

Land Use

Land Use is the defining element of a comprehensive plan. Its main purpose is to provide a framework for decision makers to guide growth and development. Wisconsin’s Comprehensive Planning Law requires that land use decisions reached via a zoning ordinance, subdivision ordinance, or official map be consistent with the comprehensive plan (Chapter 66.1001(3), Wis. Stats.). Implementation of the comprehensive plan will result from the incremental decisions made by elected and appointed officials during the review and approval of zoning changes, certified survey maps, subdivision plats, site plans, and the like. It will guide the Town Board, Plan Commission, property owners, and developers through the development process. Successful implementation will require a sustained effort by the public and private sectors to utilize this chapter, and the Future Land Use map contained within it, as the essential decision-making guide for land use in the Town of Lincoln.

Land Use Vision

To encourage well-planned development designed in harmony with the natural landscape so as to ensure a safe, beautiful, and thriving community for future generations.

Inventory of Current Land Uses

The land use categories and acreages presented in Table 9 result from the Current Land Use map appearing on the following page. The map was developed utilizing GIS data provided by Kewaunee County, Bay Lakes Regional Plan Commission, and WisDOT. The purpose of the map is to provide a ‘snap shot’ of the Town as it exists today.

Category	Total Acreage	Percent of Total Acreage
Agricultural of all uses	14883.21	65.05%
Commercial	6.03	0.03%
Communications & Utilities	28.44	0.12%
Governmental & Institutional	10.07	0.04%
Industrial	1.48	0.01%
Outdoor Recreation	18.03	0.08%
Residential	367.63	1.61%
Transportation	222.98	0.97%
Natural Areas	7340.85	32.09%
Total	22878.22	100.00%

Source: Town of Lincoln Current Land Use map.

Primary Land Use Tools

Zoning Ordinance

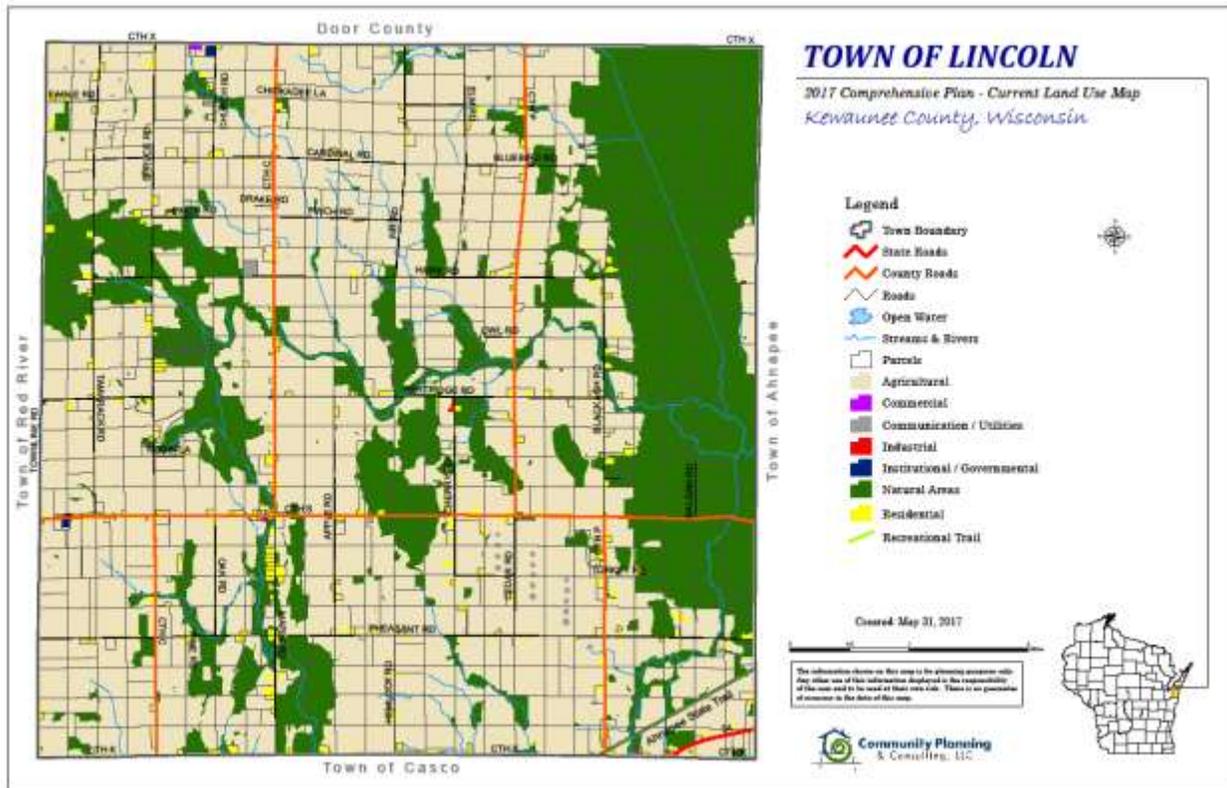
The purpose of a zoning ordinance is to identify the permitted and conditional uses allowed on parcel of land within designated zoning districts. Zoning ordinances may also regulate lot size, road frontage, density, and the location, height, and size of structures, among others. The Town of Lincoln administers and enforces its own zoning ordinance.

Subdivision Ordinance

Unlike zoning, which regulates the use of land, subdivision regulations govern the manner in which land transitions from one use to another (typically from agricultural or open space to residential). A

subdivision ordinance provides the procedures and standards for dividing a large parcel into smaller parcels for sale or development. Subdivision regulations require that developers meet certain conditions in order to record a certified survey map or plat. They provide an effective tool through which local government can implement a comprehensive plan. Subdivision regulations in Lincoln are currently administered and enforced by Kewaunee County.

Town of Lincoln Current Land Use Map



Community Design Considerations

Community design is an important component of planning and plays a significant role in determining quality of life in a community. Elements of community design may include the culture and history of a community along with architectural standards, open space and natural resource protection, transportation and access, and recreation, among others. Ordinances provide the primary means by which local governments implement community design requirements.

Property Rights

The issue of private property rights versus community need underlies every comprehensive planning effort. Property rights are ingrained in American jurisprudence. Those rights have been

respected, to the greatest extent feasible, throughout the planning effort. This chapter describes and illustrates proposed development patterns for the Town of Lincoln. It will be used by local officials, landowners, and developers (among others) to make informed land use and development decisions. Should a landowner disagree with the Future Land Use map, or any other aspect of this plan, he/she has the right to petition the Town Board for an amendment to the document. All amendments will occur through a public process, defined by state law, and will include a public hearing. The process of amending the comprehensive plan is described in the Implementation section beginning in Chapter 6.

Community Character

Character is defined differently for each community but includes a blend of natural, built, visual, and cultural characteristics. It represents the sum of the attributes and assets that make a community unique, and that establish a sense of place for its residents. For the Town of Lincoln, community character means country living and the land uses typical of a rural community: low impact agriculture, open space, and natural resources, with limited development.

There are increasing concerns among citizens regarding the impact that the changing face of agricultural operations are having on their quality of life. One only needs to read the frequent news reports to realize the costs, both economic and social, of these operations are very much paid by the community. As such, all future land use planning must take into account those concerns to protect taxpayers' property rights, surface and ground water quality and quantity, and traffic safety, and to minimize noise, air, and light pollution.

Statement provided by El-Na Farms regarding Community Character

The strewed misconceptions of agricultural operations have become an increasing concern among many farmers in the Town of Lincoln. The “frequent” news reports mentioned above neglect to highlight the economic and social costs that farmers are facing as well. Rather than working towards improving and refining current agricultural practices, farmers are forced to spend their time confronting and defending themselves against such increasingly common accusations and negative connotations. Just as other town residents, farmers face safety and property rights issues. We, too, are equally concerned about ground water quality and are currently working to improve such matters, starting with the formation of Peninsula Pride. We, as farmers, acknowledge the concerns of the citizens of Lincoln; however, we then, as a community, need to work *together* to maintain each individual’s quality of living. Rather than remain distracted by this ongoing dispute, we need to share suggestions, come up with agreeable solutions, and work towards a commonality.

Recreational Opportunities

Hunting is the primary, but not only, recreational opportunity in Lincoln Township. Due to the availability of private wood lots throughout the township and the Black Ash Swamp, Wisconsin's largest hardwood swamp, located on the eastern edge of the township, deer and turkey are the primary, and abundant, targets. Small game (rabbit, squirrel, pheasant and partridge) hunters report decreasing numbers due in part to the removal of tree lines which small game call home. Raccoon is both hunted and trapped.

In the winter, private landowners have made acreage available to the Friends of The Ahnapee who manage groomed snowmobile trails across the township. The trails connect with the Ahnapee State Trail, in the Southeast corner of the township, which is a primary throughway which attracts and connects snow sport enthusiasts from and to both Brown and Door County. The Ahnapee Trail is also used by cross country skiing and snowshoe enthusiasts.



As the snow disappears, cyclists, hikers, runners and birders also use the Ahnapee Trail as well as the many beautiful and quiet town roads and riparian areas.

Historically, the Town's creeks have been home to suckers, brook trout and pickerel although their number have dwindled in the last couple of decades. However, the removal of the Bruemmerville Dam in 2012 has resulted in the migration of spawning salmon up Silver Creek, attracting anglers in search of the late season fish. Water levels in the fall of 2013 brought a large number of the large fish as far upstream as County P. The resulting and increasing number of fingerlings has also caught the attention of the bald eagles who are now found throughout the year searching the town's open waters for prey as well as carrion in the fields.



Birding is also a growing recreational opportunity in the township. Besides the bald eagles, bob-o-links are returning to some of the areas where residents have installed native prairies and suitable habitats. The Northern harrier and the snowy owl are winter residents.

Notable by their absence, are recreational opportunities for children. There are no playgrounds, no ball or soccer fields in the town.

Environmental Corridors

Environmental corridors (also known as “green infrastructure”) refer to an interconnected green space network of natural areas and features, public lands, and other open spaces that provide natural resource value.

Environmental corridor planning is a process that promotes a systematic and strategic approach to land conservation and encourages land-use planning and practices that are good for both nature and people. It provides a framework to guide future growth, land development, and land conservation decisions that accommodate population growth and protect community and natural resources assets.

Benefits of Protecting Environmental Corridors

Ecological

- Protects and enhances the quality of waterways and riparian areas
- Recharges groundwater aquifers
- Filters pollutants from air, water, and soil
- Provides connections to maintain biodiversity
- Maintains cool water streams through shading
- Reduces greenhouse emissions and concentrations through carbon storage and sequestration, thereby limiting the effects of climate change
- Buffers developed areas from floodwaters, saving lives and property



Economic

- Provides improved quality of life, which encourages corporate relocation to an area
- Increases tourism and new business generation, such as bed and breakfasts, rental facilities, restaurants, and art galleries
- Increases property values and overall community revenue because properties near and adjacent to environmental corridors often increase in value
- Attracts environmentally sensitive development, and businesses, which has great appeal for many homeowners

Social

- Expands recreational opportunities
- Improves human health and helps ease mental fatigue
- Enhances local residents' sense of connection with nature and to each other
- Provides access to large green spaces for urban residents and visitors

Environmental corridors have been defined for all counties within the Bay-Lake region for use in local planning efforts.¹

The *Coastal Resource Identification for Kewaunee County Using Environmental Corridors* report (2001, Bay-Lake Regional Planning Commission) defines the environmental corridors of Kewaunee County with the original standard Bay-Lake Regional Planning Commission definition. Features of the Kewaunee County environmental corridors include:

- Wetlands with 25-foot buffer
- Navigable waters with 75-foot setback
- 100-year floodplains
- Areas of steep slope (12 percent or greater)

Other features that are part of the Kewaunee County environmental corridor definition include:

- Designated Scientific and Natural Areas
- Unique and isolated woodland areas
- Scenic viewsheds
- Historic and archaeological sites
- Unique geology
- Wetland mitigation sites
- Unique wildlife habitats
- Parks and recreations areas
- Other locally identified features



Although this definition of environmental corridors was never officially adopted by Kewaunee County, it has been widely used by local communities in their planning processes.²

¹ From *Environmental Corridors—Kewaunee County*, Bay Lakes Regional Plan Commission

² Bay-Lake Regional Planning Commission, *Environmental Corridors of the Bay-Lake Region*, June 2012, Pages 11-14.

Unabated pollution of the waters of this state continues to arouse widespread public concern. It continues to endanger public health; to threaten fish and aquatic life, scenic and ecological values; and to limit the domestic, municipal, recreational, industrial, agricultural and other uses of water. It is the policy of this state to restore and maintain the chemical, physical, and biological integrity of its waters to protect public health, safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial, agricultural, and other uses of water.

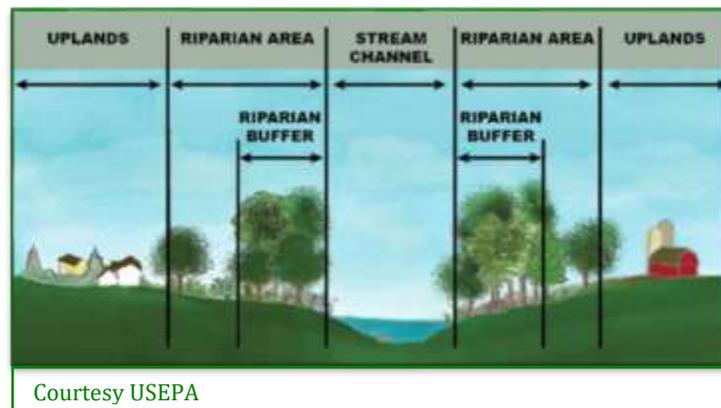
Wisconsin State Statutes Chapter 283.001(1)

Riparian Buffers³

Riparian buffers are zones adjacent to water bodies such as lakes, rivers, and wetlands that protect water quality and wildlife, including both aquatic and terrestrial habitat. These zones minimize the impacts of human activities on the landscape and contribute to recreation, aesthetics, and quality of life.

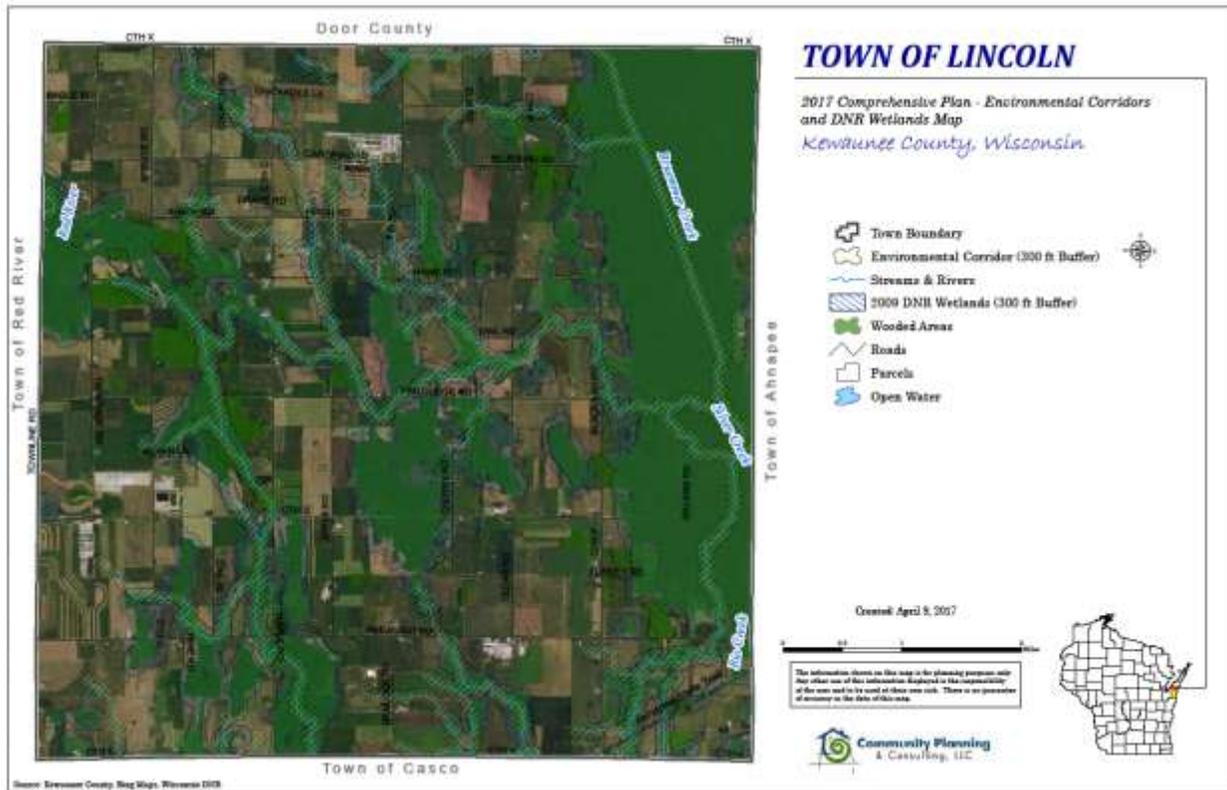
Buffers can include a range of complex vegetation structure, soils, food sources, cover, and water features that offer a variety of habitats contributing to diversity and abundance of wildlife such as mammals, frogs, amphibians, insects, and birds. Buffers can consist of a variety of canopy layers and cover types including: ephemeral (temporary-wet for only part of year) wetlands, ponds, and spring pools; shallow and deep marshes; wetland meadows; wetland mixed forests; grasslands; forests; and prairies. Riparian zones are areas of transition between aquatic and terrestrial ecosystems that provide numerous benefits to wildlife and people including pollution reduction and recreation. **Riparian buffers are widely considered to be the single most effective protection for surface water resources.**

Based on what is understood and accepted knowledge about environmental corridors and riparian buffers, Lincoln Township is adopting the following Environmental Corridors and DNR Wetlands map with riparian buffers delineated.



³ Excerpted from Managing the Water's Edge: Making Natural Connections, USEPA.

Town of Lincoln Environmental Corridors and DNR Wetlands Map



Groundwater Protection Necessitates Demarcation of Sensitive Areas

While it is probably not appropriate to expect zero nitrates or bacteria contamination in the groundwater, it is possible to work towards reducing the frequency and extent of nitrate and bacteria contamination.⁴ At the December 15, 2015 WDNR Sensitive Areas and Management Practices Workgroup meeting, Kevin Masarik, UW-Stevens Point Groundwater Education Specialist at the Center for Watershed Science and Education, stated that “spreading liquid manure on less than 36 inches of soil is probably a bad idea.” Russell Rasmussen, WDNR Water Division Administrator, concurred and added that “beyond 36 inches, soil can attenuate pathogens.”

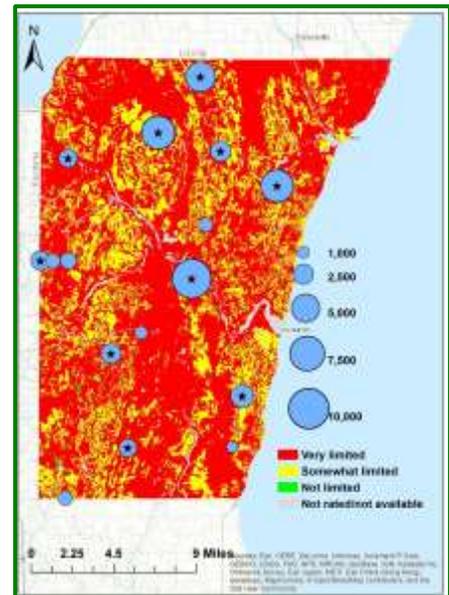
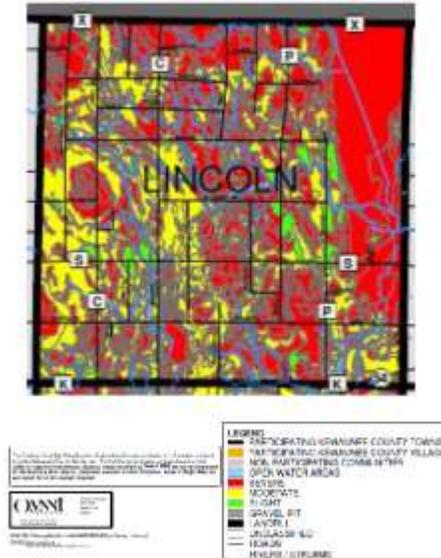
⁴ WDNR Sensitive Areas and Management Practices Workgroup notes for December 15, 2015.

The Sanitary Suitability Map for Lincoln Township cropped from the Kewaunee County Map indicates that nearly the entire township is unsuitable for conventional septic systems due to shallow soils, high water tables, and karst bedrock. These are areas that the 2007 Final Karst Task Force Report would categorize as having an extremely high vulnerability and high vulnerability to groundwater contamination. Logic dictates that if these highly sensitive soils are unsuitable for septic systems, then they are also unsuitable for spreading of liquid manure and agricultural wastewater from lagoons, which are essentially 95+% water.

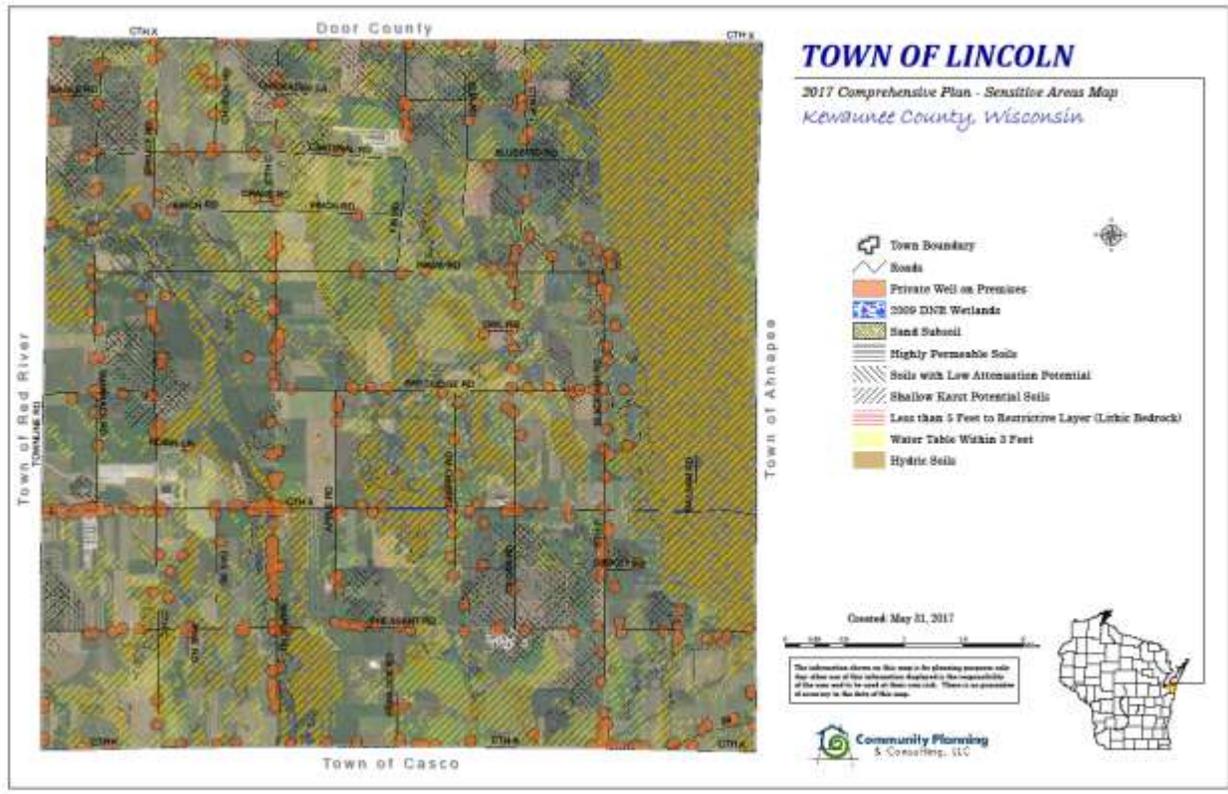
Indeed, the October, 2016, Wisconsin Energy Initiative Peer Review of Project Phoenix came to a similar conclusion for the suitability of land for manure and food processing waste application in their map (below) of Kewaunee County. The evaluation was based on the soil survey geographic database for Kewaunee County and software developed by the NRCS.

Based on the work done by the Karst Task Force, the WDNR Sensitive Areas and Management Practices Workgroup, the Wisconsin Geological and Natural History Survey, and the Kewaunee County Land Information Office, Lincoln Township has developed a Sensitive Areas map. These areas are considered sensitive to all types of development and land use. The point of the Sensitive Areas Map is to highlight areas that are sensitive to groundwater recharge and contamination. Since all residents and businesses in Lincoln Township are dependent upon wells for their water needs, contamination of the township's watershed is a critical consideration in any current and future planning and development activities. Lincoln Township is adopting the Sensitive Areas Map, which should be consulted when making zoning or permitting decisions in all districts.

**SANITARY SUITABILITY
KEWAUNEE COUNTY COMMUNITIES**



Town of Lincoln Sensitive Areas Map



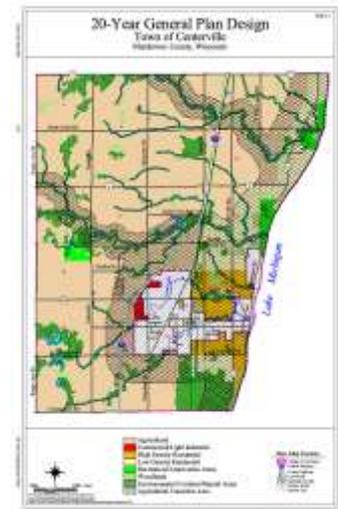
Agricultural Transition Areas

Some townships have taken the initiative to transition all or part of their communities out of one land use and into another. For example, the Town of DuPont in Waupaca County has retained some areas for agriculture and resource protection, some as agriculture enterprise, but sweepingly designated the bulk of their land base as an agricultural transition area.

The Town of Centerville in Manitowoc County has taken the initiative to designate areas around population centers, environmental corridors and natural areas, and critical watershed areas as agricultural transition areas.



According to Brandon Robinson at Bay Lakes Regional Plan Commission, the Town of Centerville had an Agricultural Transition Area that was intended to protect from areas considered environmentally sensitive. This was an overlay to the future land use plan illustrating sensitive areas. “It was intended that farm operators be aware of these sensitive areas when conducting agricultural activities, not necessarily stopping these activities from occurring. The [Centerville] town’s overall future vision of those areas was still agricultural.”⁵



We were advised that the township should consider designating those areas with “extremely high vulnerability” and “high vulnerability” to groundwater contamination, plus environmental corridors, natural and cultural areas, and areas likely for residential development as Agricultural Transition and/or Sensitive Areas. Such a change does not impact current land use but helps direct future land use.

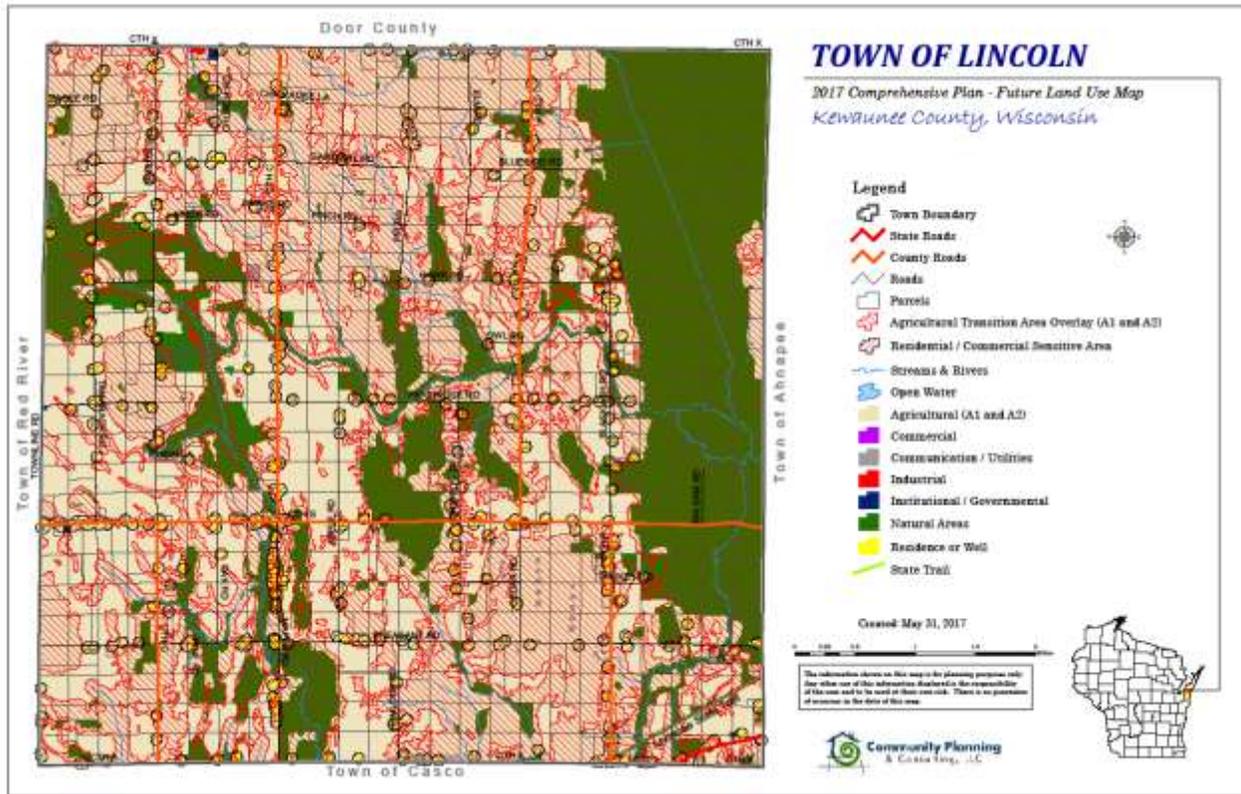
Future Land Use Map

The future land use map reflects the visions, goals, objectives, and policies presented throughout the comprehensive plan. It is the principal tool for guiding development. By statute, decisions related to land use and development must be made in a manner consistent with the map. Landowners and developers will consult the plan when making development decisions, and should be confident that an application for development that is consistent with the comprehensive plan will be approved. However, the comprehensive plan is not a static document. It must evolve to reflect current conditions. If not regularly reviewed and amended, it will become less effective over time. Applications for rezoning and development that are inconsistent with the plan must be given due consideration, not rejected out of hand. In some situations, it may be desirable to amend the plan (and maps) to accommodate a compatible, but previously unplanned use.

Changes to the plan (including its maps) must be considered in the context of all nine required plan elements, and reflect the visions, goals, objectives, and policies expressed within the document. The process of amending a plan is governed by the same rules as during its adoption. For additional information regarding plan amendments please refer to the Implementation section beginning in Chapter 6.

⁵ Correspondence with Brandon Robinson, BLRPC, April 7, 2016.

Town of Lincoln Future Land Use Areas Map



Description of Future Land Uses

There are currently only two parcels zoned I-1 and no parcels zoned I-2 in Lincoln Township. Given the nature of the township and make up of its population, it is inconsistent with the character of the town for there to be additional Industrial Districts rezoned in Lincoln Township.

A considerable number of parcels in the township are located in areas designated Sensitive Areas. As such, the Town Board will encourage practices that will help protect these areas within the town’s watershed for all living in the community.

Due to the diligence of the Kewaunee County Zoning Department, groundwater contamination due to aging and potentially failing septic systems is well under control. There are apparently no industries or commercial facilities in the township proper that are contributing to the township’s groundwater contamination problem.

According to multiple sources, by far the largest contributor to the nitrate and bacteria contamination of wells appears to be the use of liquid manure and chemical fertilizers in areas with shallow soils over bedrock, areas with karst bedrock, sinkholes, and closed depressions, areas with high water tables or saturated soils, and the discharge of tile lines into streams, small creeks, and wetlands throughout the Township.

Farming enterprises are reportedly abiding by current DNR, DATCP and NRCS requirements. Nutrient Management Plans are written for the purpose of regulating nutrients applied to fields and to minimize tolerable soil loss. While the NRCS must approve Nutrient Management Plans, sustainable agricultural practices indicate that maximizing nutrient application is not necessary to grow quality crops. Lower application rates of both manure and fertilizers translate into fewer leachable nutrients in the soil while still resulting in high crop yields.

It is apparent from the Future Land Use Map that most of Lincoln Township's agricultural land is tenuous at best relative to the suitability of the land to handle liquid manure and intensive applications of chemical fertilizers. As such, transitioning to more sustainable agricultural practices with a focus on the health of the soil, the groundwater, and the environment is apparently the only way that the township will ever remediate its currently deteriorating groundwater situation and protect the town's watershed and quality of life for town residents.

“Without more effective regulations for waste applications in Kewaunee County's shallow fractured bedrock areas, I believe the quality of the County's groundwater resource will continue to be increasingly at risk, growing to be a more serious problem as time goes on. It's time to do something.”

-Andy Wallander in his August 20, 2013 report to the Kewaunee County Board of Supervisors

Intergovernmental Cooperation

Intergovernmental cooperation may be defined as any arrangement through which two or more municipalities communicate visions and coordinate plans, policies, and programs to address and resolve issues of mutual interest. It can include the sharing of information, facilities, and equipment or involve entering into formal intergovernmental agreements.⁶

⁶ Excerpted from Guide to Preparing the Intergovernmental Element of a Comprehensive Plan, Wisconsin Department of Administration, 2002.

The purpose of the intergovernmental cooperation chapter of the comprehensive plan is to describe current intergovernmental agreements, explore opportunities for future collaboration, and identify potential areas of conflict between the Town and its governmental neighbors.

Intergovernmental Vision

The Town of Lincoln will continue to work with its municipal neighbors, Kewaunee County, and the State of Wisconsin to pursue opportunities for cooperation and collaboration that lead to improved services and reduced costs for its residents, land owners, and business owners.

Current Intergovernmental Relationships

As of June 2016, the Town of Lincoln is party to the following intergovernmental agreements:

- 1st Responders for emergency medical services
- Algoma Fire and Ambulance
- Luxemburg Fire and Ambulance
- Wisconsin Geological and Natural History Survey for groundwater mapping
- Kewaunee County Land Information Office for financial support and information pertaining to groundwater mapping
- Kewaunee County Land and Water Conservation Department for well testing for periodic and ongoing well groundwater and well studies
- Water Action Volunteers (WAV), trained by WDNR Water Quality Specialists and UW-Extension to take water samples in the township for watershed and groundwater studies
- Wisconsin Towns Association
- Algoma School District Community Water Kiosk