform lots, cluster developments provide the flexibility to plan around distinctive site features or constraints. Houses are grouped on a limited portion of the site.

**Purchase of Development Rights** – A popular tool for protecting farmland and other resources from development. Under a Purchase of Development Rights (PDR) program, a landowner voluntarily sells the development rights of a parcel of land to a public agency or to a charitable organization such as a local land trust, local unit of government or state government. Development rights are comparable to other rights that come with a parcel of land such as mineral rights, water rights or logging rights. When a landowner sells the development rights, the right to develop or subdivide that parcel of land is permanently relinquished. However, the landowner still retains all other rights and responsibility associated with that land,

i.e. the right to farm, to post it as private property, as well as paying property taxes. The landowner is compensated for the value of the development rights to the property. (Source: *Gathering Waters Conservancy*)

**Transfer of Development Rights** - Allows landowners in areas planned for preservation (e.g. farmland, conservation areas, natural areas, open space, etc.) to sell development rights to land owners in planned growth areas. TDR programs allow landowners to transfer the right to develop one parcel of land to another parcel of land. (See Appendix A)

**Planned Unit Development** - Planned unit development (PUD) is both a type of development and a regulatory process. A PUD is planned and built as a unit within which a variety of compatible land uses may be developed at varying densities and subject to more flexible setback, design and open space requirements than afforded by traditional zoning. Flexibility in site design allows PUD building to be clustered, which can bring about savings in energy, service costs for the municipality, and construction costs to the homeowner. (Source: *"Guide to Community Planning in Wisconsin," Brian W. Ohm, Department of Urban and Regional Planning, UW-Madison Extension*)

## **Conservation Options for Landowners**

### **Land Trusts**

Land Trusts are an option for landowners who want to preserve land and water resources. A variety of voluntary conservation options exist. The flowchart shows the options that a landowner can consider.

**Figure LU-2:**

#### **Landowner Conservation Options**

Land trusts can include options such as:

- SHAPE \\* MERGEFORMAT
- Conservation easement
- Donation of land
- Bargain sale
- Bequest
- Land sale
- Registry

See Appendix B for detailed information on these options.

### **Conservation Easements**

A conservation easement is a legal agreement between a landowner and a land trust or government agency that permanently limits the uses of the land in order to protect its conservation values. Conservation easements offer great flexibility. They allow a landowner to continue to own and use the land and to sell it or pass it on to heirs, while protecting the importance of the natural features the land.

When a landowner donates a conservation easement to a land trust, the landowner gives up some of the rights associated with the land. (For example, giving up the right to build additional structures) while retaining the right to grow crops. Future owner also will be bound by all of the terms of the easement. The land trust is

responsible for enforcing the terms of the agreement with current and future landowners.

### **Donation**

This option is best if a landowner does not want to leave the land to heirs or no longer has use for the land. It is possible to donate the property and retain the right to live on it and use the property during the landowner's lifetime.

### **Bargain Sale**

This option allows the landowner to sell the land to a land trust at a price below what you could receive on the open market. The difference between the "fair market value" and the actual sale price is considered a donation to the land trust and is potentially tax deductible.

### **Land Sale**

This option provides the landowner financial compensation for protecting the land. While most land trusts have limited funding for purchases, it may be possible for them to fundraise in order to purchase an important piece of land.

### **Registry**

Landowners interested in protecting the natural values of their land, but not yet ready to permanently protect it, can register their land with a land trust. This indicates the desire to protect the natural features. The landowner agrees to notify the land trust prior to a sale or transfer of property.

## **Goals, Objectives, Actions**

**Goal:** To preserve the rural character of the township while providing for orderly, balanced residential and commercial development

**Objective:** To create a plan for land use that will guide the Plan Commission, the Town Board, residents and others in making land use decisions.

**Action:** Construct a Future Land Use map to identify areas for residential development, for commercial development, and for preservation.

**Objective:** To develop an objective scoring mechanism and site assessment checklist that will assist Plan Commission and the Town Board in making Land Use decisions.

**Action:** Create a Site Assessment Checklist to identify features of proposed building sites that require attention.

**Action:** Create a Land Use Scoring Sheet for the evaluation of building sites. The Scoring Sheet should support the land use concepts in this plan and should serve as a tool

for landowners and for the Plan Commission.

**Objective:** To encourage the use of alternative development concepts to preserve the rural character of the township.

**Action:** Establish a Task Force to investigate the Purchase of Development Rights (“PDR”) program to preserve environmental, archeological, scenic, and historic resources, as well as open space.

### **Coordination with Other Comprehensive Plan Elements**

Land Use is greatly impacted by all of the other elements addressed in this Comprehensive Land Use Plan. In fact, the development of the Land Use plan is the result of considering and planning for other elements. For example, deciding which land is more suitable for housing is largely determined by such factors as Transportation and Natural Resources. Land is designated for Economic Development based largely on Utilities and Transportation.

Agriculture's centrality in the Town's economy drives the decision to identify Agricultural Preservation Zones to limit development in those areas. Because of such impacts, it is important that these elements are consistent in their approach and support one another

### **Related Maps**

Map #19: Future Land Use

Map #20: Extraterritorial Jurisdiction

Map #21: Physical Features

The designation of these areas and the basis for these descriptions come from the Town's 1993 *Comprehensive Plan*. The 2006 Future Land Use plan is largely consistent with these descriptions since the soil characteristics are still accurate. Improvements in septic system technology may open additional areas to development.

Town of Union Comprehensive Land Use Plan

Land Use

*Town of Union Comprehensive Plan*

*Land Use*

*Town of Union Comprehensive Plan*

*Adopted: October 5, 2006*

Land Use 1 of 15

:

Landowner Conservation Options

Charitable Trust

Request in Will

Conservation or Management Lease

Right of 1<sup>st</sup> Refusal

Option to Buy Ownership

Leave  
Blank

Restrictive Covenants

Retain Life Estate

Registry

- To identify changes, if any, in the municipal boundary due to annexation or detachment
- To prepare an inventory of existing land uses
- To identify if there are any places that have been used to dispose of wastes or that have been contaminated with an environmental pollutant
- To assess local real estate forces
- To project how much land will be needed to accommodate anticipated growth over the next 20 years
- To prepare a future land use map based on these projections and on information contained in the other elements
- Develop goals, objectives and action steps that will accommodate the needs of current and future residents

## **SURVEY RESULT**

- 41% of households want slow growth
- 23% of households want moderate growth.
- 2% of households want fast growth
- 12% of households want no growth



23% of households believe the Town should neither encourage nor discourage growth, but should let the market determine growth.

Donation or Sale with Restrictions

Unrestricted Donation or Sale

Conservation Easement

Later

Now

Revocable (Temporary) Restriction

Irrevocable (Permanent) Restriction

Retain Land Ownership

Transfer Land Ownership