

# TOWN OF OAKLAND LAND USE PLAN

## JANUARY 2002

PREPARED BY  
NORTHWEST REGIONAL PLANNING COMMISSION  
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**Northwest Regional  
Planning Commission**  
*an economic development district*

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**Project Summary.** In an attempt to identify the trends of growth and change presently experienced within the town, the Town of Oakland identified the need for a Land Use Plan. Funding for the plan was provided by the Town of Oakland and from a grant provided by the Wisconsin Department of Natural Resources Lake Protection Program. The Northwest Regional Planning Commission provided technical assistance for the Town of Oakland Land Use Plan. The purpose of the Land Use Plan was to identify land use concerns, development issues, examine the town's land base and to make recommendations regarding future land use and development. This Land Use Plan establishes the base for development of a Comprehensive Plan, which will be required of all municipalities in the State of Wisconsin (Chapter 66, Wisconsin Statutes). Comprehensive Plans are required to be implemented by January 1, 2010. This "Smart Growth" plan will contain a minimum set of 9 elements, each of which will examine a different sector of the community.

**Acknowledgements.** Special thanks and recognition is due to the member of the Town of Oakland Land Use Planning Committee for their continued participation, helpful critiques and intimate knowledge of the town, it's history, residents, current issues and resources. The Town of Oakland Land Use Planning Committee members include:

- |                               |  |
|-------------------------------|--|
| Mary Brill                    |  |
| Diane Caffrey                 |  |
| Mary Conley, Town Clerk       |  |
| Jaimie Carlson                |  |
| Don Garner-Gerhardt           |  |
| Don Hagen, Committee Chairman |  |
| Bruce Johnson                 |  |
| Sandee Pease                  |  |
| Roy Peterson, Town Chairman   |  |
| Jan Resberg                   |  |
| Paul Scott                    |  |
| Jim Rausch, Town Supervisor   |  |

Special thanks is also due to Steve Rannenbergh, Douglas County Zoning Administrator for making available the time and resources of the Douglas County Zoning Office.

Technical assistance for the plan was provided by:  
 Jason Laumann, Community Development Planner, Northwest Regional Planning Commission  
 Stephen Andrews, Senior Advisor, Northwest Regional Planning Commission  
 Lance Frost, Geographic Information Specialist, Northwest Regional Planning Commission  
 Jeff Maas, Community Development Planner, Northwest Regional Planning Commission

**Plan Purpose.** The purpose of the Town of Oakland Land Use Plan is to promote balanced and appropriate land uses, encourage responsible development patterns, and endorse conservation of the natural and cultural environment.

SECTION I

THE PHYSICAL ENVIRONMENT

**Project Area.** The civil Town of Oakland is located in the north central portion of Douglas County, encompassing all 36 sections of Congressional Township 46 North, Range 13 West and sections 7 through 36 of Congressional Township 47 North, Range 13 West. Sections 1 through 6 of T47N, R13W fall within the Town of Parkland.

**Land Cover.** The Town of Oakland encompasses 41,590 acres (64.98 sq. miles) of north central Douglas County. Just over one-half (58.58%) of the town is forested. Agricultural lands (both in use for production and unused fallow fields) are found generally in the northern one-half of the town. The following table details the amount of each type of land cover category found in the town.

**Table 1: Land Cover Classifications**

Land Cover Category	Acreage	Percent of Town's Area
<b>AGRICULTURAL LAND</b>	4,732	11.38%
Herbaceous Field Crops	131	0.32%
Grassland (Timothy, Rye, Pasture, Idle)	4,601	11.06%
<b>FORESTED LANDS</b>	24,365	58.58%
Broad-leaved deciduous forest	15,874	38.17%
Mixed deciduous/coniferous forest	7,432	17.87%
Coniferous forest	1,059	2.55%
<b>SHRUBLAND</b>	300	0.72%
<i>BARREN LAND (Rock outcrops, gravel pits, un-vegetated land)</i>	196	0.47%
<b>WETLANDS</b>	11,161	26.84%
Emergent / wet-meadow	651	1.56%
Lowland shrub wetlands	6,340	15.24%
Forested wetlands	4,171	10.03%
<b>OPEN WATER</b>	835	2.01%
<b>TOTAL</b>	41,590	100.00%

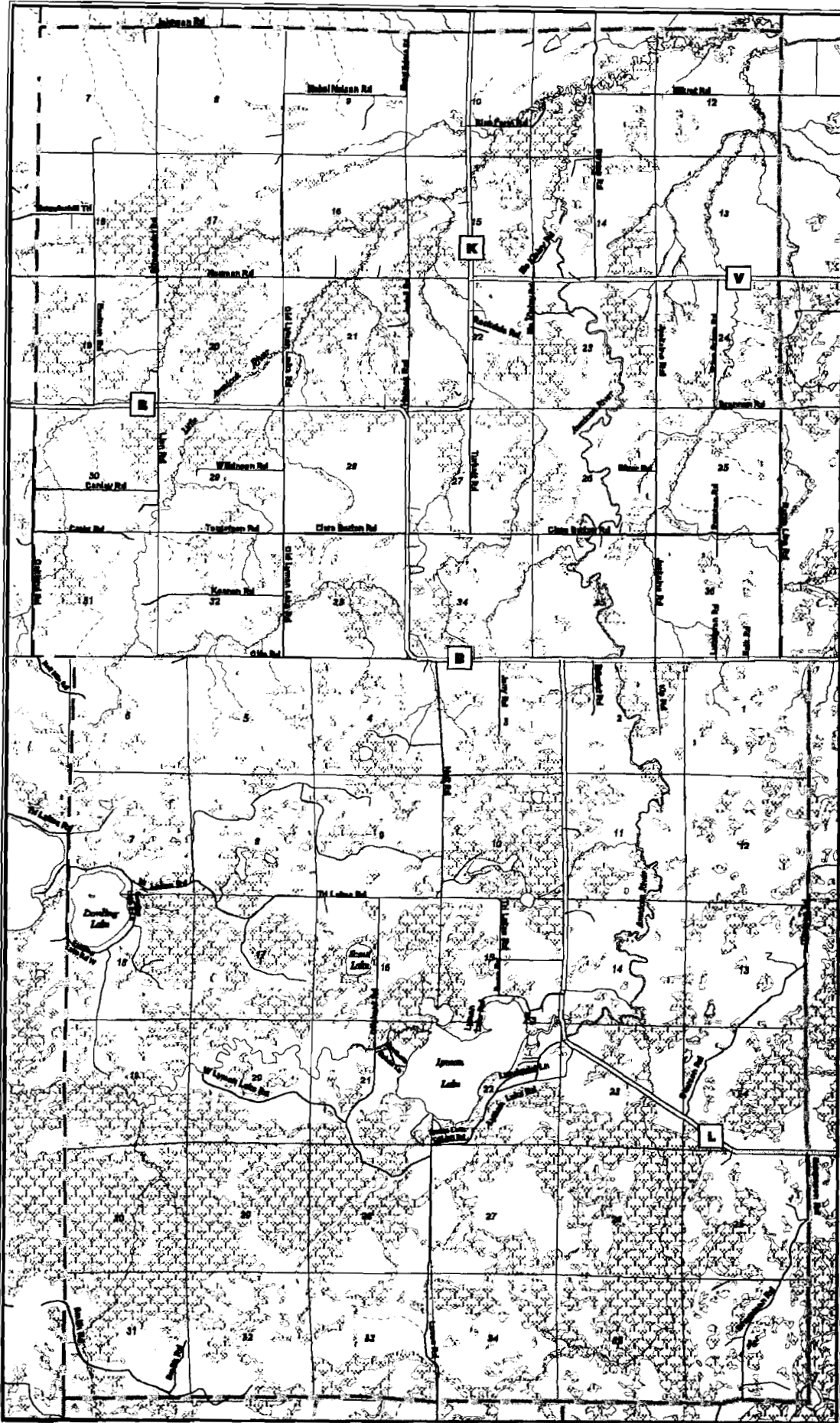
Source: WISCLAND Satellite dataset

**Hydrography.** The entire Town of Oakland falls within the Lake Superior Drainage Basin with waters flowing north and east toward Lake Superior. The prominent hydrographic features of the town include the Amnicon River and its tributary network, the Little Amnicon River and its tributary network and the three largest lakes: Lyman Lake, Dowling Lake, and Scout Lake.

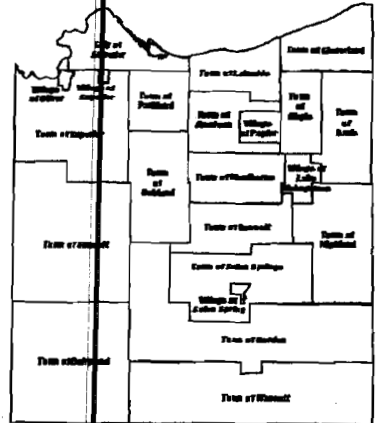
**Wetlands.** Wetlands serve important environmental functions including flood control, water quality improvement, and groundwater recharge and providing habitat for fish and wildlife. The map on the following page delineates wetlands (two acres and larger) as mapped by the Wisconsin Department of Natural Resources on its Wisconsin Wetland Inventory Maps. This delineation may not reflect all areas categorized as wetlands by the United States Department of Agriculture (USDA) or by the U.S. Army Corps of Engineers.

# Town of Oakland

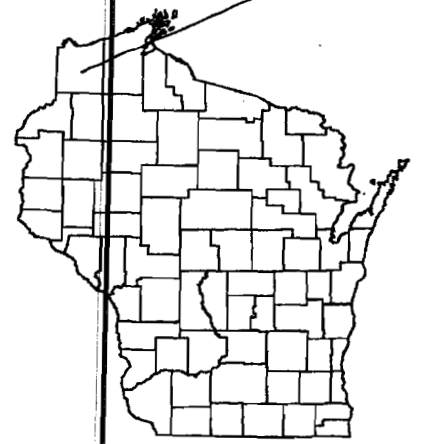
Map 1



- Water Features
- Intermittent
- Wetlands (2 acres or larger)
- County Road
- Town Road



Douglas County,  
Wisconsin



A complex set of local, state and federal regulations place limitations on the development and use of wetlands. The Department of Natural Resources regulates the placement of structures and other alterations below the ordinary high water mark of navigable streams and lakes. The Corps of Engineers has authority over the placement of fill materials in virtually all wetlands. The USDA incorporates wetland preservation criteria into its crop price support programs. Prior to placing fill or altering wetland resources, these agencies must be contacted to receive authorization.

Of the Town of Oakland's total area, 26.84 percent is classified as wetlands. The largest wetland complexes are found in the town's southern areas in the Douglas County Forest lands, as well as along substantial portions of the Amnicon River, the Little Amnicon River, and their respective tributaries. Wetlands in the town are of three principal types: forested wetlands, lowland shrub wetlands, and emergent/wet meadow wetlands. These three wetlands types are represented on the Land Cover Map (Map 2).

**Generalized Soil Types.** Within the Town of Oakland are four major soil type districts. The southern portion of the town is dominated by peaty (wet, marshy) soils and Mellen loam. The north central part of the town contains a band of Superior sandy loam and the final northern quarter of the town falls into the Superior clay region (Map 3).

**Susceptibility to Groundwater Contamination.** According to the Wisconsin Department of Natural Resources groundwater susceptibility model, approximately the entire lower one-half of the Town of Oakland is highly susceptible to contamination. The remainder of the town ranges from medium to low susceptibility. The high susceptibility in the south of the town can be attributed to two main factors: the presence of predominantly wet, peaty, highly permeable soils and very shallow groundwater. The depth to groundwater in this area is primarily within 20 feet of the surface with the south central portions of the town with groundwater as deep as 50 feet (Map 4).

**Depth to Groundwater.** As is indicated on the Depth to Groundwater Map, the depth to groundwater throughout the town is within 50 feet of the surface. One notable exception is the extreme northwest corner of the town where the depth exceeds 50 feet. Of note, depth to groundwater is not the same as depth to potable (drinkable) water. The depths illustrated indicate the level at which the subsurface water level begins not the level at which water suitable for household use can be pumped (Map 5).

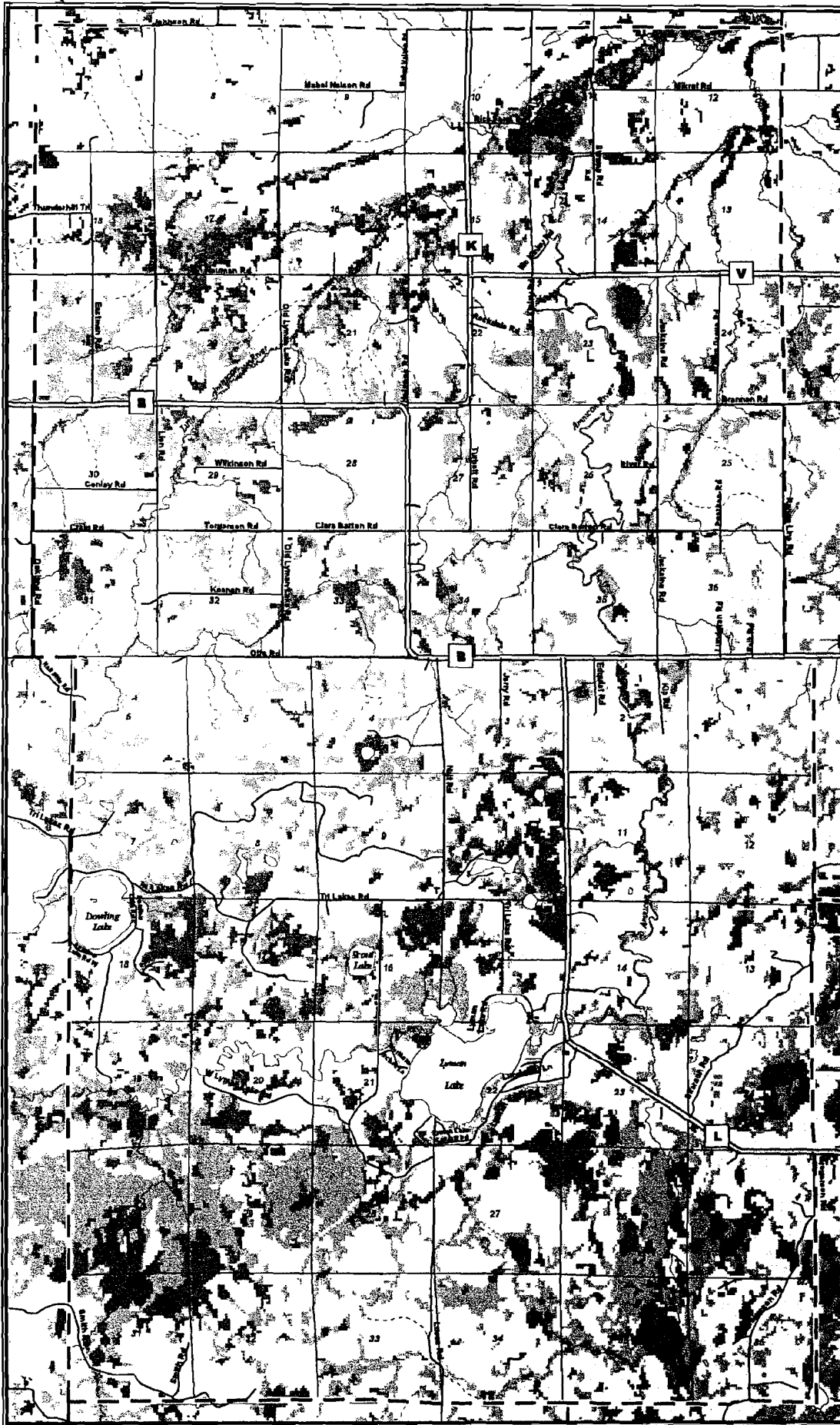
**Flood Hazard Areas.** Flood hazard areas are identified by the Federal Emergency Management Agency to assist in risk assessment for land development. Areas prone to periodic flooding are identified on the map in a purple diagonal hatched pattern. In the Town of Oakland, the flood hazard areas extend along the Amnicon River, the Little Amnicon River, and their respective tributaries and in the two large wetland areas in the town's southeast and southwest (Map 5).

**Public Lands.** Of the town's total area, 31.4 percent is in public ownership/tax exempt land, the most substantial portion of which is in the Douglas County Forest lands covering roughly the southern one-third of the town (Map 6).



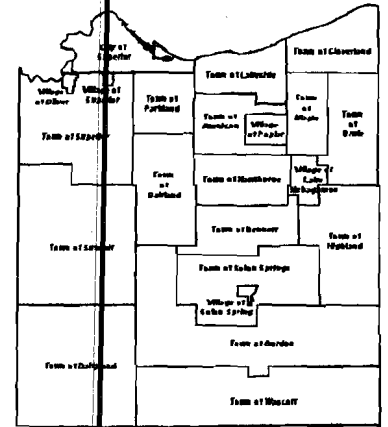
# Town of Oakland

Map 2

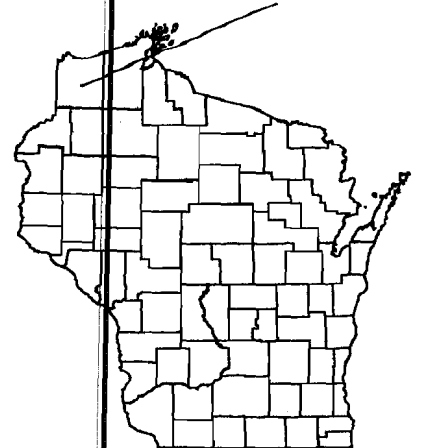


- ### Land Cover
- Urban / Developed
  - Agriculture / Grasslands
  - Forest
  - Shrubland
  - Barren
  - Wetlands
  - Wetlands (Lowland Shrub)
  - Wetlands (Forested)
  - Open Water

- County Road
- Town Road



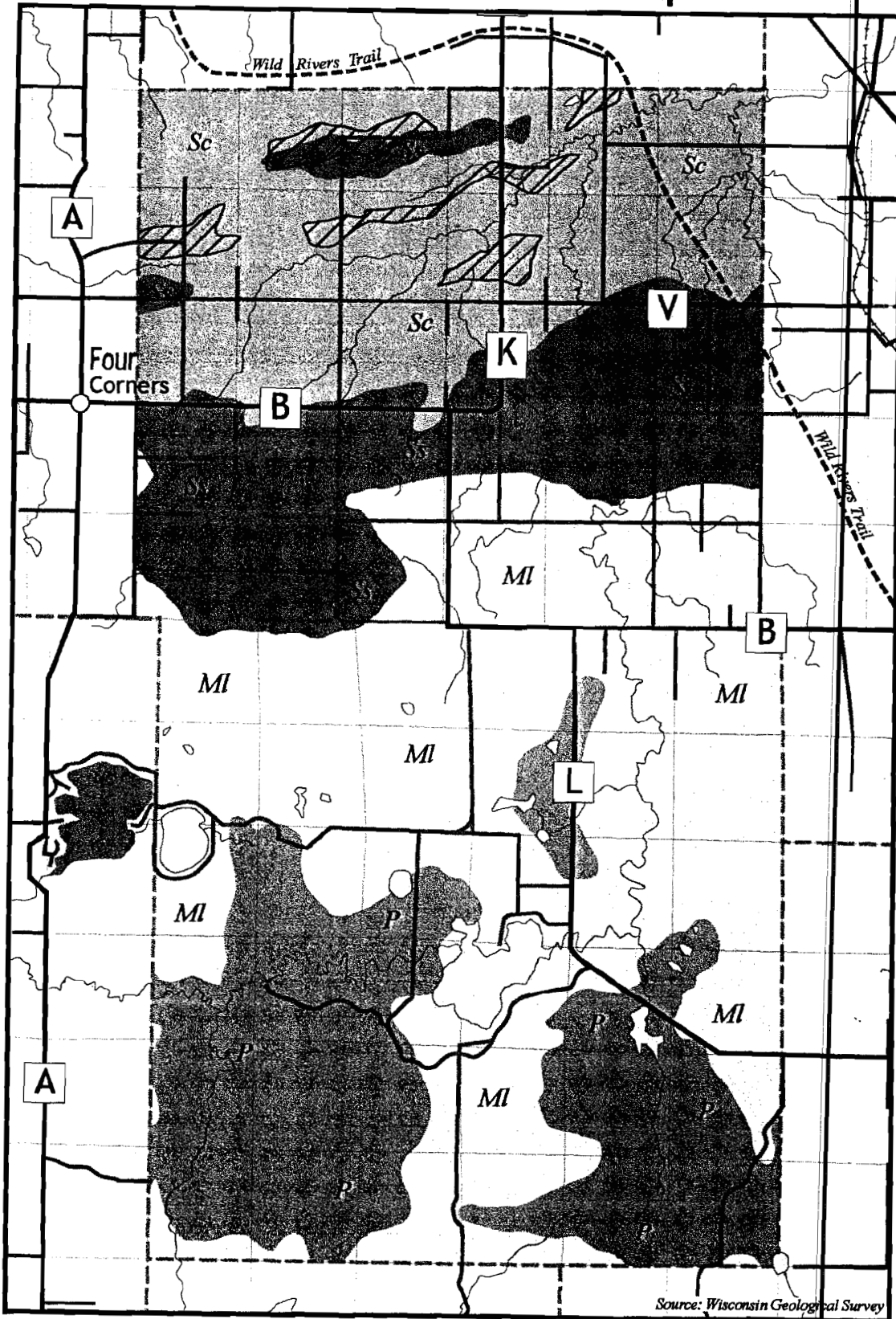
Douglas County,  
Wisconsin








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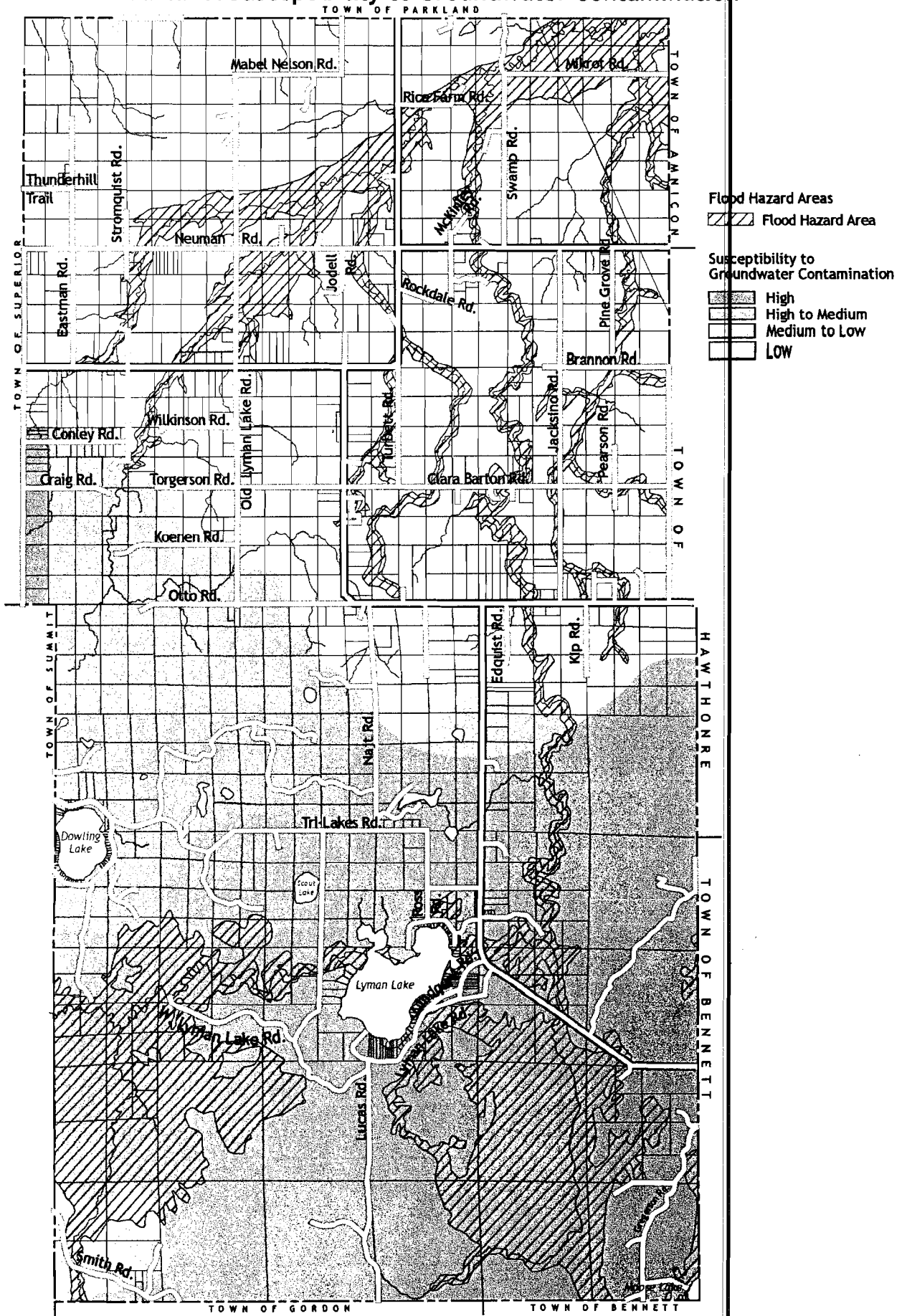


# Town of Oakland: Generalized Soil Map



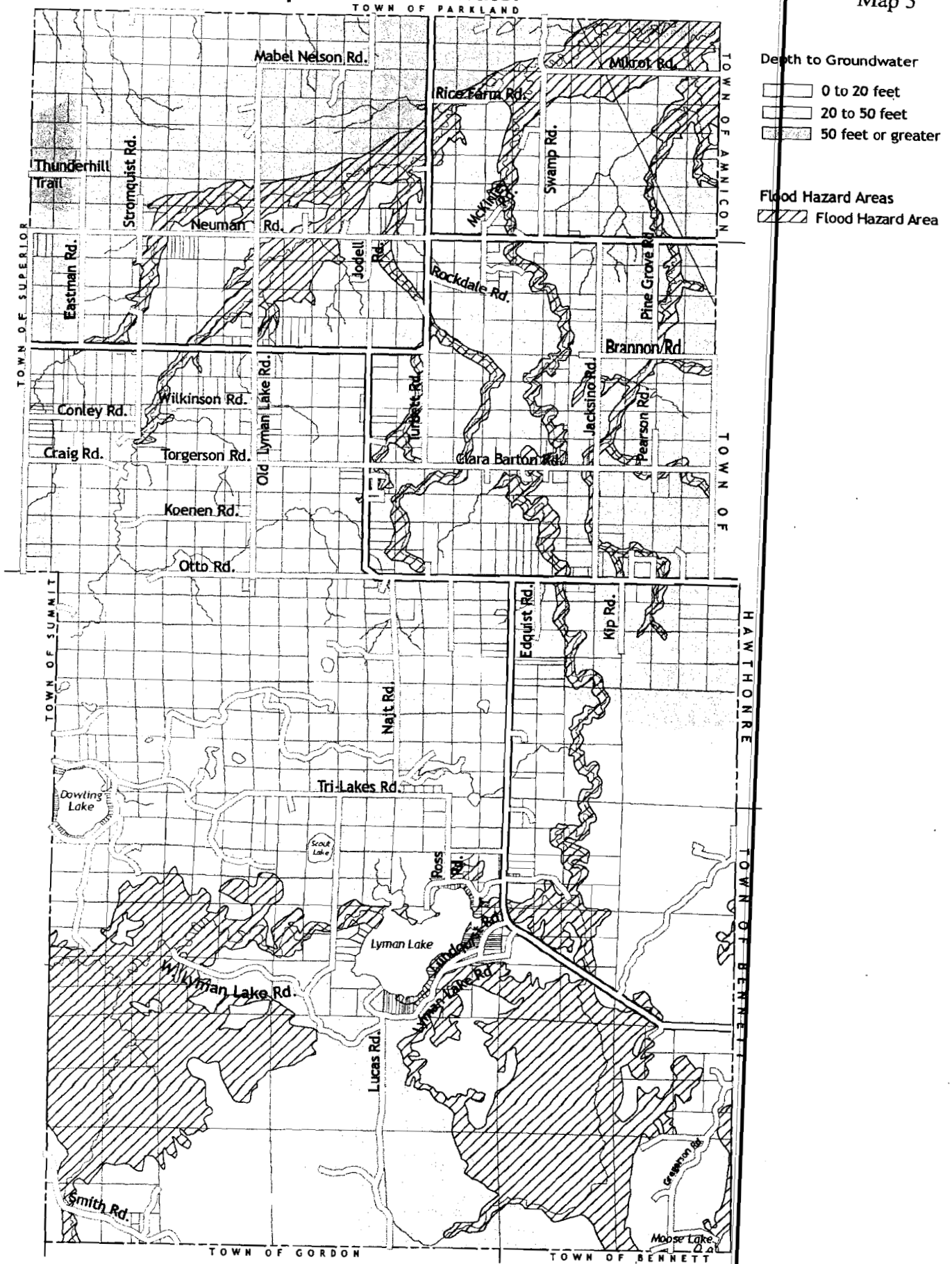
 Sc	Sc: Superior Clay	 MI	MI: Mellen loam
 Ss	Ss: Superior Sandy Loam	 P	P: Peaty soils, predominantly wetlands
			Areas of rock outcrops

# Town of Oakland: Susceptibility to Groundwater Contamination



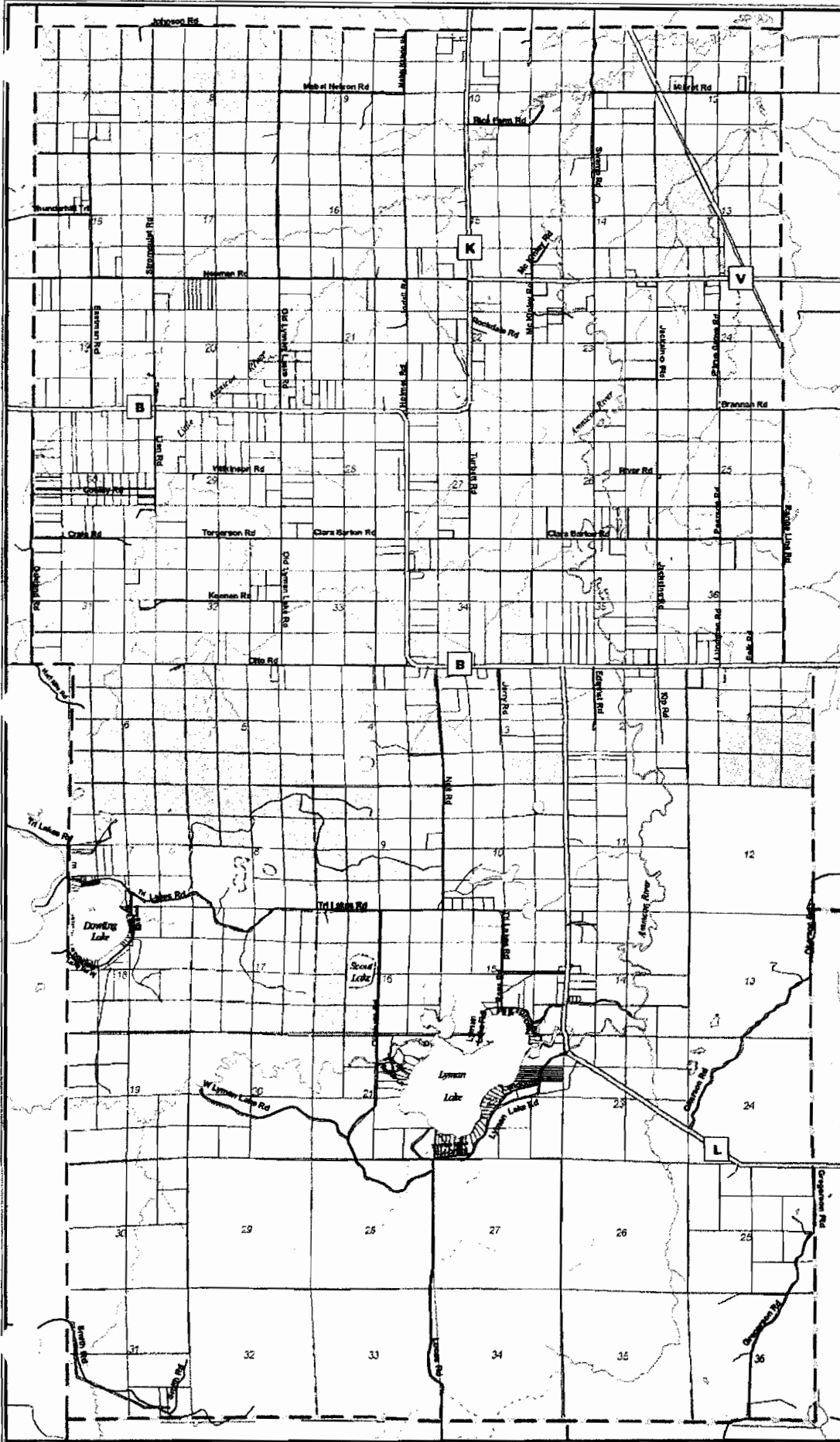
# Town of Oakland: Depth to Groundwater

Map 5



# Town of Oakland

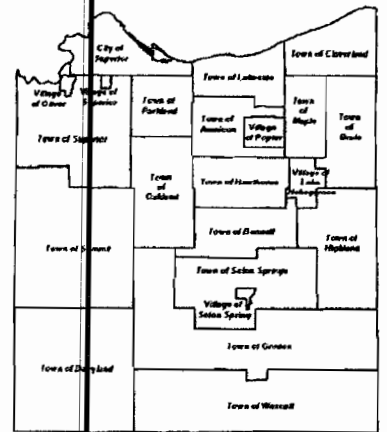
Map 6



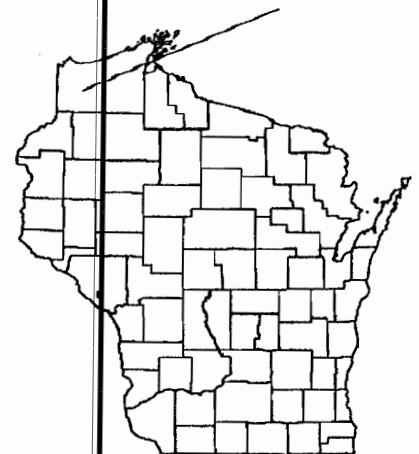
**Land Ownership**

- County Lands
- Local Government
- Industrial Forest

County Road  
 Town Road



Douglas County,  
Wisconsin



Northwest Regional  
Planning Commission

**Table 2: Town of Oakland Public Lands**

Land Owner	Acres	Percent of Town's Area
Douglas County	161	0.40%
Douglas County – Forest Crop	12,413	29.80%
Douglas County – Special Use	362	0.90%
Town of Oakland	115	0.30%
Miscellaneous Tax Exempt Land	11	0.03%
State of Wisconsin Lands	0	0.00%
United States / Federal Lands	0	0.00%
<b>TOTAL PUBLIC / EXEMPT</b>	<b>13,062</b>	<b>31.43%</b>
Private Lands	28,528	68.57%
<b>TOTAL</b>	<b>41,590</b>	<b>100.00%</b>

Source: Northwest Regional Planning Commission Geographic Information Systems Database

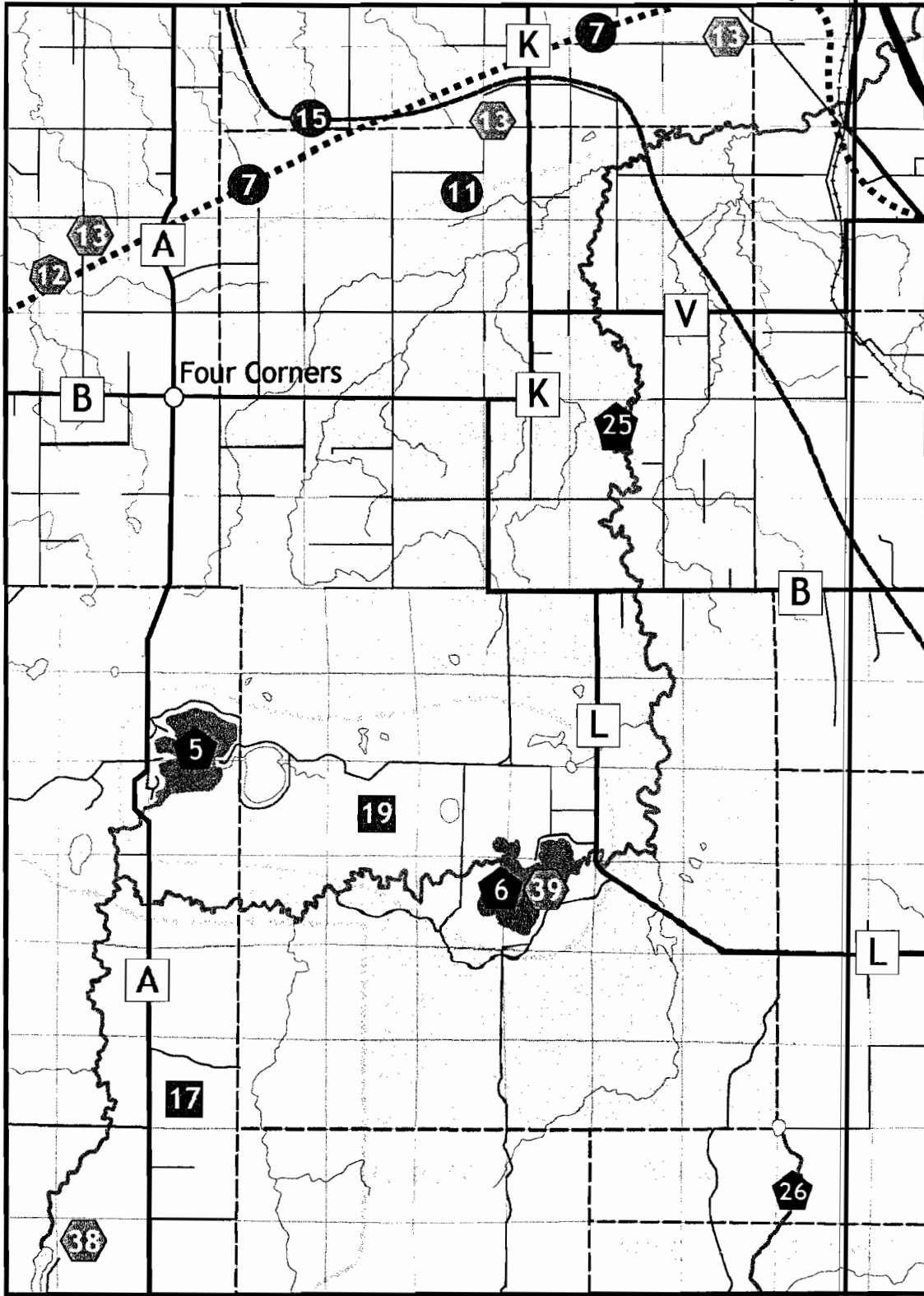
**Industrial Forest Lands.** Several commercial forest concerns own portions of the Town of Oakland. These include Mosinee Paper Company, Nekoosa Papers Inc., Consolidated Papers Inc., and Wausau Paper Mills Company. These companies manage their holdings for long-term timber and pulp production. The main concentrations of industrial forest lands are found in sections 1, 3, 4, 5, 6, 8, 9, and 16 of Township 46 North, Range 13 West and sections 7, 8, 9, 10, 13, 16, 17, 18, and 22 of Township 47 North, Range 13 West.

**Critical Resources.** In 1975, an effort to identify those resources of Douglas County that were considered critical to the overall ecological integrity and cultural wealth of the area was conducted. The result of that group effort undertaken by local officials and citizens in an analysis and a document named "Douglas County – Critical Resource Information Booklet" which details the results of the process analysis. Work groups consisting of representatives from the business community, government, and interested citizen representatives were formed. Each work group dedicated their time to one particular critical resource. Eight such resource categories were analyzed:

1. Commercial Vegetation
2. Scenic Areas
3. Historical, Cultural, Architectural, and Archeological Resources
4. Natural Areas
5. Agricultural Land
6. Minerals and Special Geologic Features
7. Water Resources
8. Wildlife/Recreation

# Town of Oakland: Critical Resource Inventory

Map 7



<p><b>CRITICAL MINERAL &amp; GEOLOGIC RESOURCES</b></p> <ul style="list-style-type: none"> <li><b>7</b> Douglas Fault</li> <li><b>11</b> Fogelberg's Butte</li> <li><b>15</b> Middle River / Old South Shore RR right of way</li> </ul>	<p><b>CRITICAL WATER RESOURCES</b></p> <ul style="list-style-type: none"> <li><b>5</b> Amnicon Lake</li> <li><b>6</b> Lyman Lake</li> <li><b>25</b> Amnicon River</li> <li><b>26</b> Moose River</li> </ul>	<p><b>CRITICAL SCENIC RESOURCES</b></p> <ul style="list-style-type: none"> <li><b>13</b> Panoramic viewshed of Lake Superior</li> <li><b>38</b> Tozer Lake (Bear Lake)</li> <li><b>39</b> Lyman Lake</li> </ul>	<p><b>CRITICAL HISTORICAL &amp; ARCHAEOLOGICAL RESOURCES</b></p> <ul style="list-style-type: none"> <li><b>12</b> Coppermine shafts</li> </ul> <p><b>CRITICAL NATURAL AREAS</b></p> <ul style="list-style-type: none"> <li><b>17</b> Empire Swamp area</li> <li><b>19</b> Tri-Lakes area</li> </ul>	<p>Note: The numbers in the icons for each critical resource feature denote the rank of that feature within the list of all resources at the county level.</p> <p>Source: <i>Douglas County Critical Information Booklet (1974)</i></p>
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SECTION 2

POPULATION & DEMOGRAPHICS



**Introduction.** Population is an important contributing factor to the pattern of settlement and development of a municipal unit. Changes in the number of inhabitants along with other characteristics including income, education, and age all serve to impact economic development, land use, transportation, and use of public and private services. Understanding past changes and present conditions of the population enhances the ability to prepare for the future.

**Population Growth.** The Town of Oakland has had (with the exception of a slight decline between 1960 and 1970) an increasing population through the year 2000. The largest net gain occurred from 1970 to 1980 with the addition of 314 town residents. Census 2000 reports the town as presently having 1,144 inhabitants with projections indicating an additional 240 town residents by the year 2020

**Table 3: Town of Oakland Population 1959-2000, Projections to 2020**

	1950	1960	1970	1980	1990	2000	2005	2010	2015	2020
Town of Oakland	530	636	624	938	993	1144	1193	1256	1319	1384
Douglas County	46,715	45,008	44,657	44,421	41,758	43,287	41,824	41,815	41,671	41,325

Source: US Census Bureau (1950-2000) and NWRPC Projections (2005-2020)

**Table 4: Town of Oakland Population Change by Decade 1950-2000, Projected Change to 2020**

	1950-1960	1960-1970	1970-1980	1980-1990	1990-2000	2000-2010	2010-2020
Town of Oakland							
Net Change	+106	-12	+314	+55	+151	+112	+128
Net % Change	+20.0%	-1.8%	+50.3%	+5.8%	+15.2%	+9.7%	+10.2%
Douglas County							
Net Change	-1707	-351	-236	-2663	+1529	-1472	-490
Net % Change	-3.6%	-0.8%	-0.5%	-5.9%	+3.6%	-3.4%	-1.2%

Source: Calculated from US Census Bureau data and NWRPC Projections

Population trends in the Town of Oakland have gone against the larger trend for Douglas County. The county has reported a continual (with the exception of 1990 to 2000) net loss in population since 1950. The majority of the loss for Douglas County can be attributed to the continued population decline of the City of Superior. The continual growth in the Town of Oakland since 1950 can be attributed to the following key factors:

- Development of lakeshore property
- Development of desirable sites of wooded seclusion
- The rising popularity of country living while retaining the ability to commute to the Duluth-Superior metropolitan area.
- More recently, the conversion of seasonal/recreational homes into permanent residences

**Demographic Change.** A key concern in examining population change is the structure of the population in terms of age. The Table 5 reveals the population structure in ten-year increments from the 1980, 1990 and 2000 federal Census reports.

**Table 5: Town of Oakland Age Distribution 1980, 1990 & 2000**

	<u>&lt; 5</u>	<u>5-14</u>	<u>15-24</u>	<u>25-34</u>	<u>35-44</u>	<u>45-54</u>	<u>55-64</u>	<u>65-74</u>	<u>75-84</u>	<u>85+</u>
Town of Oakland: 1980	89	159	169	193	101	89	60	46	32	0
Town of Oakland: 1990	65	176	96	189	187	96	97	50	25	3
Town of Oakland: 2000	64	172	139	113	223	207	107	83	28	8

Source: US Census Bureau

The following emerging trends can be identified in examining the age structure of the town's population since 1980:

- *Children under age 5 have declined steadily*
- *Inhabitants aged 5 to 14 increased to 199, and experienced a slight decline to 2000*
- *Inhabitants aged 15 to 24 decreased sharply to 1990 and increased to 2000*
- *Inhabitants aged 25 to 34 have decreased steadily since 1980*
- *Inhabitants aged 35 to 44, 45 to 54, 55 to 64 and 65 to 74 have all increased steadily in the past 20 years*
- *Inhabitants aged 75 to 84 have remained relatively stable*
- *Inhabitants aged 85 and older have increased since 1980*

These trends tend to indicate the following types of demographic transition within the town:

- *Children under age 5 have declined steadily*
- *Inhabitants aged 5 to 14 increased to 199, and experienced a slight decline to 2000*

These trends tend to indicate that the families moving into the Town of Oakland have fewer children and are having fewer children once established here.

- *Inhabitants aged 15 to 24 decreased sharply to 1990 and increased to 2000*
- *Inhabitants aged 25 to 34 have decreased steadily since 1980*

These are the age groups most likely to move out of a rural town like that of Oakland for employment, educational, or other opportunities elsewhere. The recent increase of 15 to 24 year olds suggests the aging of existing children of families in the town or an influx of young families (aged 18 to 24) into the town. The continual decline of 25 to 34 years olds may suggest the difficulty of this group to find secure employment, purchase land, or purchase a starter home in the town.

- *Inhabitants aged 35 to 44, 45 to 54, 55 to 64 and 65 to 74 have all increased steadily in the past 20 years*

The steady increase of these groups indicates three primary trends at work. First, there is a climbing market demand for "rural living" with the ability to commute to the Duluth-Superior area for work. The Town of Oakland is ideally placed for this, being within 15 to 25 minutes driving time of the Twin Ports. The increased affluence of individuals over age 35 enables them to purchase property and to build a home in the country. Second, many seasonal or recreational

housing units in the town are being converted into primary, year-around residences as individuals retire to the area. Third, the town sustains a stable population of residents in these age groups who choose to remain here.

- *Inhabitants aged 75 to 84 have remained relatively stable*
- *Inhabitants aged 85 and older have increased since 1980*

The town sustains a stable population of residents in these age groups who choose to remain here with family or other ties to the area.

SECTION 3

HOUSING

**Introduction.** Adequate housing is a cornerstone of every community. The ability of a municipality to address the demand for housing is key to its economic viability and the well being of its inhabitants. By studying changes in the number and type of housing units and other housing characteristics, insight can be gained into the changes taking place within the community.

**Existing Conditions.** In 2000, The U.S. Census Bureau recorded a total of 541 housing units in the Town of Oakland. Of these, 425 were classified as occupied.

Of these total occupied housing units, 408 (96.0%) were recorded as owner occupied and 17 (4.0%) were recorded as renter occupied.

Of the 116 vacant housing units reported, 103 (19.0% of all housing units) were designated as seasonal/recreational use dwellings.

**Table 6: Housing Unit Characteristics: 1980-2020**

	1980	1990	2000	2005	2010	2015	2020
Total Housing Units	450	498	541	565	587	610	633
Total Occupied Housing Units	306	347	425	449	478	508	537
Inhabitants / Occ. Housing Unit	3.06	2.86	2.69	2.65	2.62	2.59	2.57
Owner Occupied Housing Units	289	318	408	427	457	487	517
% of Total Occupied that are Owner Occupied	94.4%	91.6%	96.0%	95.1%	95.6%	95.8%	96.2%
Renter Occupied Housing Units	17	29	17	22	21	21	20
Total Vacant Housing Units	--*	151	116	116	109	102	96
Vacant Housing: Seasonal/Recreational Use	--*	127	103	103	98	92	85
Vacant (Uninhabited or abandoned)	--*	24	13	13	11	10	11

Source: U.S. Census Bureau (1980, 1990, 2000); NWRPC Projections (2005-2020)

\*Data not collected for these categories in Census 1980.

**Projected Change in Housing.** For the 20-year period from 1980 to 2000, the Town of Oakland added 91 new housing units, an average of 4.6 units per year. Current projections (in Table 6 above) indicate at this rate the Town of Oakland will add an additional 92 total housing units by the 2020.

**Inhabitants Per Occupied Housing Unit.** Despite the fact that the total number of inhabitants and housing units are increasing, the total number of inhabitants per occupied housing unit is in a gradual and steady decline. Factors for this decline include:

- Fewer children moving with families or being born to families in the town
- The overall trend of families having fewer children

- An increasing divorce rate
- Gradual loss of inhabitants aged 15 to 34 who find educational or employment opportunities elsewhere

**Housing Density.** Housing density is a key concern for development in rural, unincorporated towns. Low density and the amenities of space, quiet, and privacy are key factors in preserving the rural quality. Table 7 below reveals the present status and future projections for housing density in the town.

**Table 7: Average Housing Density 1980-2000, Projected Density to 2020**

	1980		1990		2000		2010		2020	
	Number	P/sq. mi.	Number	P/sq. mi.	Number	P/sq. mi.	Number	P/sq. mi.	Number	P/sq. mi.
<i>Total Oakland Land area: 64.98 Square Miles</i>										
Total Units	450	6.9	498	7.6	541	8.3	587	9.0	633	9.7
Occupied Units	306	4.7	347	5.3	425	6.5	478	7.3	537	8.3
Seasonal Units	---*	---*	127	1.9	103	1.6	98	1.5	85	1.3

Sources: Calculated from US Census Bureau data and NWRPC Projections

\*no data available for 1980

**Rural Character Threshold.** A “theoretical” threshold for rural character is estimated to be 16 total housing units per square mile. At this density level, a single square mile section could contain sixteen 40-acre parcels, each with a residence and enough land to still retain the amenities of privacy, quiet, natural aesthetics, and so on. Presently, the Town of Oakland maintains a total housing density of 8.3 units per square mile. Of course, housing density varies widely throughout the town with lakeshore areas maintaining a substantially higher density than the forested and agricultural areas.

SECTION 4  
TRANSPORTATION

**Introduction.** The transportation network is the backbone upon which a community bases its economy, access to resources, and connection to other communities forming a critical link to continued development and growth. Maintenance and repair, in addition to periodic additions and enhancements to this system, are essential for its use by county residents, visitors, and businesses. Keeping pace with changes in transportation trends and network use are also essential to anticipate needed improvements and potential additions to the transportation network.

Vehicular (automotive) travel is the predominant mode of travel for residents of the Town of Oakland and Douglas County. The conversion of railroads in the county and region into recreational trails precludes the redevelopment of passenger rail service in the foreseeable future.

**Roadway Characteristics.** The Town of Oakland's roadway network is comprised of 85.09 miles of highways and roadways. Roads within the community are classified by their functional use and by the amount of traffic they carry. The table below indicates the functional use of Oakland's roadway network.

**Table 8: Town of Oakland Roadways**

Classification	Miles of Roadway	Percent of Town Roadway System
County Trunk Highways	19.32	22.70%
Town Roads	59.77	70.24%
Rustic Roads	0.00	0.00%
County Forest Roads	6.00	7.06%
Special Use / Other Roads	0.00	0.00%
<b>Total</b>	<b>85.09</b>	<b>100.00%</b>

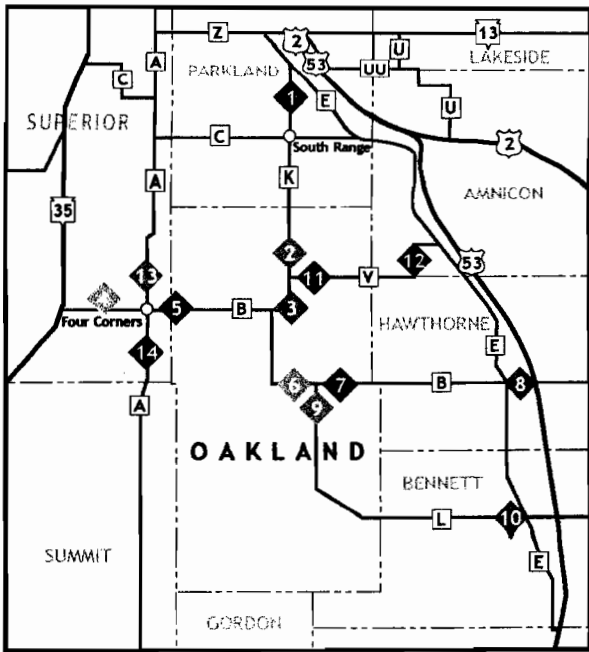
Source: Wisconsin Department of Transportation, District 8

**Table 9: Average Daily Traffic at Selected Sites in and near the Town of Oakland**

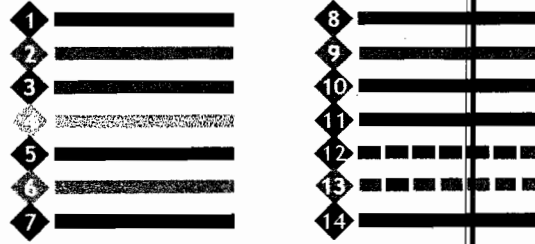
	1966	1969	1973	1975	1978	1981	1984	1987	1990	1993	1996
Site 1:	710	550	590	590	1,060	950	1,000	1,070	1,050	1,050*	1,300
Site 2:	295	350	320	520	610	550	630	690	610	610*	1,000
Site 3:	265	275	240	290	460	470	430	<i>(No data recorded from site after 1984)</i>			
Site 4:	675^	600	760	650	680	750	990	1,080	1,130	1,200	1,100
Site 5:	NA	475	450	680	670	760	990	1,100	1,140	1,100	1,100
Site 6:	250	375	270	280	290	460	630	600	600	640	680
Site 7:	185	235	280	200	280	400	470	480	480	250	640
Site 8:	305	310	360	560	650	660	740	770	760	2,200	1,800
Site 9:	140	155	150	150	<i>(No data recorded at site from 1975 to 1990)</i>					250	250
Site 10:	235	150	240	240	300**	260**	220**	210**	200**	350	340
Site 11:	160	155	80	230	290	270	320	<i>(No data recorded from site after 1984)</i>			
Site 12:	NA	70	70***	150	210	200	160	280^^	270^^	<i>(No data recorded)</i>	
Site 13:	255	515	500	850	820	960	770	850	900	1,100	1,300
Site 14:	520	620	550	780	800	820	880	930	880	1,000	1,000



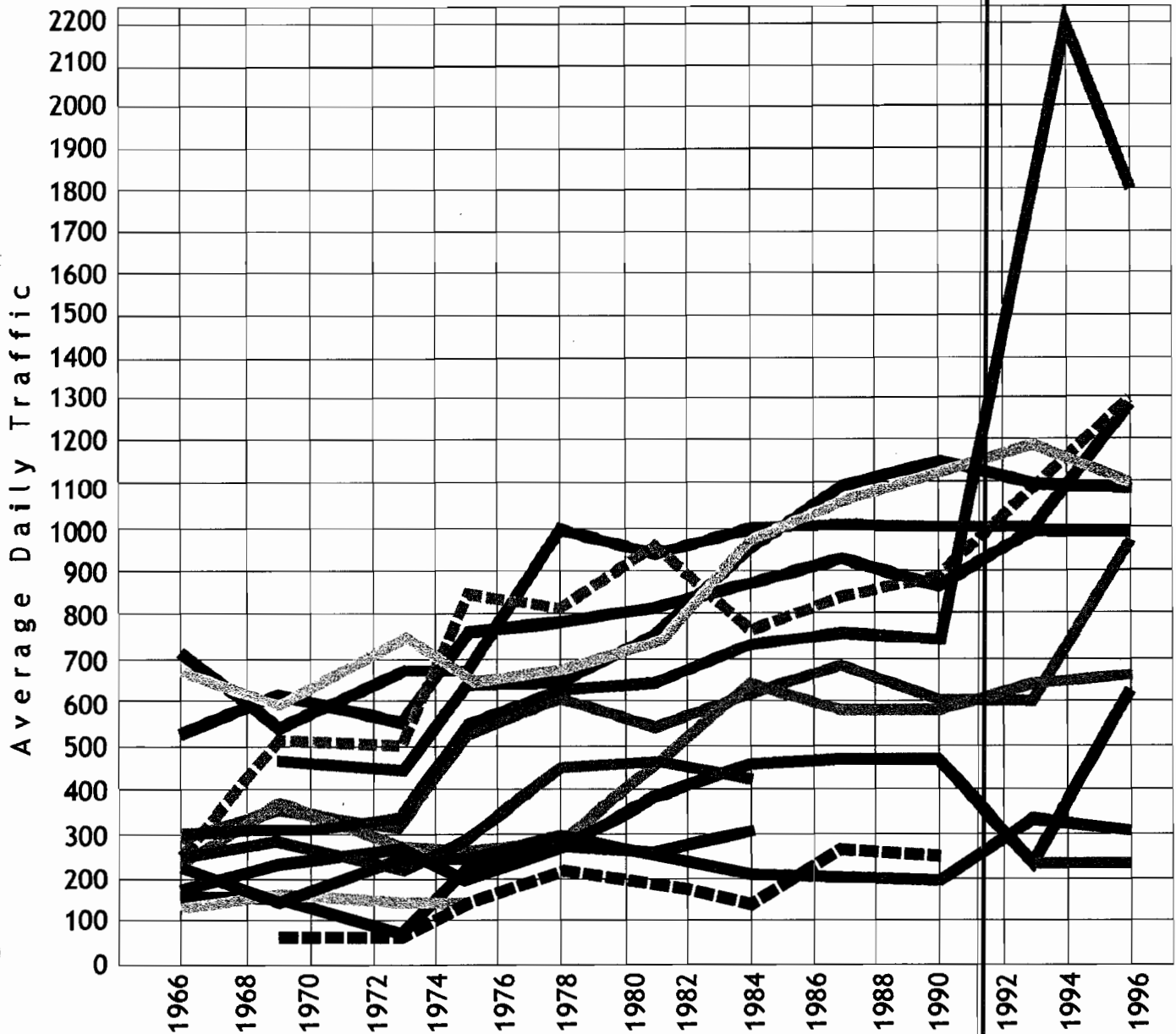
**Site 1:** CTH "K" just south of jct. With CTH "E" (in Parkland Twp.)  
**Site 2:** CTH "K" just north of jct. with CTH "V" (in Oakland Twp.)  
**Site 3:** CTH "K" just east of jct. with CTH "B" (in Oakland Twp.)  
**Site 4:** CTH "B" 1 ½ mile west of CTH "A" (in Superior Twp.)  
**Site 5:** CTH "B" 1 mile east of jct. with CTH "A" (in Oakland Twp.)  
**Site 6:** CTH "B" ¾ mile west of jct. with CTH "L" (in Oakland Twp.)  
**Site 7:** CTH "B" just east of jct. with CTH "L" (in Oakland Twp.)  
**Site 8:** CTH "B" just west of jct. with US 53 (in Hawthorne Twp.)  
**Site 9:** CTH "L" just south of jct. with CTH "B" (in Oakland Twp.)  
**Site 10:** CTH "L" just west of jct. with US 53 (in Bennett Twp.)  
**Site 11:** CTH "V" just east of jct. with CTH "K" (in Oakland Twp.)  
**Site 12:** CTH "V" 1 mile west of jct. with CTH "E" (formerly CTH "AA") (in Amnicon Twp.)  
**Site 13:** CTH "A" just north of jct. with CTH "B" at Four Corners (in Superior Twp.)  
**Site 14:** CTH "A" just south of jct. with CTH "B" at Four Corners (in Superior Twp.)  
 \*1990 ADT / ^1966 ADT reading recorded 2 ½ miles west of jct with CTH "A" / \*\*These readings were taken just west of the jct. of CTH "L" and US 53, all other from just east of this junction. / \*\*\*1969 ADT / ^^These reading were taken on STH "V" ½ mile west of jct. with the Hines Rd.  
 Source: Wisconsin Highway Traffic, Division of Planning & Budget, Wisconsin Department of Transportation, District 8



### Sites of Average Daily Traffic Recording in and near the Town of Oakland 1966 - 1996.



Note: A gap in the line on the graph indicates a period when average daily traffic was not collected.



**Commuter Traffic In and Out of Douglas County.** As of 1994, the county was experiencing a net commuter loss of 1,512 individuals who resided in Douglas County but worked outside the county. Table 10 indicates Douglas County's commuting patterns. As is indicated, most workers who commute remain in Douglas County. Of note, 85.6 percent of commuters who leave the county travel to Minnesota, primarily to the City of Duluth.

**Table 10: Douglas County Commuting Patterns**

	Commute To	Commute From	Net Commute
Bayfield County	101	245	144
Washburn County	137	56	-81
Burnett County	43	25	-18
Minnesota	3,917	2,609	-1,308
Elsewhere	376	78	-298
<b>Total</b>	<b>4,574</b>	<b>3,053</b>	<b>-1,521</b>
Commute within Douglas County	12,739	-----	-----

Source: Wisconsin Dept. of Workforce Development, Wisconsin Commuting Patterns 1994.

**Roadway Maintenance and Repair.** Neither the Douglas County Highway Department or the Wisconsin Department of Transportation have any major roadway improvement projects scheduled for county highways in the Town of Oakland through their budget cycle ending in 2005.

**Airports and Airfields.** No scheduled passenger flights are available in Douglas County. The nearest airports providing regular scheduled passenger flights to domestic and international destinations are in Duluth, Minnesota or Minneapolis-St. Paul, Minnesota. At present, Douglas County has a total of eight airfields. Their use and present condition is outlined in Table 11.

**Table 11: Douglas County Airfields**

Airfield	Location	Owner	Status
Richard I. Bong Airport	City of Superior, T49N, R14W, Sec. 35	City of Superior	Municipal, General Use
Solon Springs Municipal	T Solon Springs, T44N, R12W, Sec. 1	Solon Springs Twp.	Municipal, General Use
Degerman Field	T Highland, T45N, R10W, Sec. 5	John D. Degerman	Private
Cedar Island	T Highland, T46N, R10W, Sec. 22	J. G. Ordway	Private
Elm's Airfield	T Parkland, T48N, R13W, Sec. 13	Roger E. Elm	Private
Carlson's Airfield	T Superior, T48N, R14W, Sec. 24	Earl Carlson	Private
Northern Lakes Marina	V Lake Nebagamon, T47N, R11R, Sec. 36	Anthony R. Colleta	Private, abandoned
Apollo Club	T Superior, T47N, R14W, Sec. 15	Charles Androwski	Private, abandoned

Source: Wisconsin Department of Transportation, Bureau of Aeronautics, 2000

SECTION 5

LAND USE & ZONING

**Existing Land Use.** The predominant land use activity in the Town of Oakland is forestry. As was mentioned earlier, Douglas County maintains approximately one-third of the town for forestry (including timber sales, public recreation, and wildlife habitat). Residential and agricultural uses comprise the second and third most prevalent land use activities respectively. Table 12 below lists the various categories of land use in the town.

**Table 12: Town of Oakland Existing Land Use**

Land Use Classification	Acres	Percent of Town
Agricultural	2,953	7.09%
Forestry	34,765	83.49%
Commercial	94	2.25%
Residential	3,272	7.85%
Public Park	37	0.08%
Institutional (town, church, etc.)	36	0.08%
Open Water	482	1.15%
<b>TOTAL</b>	<b>41,639*</b>	<b>100.00%</b>

Source: NWRPC Geographic Information Systems analysis of field survey conducted June 2001  
 \*uncorrected overage of 48 acres from Geographic Information Systems database

**Existing Zoning.** All areas of the Town of Oakland are under Douglas County Zoning. The town has seven zoning districts presently in force, these include: R-1 Residential, RR-1 Residential-Recreation, R-2 Residential, C-1 Commercial, A-1 Agricultural, F-1 Forestry, and W-1 Resource Conservation. The Town of Oakland presently has no lands zoned I-1 Industrial for industrial or manufacturing use.

**Table 13: Town of Oakland Existing Zoning Districts**

Zoning Districts	Acres	Percent of Town
A-1: Agricultural	12,534	30.10%
C-1: Commercial	82	0.20%
F-1: Forestry	24,970	60.03%
R-1: Residential	896	2.15%
R-2: Residential	1,530	3.68%
RR-1: Residential-Recreation	606	1.46%
W-1: Resource Conservation	137	0.33%
Open Water	835	2.00%
<b>TOTAL</b>	<b>41,590</b>	<b>100.00%</b>

Source: Douglas County Zoning Office

**Growth Management Factors.** Certain factors, both cultural and natural, serve to inhibit the development of areas within the town. Cultural factors include pre-existing development in the form of residential, commercial, or institutional use or lands established for conservancy; potential resource use (forestry, mining, gravel pit, etc.); or sites made un-usable through contamination. Natural factors inhibiting growth include wetlands, sensitive natural areas, buffer zones for wildlife habitat areas, steep slopes, or other special conditions that preclude development. The following table and accompanying map reveal the growth management factors

present in the Town of Oakland. Just over one-fourth of the Town of Oakland has no pre-existing man-made or environmental condition which would prohibit development.

**Table 14: Town of Oakland Growth Management Factors**

Growth Management Factors	Acres	Percent of Town
Lands in industrial / commercial forest	3,199	7.59%
Lands in public ownership	6,957	16.73%
Wetlands	8,790	21.14%
Existing Commercial / Industrial Use	139	0.33%
Existing Residential Use	7,547	18.15%
Steep Slopes (12.5% slope; Soil Cons. Service)	734	2.01%
Water buffer zone (development prohibited)	2,296	5.52%
Open water	835	1.77%
<b>TOTAL</b>	<b>41,590</b>	<b>100.00%</b>

Source: Douglas County Zoning Office

**Tax classification.** Parcels are assessed for the value of the land and improvements on them for taxation purposes. Viewing the tax classifications is instructive in revealing the pattern of land use in the town. The following table illustrates the amount of land in the Town of Oakland that falls into each tax classification.

**Table 15: Tax Classifications**

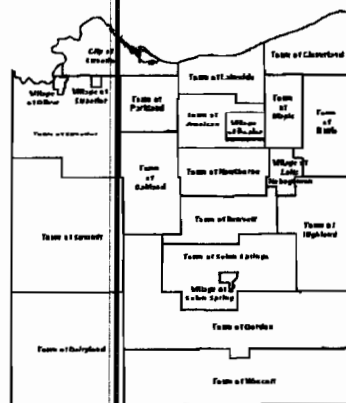
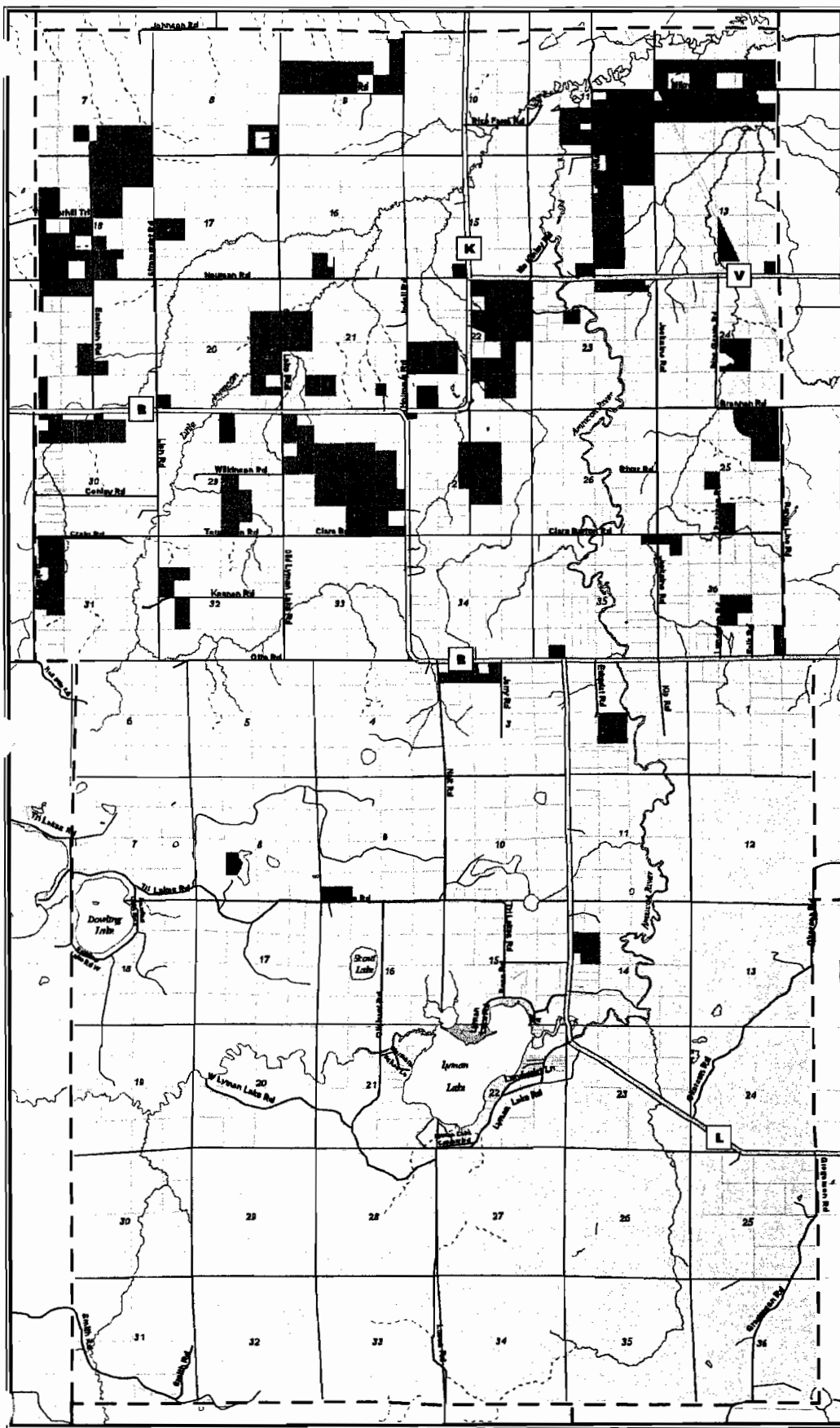
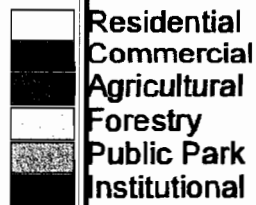
Tax Classifications	Acres	Percent of Town
Residential	8,775	21.1%
Agricultural	2,986	7.2%
Mercantile (Commercial)	81	0.19%
Manufacturing	80	0.19%
Productive Forest Lands	8,911	21.2%
Private Forest Crop	1,406	3.3%
Managed Forest Lands	3,930	9.4%
Swamp and waste	1,904	4.6%
Exempt: Douglas County Lands	161	0.4%
Douglas County Forest Crop	12,413	29.8%
Exempt: Special Use Lands	362	0.9%
Exempt: Town of Oakland Lands	115	0.3%
Exempt: Miscellaneous Lands	11	0.03%
Parcels with no Tax Classification Data	455	1.1%
<b>TOTAL</b>	<b>41,590</b>	<b>100.00%</b>

Source: Wisconsin Department of Revenue

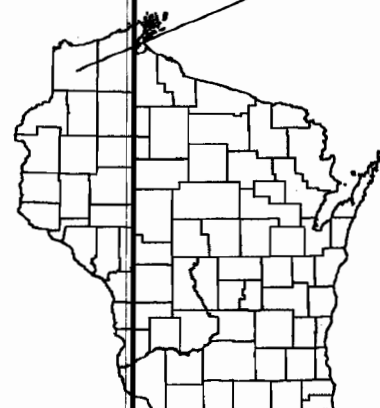
# Town of Oakland

Map 8

## Existing Land Use



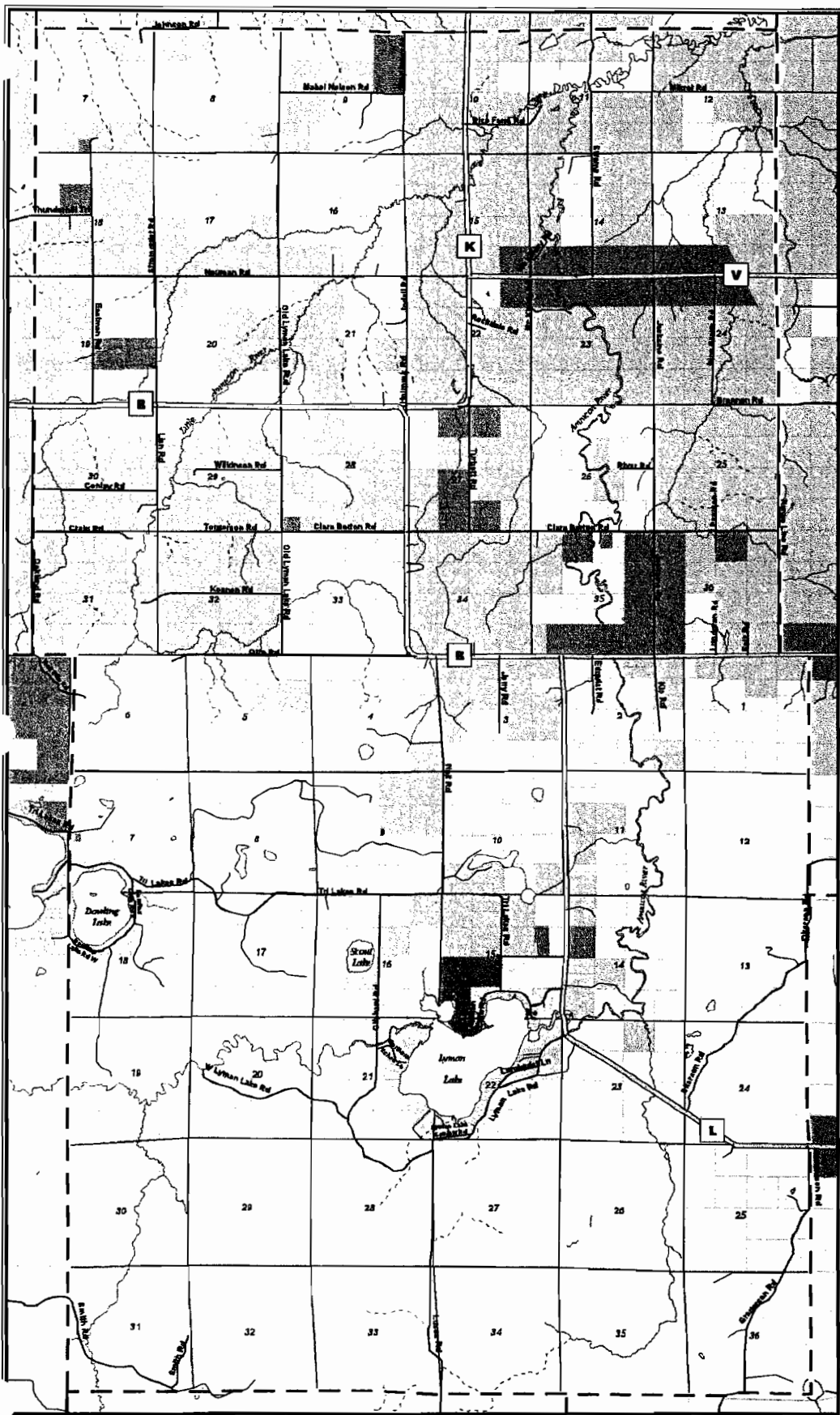
Douglas County,  
Wisconsin



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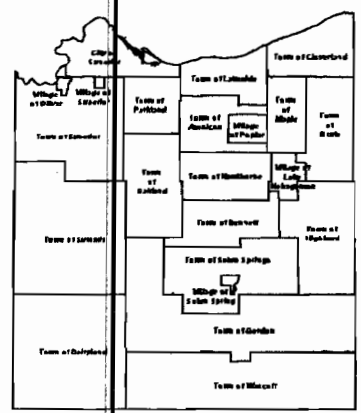


# Town of Oakland



- County Zoning Districts**
- Residential - R1
  - Residential-Recreation - RR1
  - Residential - R2
  - Commercial - C1
  - Agricultural - A1
  - Forestry - F1
  - Industrial - I1
  - Resource Conservation

County Road  
 Town Road



*Douglas County,  
Wisconsin*



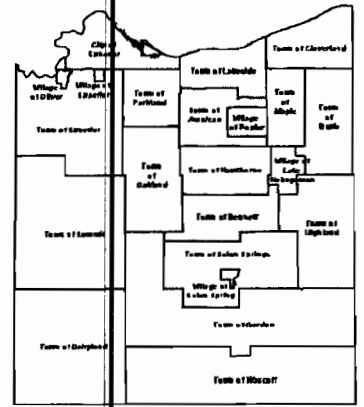
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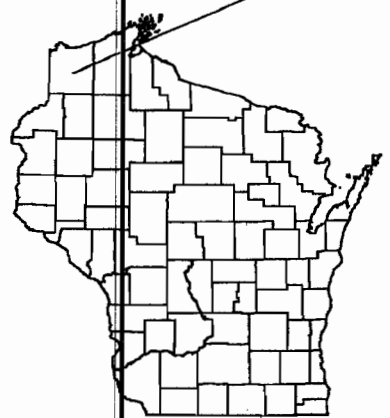
# Town of Oakland

## Growth Management Factors

- Water
  - Water Buffer (75 feet)
  - Steep Slopes (>12.5%)
  - Residential
  - Com/Indust
  - Wetland
  - Public Land
  - Industrial Forest
  - none
- County Road  
 Town Road



Douglas County, Wisconsin




















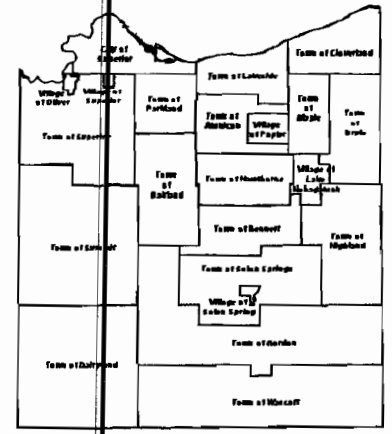
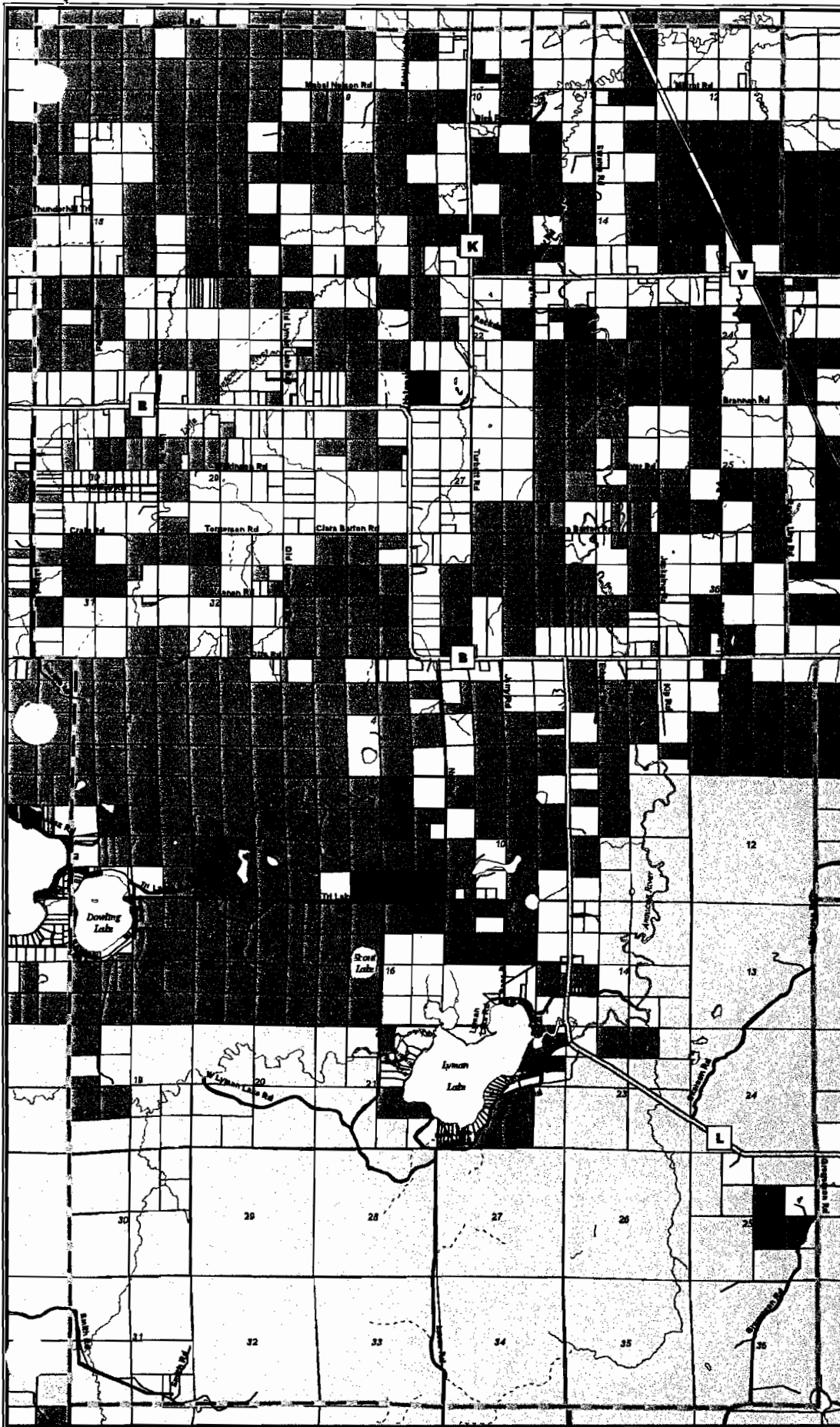
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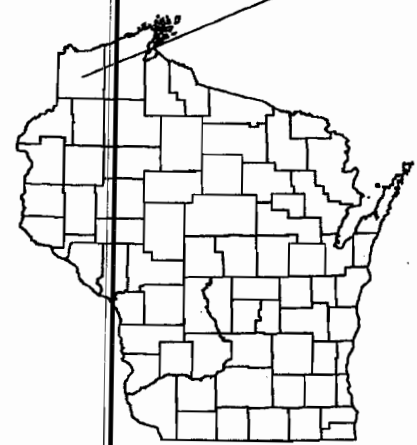
# Town of Oakland

## Property Tax Classification

-  Residential
-  Mercantile
-  Manufacturing
-  Agriculture
-  Forest
-  Swamp and Waste
-  Federal
-  State
-  County
-  County Forest
-  Special Use Land
-  Municipal
-  Exempt Industrial
-  Exempt Utilities
-  Exempt Railroads
-  Other Exempt
-  No Data



Douglas County,  
Wisconsin



1:75000



**Table 16: Change in Parcels & Acreage for Tax Classification Categories, 1978-1998**

Tax Classification	Number of Parcels			Acreage		
	1978	1988	1998	1978	1988	1998
Agricultural	321	241	123	6,037	4,149	3,449
Residential	601	626	703	5,000	1,468	2,062
Mercantile (Commercial)	8	10	8	10	11	49
Manufacturing	1	1	1	80	80	80
Swamp and waste	37	30	105	537	418	1,677
Forest	593	570	562	19,489	16,411	15,525

Source: Wisconsin Department of Revenue

**Change in Parcels.** A review of tax classification parcels from 1978 to 1998 reveals the following trends:

- › A continued decline in lands assessed for agriculture
- › A continued, but modest increase in parcels assessed residential.
- › Stability in both mercantile (commercial) and manufacturing parcels since 1978.
- › A notable increase in swamp and waste assessed parcels (this is primarily due to the Department of Revenue's 1997 re-classification of what constitutes swamp and waste)
- › A gradual decline in parcels assessed for private forestry use.

From these trends it can be reasoned that:

- › Commercial and manufacturing activity in the town are presently stable and not in a mode of growth.
- › Forestry and agricultural lands are gradually being converted over into use for residential development, primarily as small lots of 10 acres or less. The increase in residential parcels coupled with the decrease in residential acreage suggests the subdivision of existing residential parcels for new development along with the conversion of agricultural and forestry lands.

## SECTION 6

# PUBLIC INPUT AND PUBLIC CONCERNS

**Community Survey.** A community planning survey was created by the Town of Oakland Planning Committee and distributed to each resident and property owner in the town in October 2000. Results were gathered and processed by Northwest Regional Planning Commission and made available to the public at the first planning input session in March 2001. Additional public forums were held in August 2001 and (list others as they occur). The full results and a copy of the survey as it was distributed are found in Appendix A of this plan.

The purpose of the Community Planning Survey was two-fold: to let the property owners and residents in the town know that Oakland is preparing a land-use plan and that their input is welcomed, and secondly, to gather that input through questions centered around issues and concerns currently faced by the town.

**Public Input Sessions/Public Commentary** from the public input sessions held, those in attendance identified the following issues.

*Preservation of rural character in the Town of Oakland*  
*Concerns over outdoor lighting / "light trespass" / diminishment of night sky viewing*  
*Regulations for control of jet-skis on the lakes*  
*Not to become a suburb of Superior*  
*Protect the natural resources of the town*  
*Improve the quality of the town's roads*  
*Better law enforcement for truck traffic on CTH "B"*  
*Establish a reward system or financial incentive for keeping land in its natural state*  
*Investigate a fee for the use of the land by the proposed Arrowhead-Weston power line*  
*Concern for appropriate placement of septic systems*  
*Better coordination between Douglas County and the Town of Oakland*  
*Better enforcement of existing zoning ordinances by Douglas County*  
*Concern over unplanned development/actions of non-resident developers*  
*Increasing road use and associated maintenance costs due to increased development*  
*Find a consistent form of education for residents/visitors on land use policy to head off future conflicts and problems*  
*Preservation of the town's environmental corridors*

SECTION 7

GOALS, OBJECTIVES  
AND ACTIONS

The Town of Oakland, in accordance with the survey results and public input collected during the planning process developed a series of goal, objective, and action statements that serve to define the desired future direction of the town.

**Goal 1: PROTECT AND MAINTAIN THE RURAL CHARACTER OF THE TOWN OF OAKLAND**

Objective A: Identify the characteristics of the Town of Oakland that constitute rural character and work to maintain those characteristics.

Objective B: Identify a target development density threshold for the Town of Oakland with accommodation for development factors such as road access, site suitability and land cover.

Objective C: Identify open space areas that presently contribute to the rural character of the Town of Oakland and review options for their retention as open space.

Objective D: Make use of innovative residential and commercial development design techniques to accommodate growth while retaining the town's rural character.

Objective E: Work to protect the environmental corridors from incompatible or damaging development in the town.

Objective F: Work to provide a variety of recreational amenities and access to residents and visitors within the town's capacity to do so.

*Action: Review capacity of existing lake access points, trail and roadway network.*

**Goal 2: MINIMIZE LAND USE CONFLICTS WITHIN THE TOWN OF OAKLAND**

Objective A: Work to cooperatively guide new land use activities including residential, commercial, forestry and agricultural into suitable and appropriate areas of the town.

*Action: Identify areas suitable for various types of land use activities within the Town of Oakland through the Land Use Planning and Public Input Process.*

*Action: Review existing zoning districts and existing land use patterns in the town and devise recommendations for better integration of zoning and land use.*

Objective B: Incorporate a variety of innovative design standards, site designs and related concepts that accommodate development appropriate to the character of the town.

**Goal 3: MAINTAIN, PROTECT AND PRESERVE THE ENVIRONMENTAL QUALITY OF THE TOWN OF OAKLAND**

Objective A: Work to protect and maintain the quality of the town's surface and subsurface water resources.

*Action: Identify and enforce equitable controls for personal watercraft use*

*Action: Identify areas unsuitable for moderate to high density development due to high groundwater, susceptibility to contamination or inability to sustain septic systems.*

Objective B: Work to preserve the high quality of the town's air resources.

*Action: Identify potential threats to air quality*

Objective C: Work to protect the aesthetic beauty of the town's natural amenities.

*Action: Identify scenic, unique or fragile sites which are of particular aesthetic value to the town and review a variety of means to preserve and maintain them.*

Objective D: Work to protect the rural "night sky / dark sky" amenities of the town.

*Action: Examine innovative and efficient private lighting design options for private and public uses which direct light earthward rather than skyward*

**Goal 4: WORK TOWARD EQUITABLE AND CONSISTENT ENFORCEMENT OF ZONING AND LAND USE REGULATIONS IN THE TOWN OF OAKLAND.**

Objective A: Identify areas of present concern as examples of situations to avoid in future land use development.

Objective B: Work to minimize the use of variances in the town.

Objective C: Pro-actively work to improve communication with Douglas County on issues of zoning enforcement and land use regulation.

Objective D: Work to improve education and awareness of zoning and land use regulation procedure and policy for Town of Oakland residents.



**Goal 5: PROMOTE CONTINUED INTERACTION AND COOPERATION WITH NEIGHBORING TOWNS AND ORGANIZATIONS, DOUGLAS COUNTY AND THE STATE OF WISCONSIN.**

Objective A: Promote cooperation and increased communication for long-term planning with neighboring towns and Douglas County.

Objective B: Work to strengthen existing partnerships of fire departments, lake districts, recreational groups and related mutual aid agreements with adjoining municipalities.

**Goal 6: ENSURE AN EFFECTIVE AND CONTINUED PUBLICLY BASED LAND USE PLANNING PROCESS IN THE TOWN OF OAKLAND.**

Objective A: Encourage public participation in land use planning in the Town of Oakland via open meetings, public input session and participation in the town government process.

Objective B: Provide the opportunity for continual public review and amendment of the land use plan.

SECTION 8

PROPOSED LAND USE  
AREA RECOMMENDATIONS

The following section lists the various broad land use areas derived via the planning process for the Town of Oakland. Following this section is a map illustrating the coverage of these broad land use areas.

- I. **Moderate to high-density lakeshore residential:** This area is identified in *dark blue* on the map and is found around Dowling and Lyman Lakes. A mix of permanent and seasonal housing units and various types of private lake access defines this area. The majority of usable parcels have been already developed along these lakes; however, some additional parcels may be carved from existing ones.

**RECOMMENDATIONS FOR THESE AREAS INCLUDE:**

Adherence to State of Wisconsin and Douglas County shoreland ordinances for setbacks of new developments and improvements to existing structures.

Encourage the reintroduction of native shoreland vegetation to control and filter run-off from lawns and to stabilize the existing shoreline.

Discourage excessive parcelization, backlot development, and development of "keyhole" access lots. Discourage excessive lakeshore development or substantial modification of the natural shoreline that would impair water quality or create erosion potential. Discourage excessive or poorly designed shoreland outdoor lighting that would diminish the rural amenity of night sky viewing.

- II. **Areas perceived to have development potential/pressure in coming years:** These areas are identified in *medium blue* on the map and are found to the north, east, and south of Dowling Lake, along Tri-Lakes Road, and to the south of Lyman Lake.

As valuable and desirable lake lots are developed to capacity in the Town of Oakland, market pressure for developable real estate with "northwoods" amenities will continue. These amenities include access to viewsheds, wooded seclusion, wildlife habitat, or capacity for hunting and wooded lots for timber management.

**RECOMMENDATIONS FOR THESE AREAS INCLUDE:**

Residential development should make use of conservation subdivisions or similar planned unit development techniques that maintain the natural contours of the site and landscape. Development projects that do not meet the conservation subdivision criteria should be developed with a minimum lot size of 20 acres to retain low-density "rural character" and wooded seclusion of developments.

New residential developments must be sited to avoid the diminishment of natural corridors including ravines, creeks and waterways, critical habitats, wetlands, sensitive and fragile soils and to avoid natural hazard areas.

**III. Moderate density residential corridor:** These areas are identified in *light orange* on the map and are found along the CTH "B", CTH "K" and CTH "V" corridors through the town. These corridors already contain a substantial portion of the town's residential development and are responsible for conducting the bulk of roadway traffic to, from and through the town.

**CONCERNS FOR THESE AREAS INCLUDE:**

**Over development** - i.e. too many parcels developed into housing resulting in a high frequency of driveways onto the highway as a safety concern

**Aesthetic concerns** - increased development along this corridor without attention to screening (either vegetative or manufactured fencing), appropriate setbacks

**Maintenance of traffic flow** - increased development along this corridor without attention to screening (either vegetative or manufactured fencing), appropriate setbacks

**Overuse by vehicular traffic** - a growing concern, especially for the CTH "B" is the overuse of county highways through the Town of Oakland by large trucks. Large trucks use this route to bypass the Wisconsin Department of Transportation weigh station located on USH 53 en route to Duluth-Superior. This increased load poses two immediate problems to the residents: declining road quality and safety.

**RECOMMENDATIONS FOR THE CORRIDOR INCLUDE:**

Parcel divisions must be part of a conservation subdivision development that is appropriately screened from the roadway and protects naturally occurring vegetation. Non-conservation design development projects must have a minimum parcel size of 20 acres to control density and over-development, driveway frequency, and maintain the appropriate speed of the corridor.

Designated minimum setbacks for new residential development and related buildings (garages, workshops, storage sheds) for both safety and aesthetic concerns.

Use of screenings (preferably vegetative plantings, trees, etc.) to ensure privacy and minimize aesthetic discontinuity.

Development of roadway shoulders by the Douglas County Highway Department so the roadway can more safely accommodate pedestrian and bicycle traffic, provide safe transit for motorists, and increase visibility for wildlife hazards (hitting deer).

Concentration of new commercial enterprises at designated sites to minimize excessive ingress and egress from the roadway to preserve the speed of the corridor.

Development of standards for commercial signage including color scheme, size, and lighting so the corridor does not become cluttered with distracting and un-compatible signs.

**IV. Low density residential / agricultural / forestry:** These areas are identified in *yellow* on the map and encompass roughly the northern and central portions of the town, including a substantial portion of the CTH "L" corridor. They are presently characterized by low density, single-family homes with active or former farming operations and small to large woodlots. This area forms the core of the town's "rural character" and open space.

**RECOMMENDATIONS FOR THESE AREAS INCLUDE:**

Residential development projects should require a minimum parcel size of 40 acres to control density and preserve the open space amenities

Use of screenings (preferably vegetative plantings, trees, etc.) to ensure privacy and minimize aesthetic discontinuity.

New residential developments must be sited to avoid the diminishment of natural corridors including ravines, creeks and waterways, critical habitats, wetlands, sensitive and fragile soils and to avoid natural hazard areas.

**V. Douglas Fault viewshed area (Areas perceived to have development potential/pressure in coming years)** This area is identified with a *hatch pattern* on the map and encompasses the northwestern corner of the town. At present, it is largely forested and undeveloped. This area has the primary amenity of beautiful north-facing views and has a perceived high market value potential for residential development. Access to most of the area is limited to the CTH "K", Mabel Nelson Road and Eastman Road.

**RECOMMENDATIONS FOR THESE AREAS INCLUDE:**

Use of conservation subdivisions or other planned unit development treatments as applicable to desired higher-density developments and the use of appropriate vegetative screenings to minimize the visual impact of these developments on the landscape. Non-conservation design development should require a minimum lot size of 40 acres.

Recognition of the characteristics of the soil, susceptibility to groundwater contamination, and ability of the area to support private septic systems.

Review the feasibility of setting aside a portion of the area for public use as a park, preserve, or hiking trail network.

Any new roadway construction must take into consideration the variability of the landscape.

Further analyze the physical characteristics of the viewshed and define existing development patterns within this area to prepare/plan for future land development that may impact the viewshed.

**VI. Commercial nodes.** These areas are identified in *red* on the map and are found at the intersections of CTHs "B" & "K" and at CTHs "K" & "V". The sites at the intersections of the county trunk highways are presently functioning as commercial nodes with two businesses and the town's municipal buildings in place.

**RECOMMENDATIONS FOR THESE AREAS INCLUDE:**

Encourage larger commercial enterprises which are incompatible with the Town of Oakland's rural residential character and long-term goals to locate at the designated development nodes identified in the Douglas County Land Use Plan or in the City of Superior where appropriate municipal infrastructure (water, sewer, etc.) is already in place.

Encouraging new commercial and retail developments to concentrate at these designated sites to inhibit the development of highway sprawl in the town.

**VII. Institutional lands / parks.** These areas are identified in *gray* on the map. These three areas include the Boy Scouts of America Camp Neuman area, Anna-Gen County Park, and the Town of Oakland municipal complex at the junction of CTHs "B" & "K". These areas are largely unchanging in their present and anticipated future use.

The Town of Oakland would be well served to examine additional sites within the town suitable for potential expansion of town facilities (example: expansion of town garage facilities, fire department, etc.) if such is necessary in the coming 20 years.

**VIII. Douglas County Forest Lands.** These areas are identified in *pale mint green* on the map and encompass roughly the southern one-third of the Town of Oakland. The county maintains this area for timber harvest, wildlife habitat, recreational access, and wetlands protection.

**GENERAL RECOMMENDATIONS FOR THESE AREAS INCLUDE:**

Adherence to policies and standards set forth in the Douglas County Forestry Plan for long-term forestry management, recreational access, and wildlife habitat.

Recognition that private developments on parcels bordering county lands should maintain an appropriate vegetation buffer to reduce forest fragmentation.

New road construction should be limited to those roads used specifically for logging and timber operations. After their use for timber harvest, Douglas County should encourage the closure/gating/limiting of access to these areas to deter increased human activity and to promote forest regeneration and wildlife habitat.

Forest access for logging operation and development of recreational trails should be encouraged to make use of the existing logging roads and trails.

**IX. Forestry Lands.** These areas are identified in *medium green* on the map and are found in the west central portion of the town. These areas presently lack significant residential development and are held as private woodlots for timber harvest, hunting and recreational access.

**RECOMMENDATIONS FOR THESE AREAS INCLUDE:**

Maintain Douglas County F-1 Forestry zoning designation for these areas.

In the event that residential development is imminent on these areas, a minimum parcel size of 40 acres should be maintained to control density and over development.

**X. Protection areas / conservancy.** These areas are identified in *dark green* on the map and are found in three places on the map. These include the undeveloped north and west shoreline areas of Lyman Lake and two areas west of CTH "B" and north of Otto Road. These areas are identified as containing outstanding or fragile natural resource attributes that have been identified for long-term protection.

**RECOMMENDATIONS FOR THE PROTECTION/CONSERVANCY AREAS:**

Re-zoning of these areas to the Douglas County W-1 Conservancy District.

Prohibition of residential use, commercial use, or other land development activity in these areas.

**XI. Amnicon River / Little Amnicon River Corridors.** These areas are identified in *dark green outline highlight* on the map and encompass the length of the Amnicon and Little Amnicon Rivers through the Town of Oakland and several tributaries of the Little Amnicon River system.

**Amnicon River.** The Amnicon River is a significant regional waterway and has been identified in the Douglas County Land Use Plan and the Douglas County Critical Resource Inventory as contributing to the scenic, aesthetic, and natural beauty of the area and for providing habitat to both terrestrial and aquatic life. The majority of the Amnicon River corridor is in private ownership and presently has no formal long-term-management strategy. Substantial development within the river corridor could result in decreased water quality and the loss of aesthetic benefits.

**RECOMMENDATIONS FOR THE AMNICON RIVER CORRIDOR:**

Adherence to State of Wisconsin and Douglas County shoreland ordinances for setbacks of new developments and improvements to existing structures in the river corridors.

Encourage loggers and timber harvesting operations to adhere to the regulations and setbacks regarding timber harvest in areas adjacent to navigable streams.

Determine areas of the Amnicon River Corridor within the Town of Oakland that have specific points of interest, fragile characteristics, outstanding geologic or other features, or provide

unique natural habitat and work for their long-term protection via purchase of development rights, easement purchase, or rezoning to W-1 conservancy.

**Little Amnicon River.** The Little Amnicon River is a tributary to the Amnicon River and connects to the main river just west of the junction of Mikrot and Swamp Roads in the town's northeast corner. In contrast to much of the Amnicon River, the Little Amnicon River shoreline areas are low and marshy, particularly adjacent to and west of CTH "K". These wetlands areas provide groundwater recharge and natural water detention capacity after rain and during the spring thaw.

**RECOMMENDATIONS FOR THE LITTLE AMNICON RIVER CORRIDOR:**

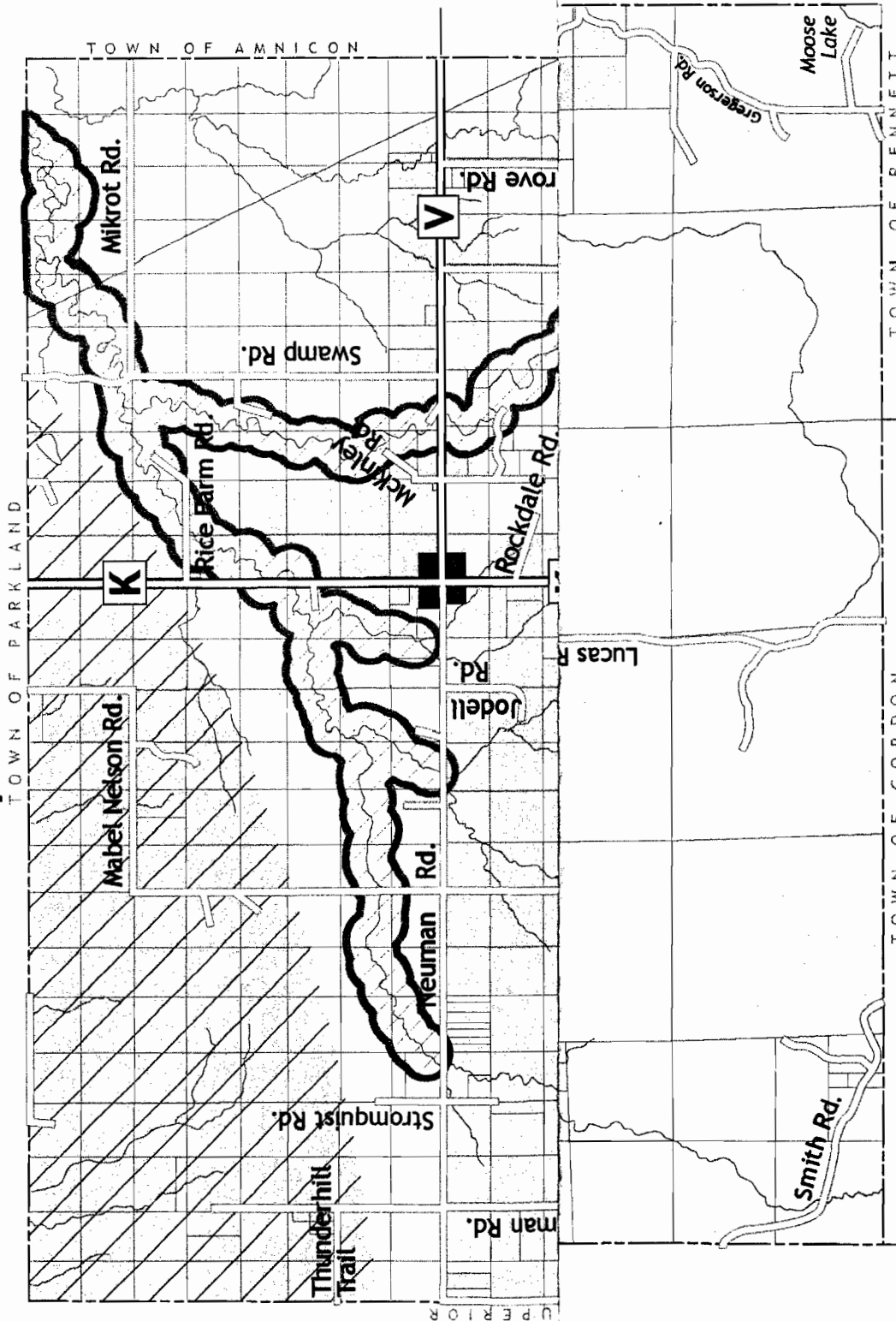
Adherence to State of Wisconsin and Douglas County shoreland ordinances for setbacks of new developments and improvements to existing structures in the river corridors.

Discourage developments, disturbances, new road construction, or bridge building that would serve to diminish the capacity of the Little Amnicon's adjacent wetlands to filter rain water or spring thaw run-off.

**XII. Development discouraged.** This single site is marked in *brown* on the map and encompasses the Aurora-Ouisconsin Shooting Range facility and neighboring parcels which house the town's old landfill site and a quarry. Residential development should be discouraged on adjacent parcels to avoid conflicts between land-owners and the noise generated by the lawful activity of sport shooting. Additionally, residential development should be discouraged due to the presence of the old landfill and its potential for residual contaminates.



# Town of Oakland: Proposed Land Use Areas



- Moderate to High density lakeshore residential
- Areas perceived to have development potential/pressure in coming years
- Moderate density residential corridor
- Low density residential/forestry/agriculture
- Douglas Fault viewshed area
- Areas best suited for commercial activity
- Institutional/ park
- Douglas County Forest Lands
- Forestry
- Areas designated for protection/conservancy
- Amnicon/Little Amnicon protection corridor
- New development to be discouraged

## CONSERVATION SUBDIVISIONS

The **conservation subdivision** concept has been around for several decades as a planning tool for residential development. The concept has been widely used throughout the eastern United States (notably the states of Pennsylvania, Maryland, Virginia, and New Jersey) where the growing population and demand for housing has begun to outstrip the availability of developable land. Additionally, municipalities seeking out ways to accommodate new residential development without sacrificing their natural areas, forest, and open spaces have been employing the conservation subdivision as one of their development tools.

Figures A, B, and C were prepared to illustrate how the conservation subdivision could assist the Town of Oakland accommodate new residential growth without diminishing its natural characteristics.

Figure A illustrates an undeveloped 80-acre parcel; perhaps a farmer is retiring and wishes to sell land holdings to add to his or her retirement funds. The parcel to be developed has a number of attractive features for residential development including gentle slopes down to a creek, the creek itself, and a combination of both wooded and open areas.

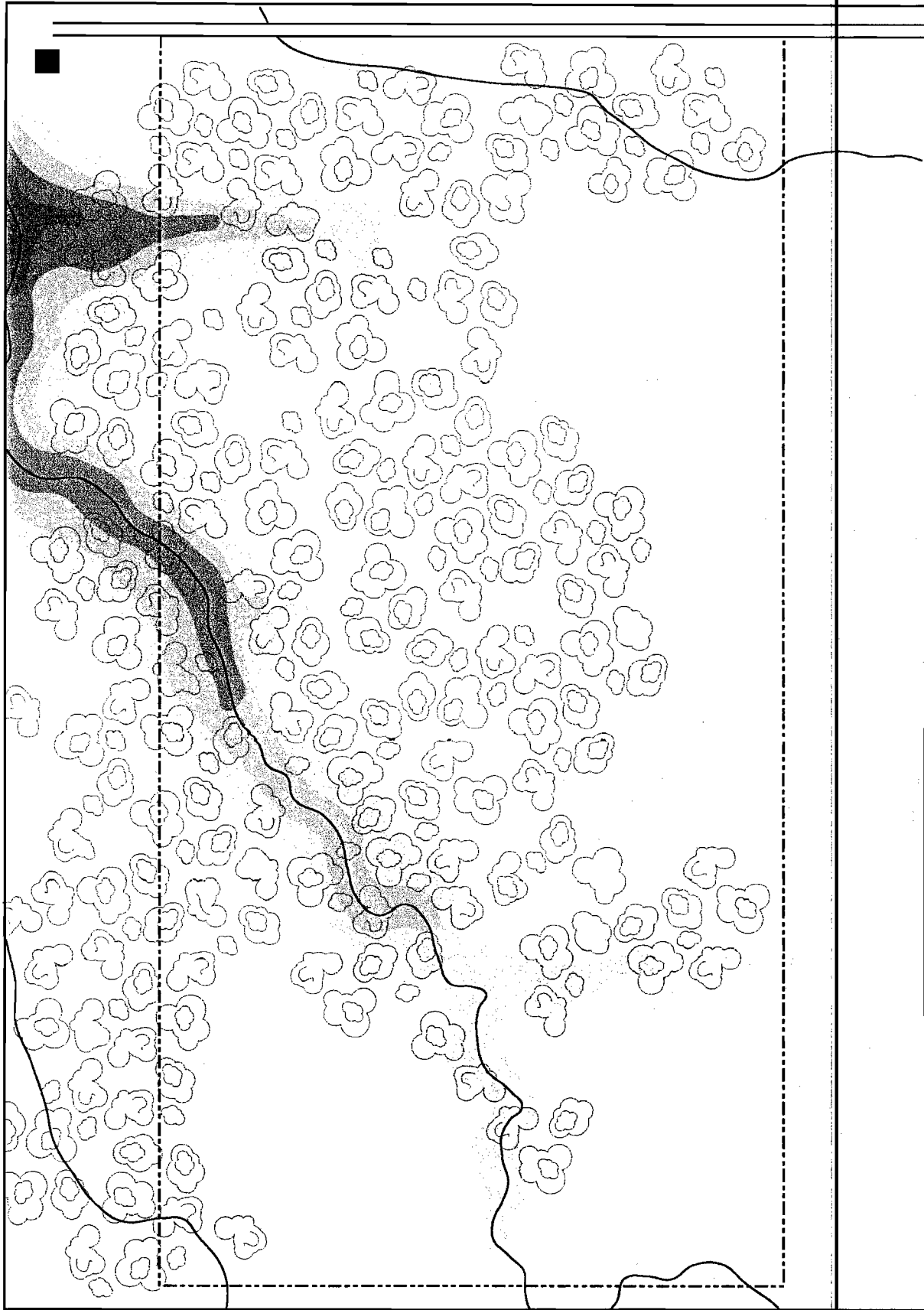
Figure B represents the conventional method of residential development or subdivision development. Lot lines are drawn, a straight road is laid out, and the parcels are sold and developed. While this type of development enables the farmer to profit from the sale of his land and enables individuals to build a house and purchase a land holding, it also significantly diminishes the natural character of the area.

Under this type of development (Figure B) the contours of the land and natural flow of the landscape is broken up into parcels that do not conform to the land's natural attributes. The road directly down the center of the former 80 cuts through the slope and valley rather than following the natural contours of the land.

Figure C illustrates the concept of the conservation subdivision. Using a clustered design, 12 residential parcels are created but on lots of one to two acres in size. The remaining lands are then left in their natural state and are held as an undivided interest. The undivided interest lands can be held in trust by the homeowners in the subdivision, can be retained by the original land owner, delivered into public hands, or purchased by a private organization such as the Nature Conservancy; and the lands will have covenants written into the deed that they are designated for specific uses (recreational use, wildlife habitat, etc.) and not to be developed. This option preserves natural areas and corridors of the town while still enabling development to take place and profit to be made by the original landowner and satisfy on-going market demand for land in rural areas. Lands in the undivided trust portion of the conservation subdivision, as they are no longer eligible for development, are then taxed as conservancy lands—substantially lower than that of residential property.

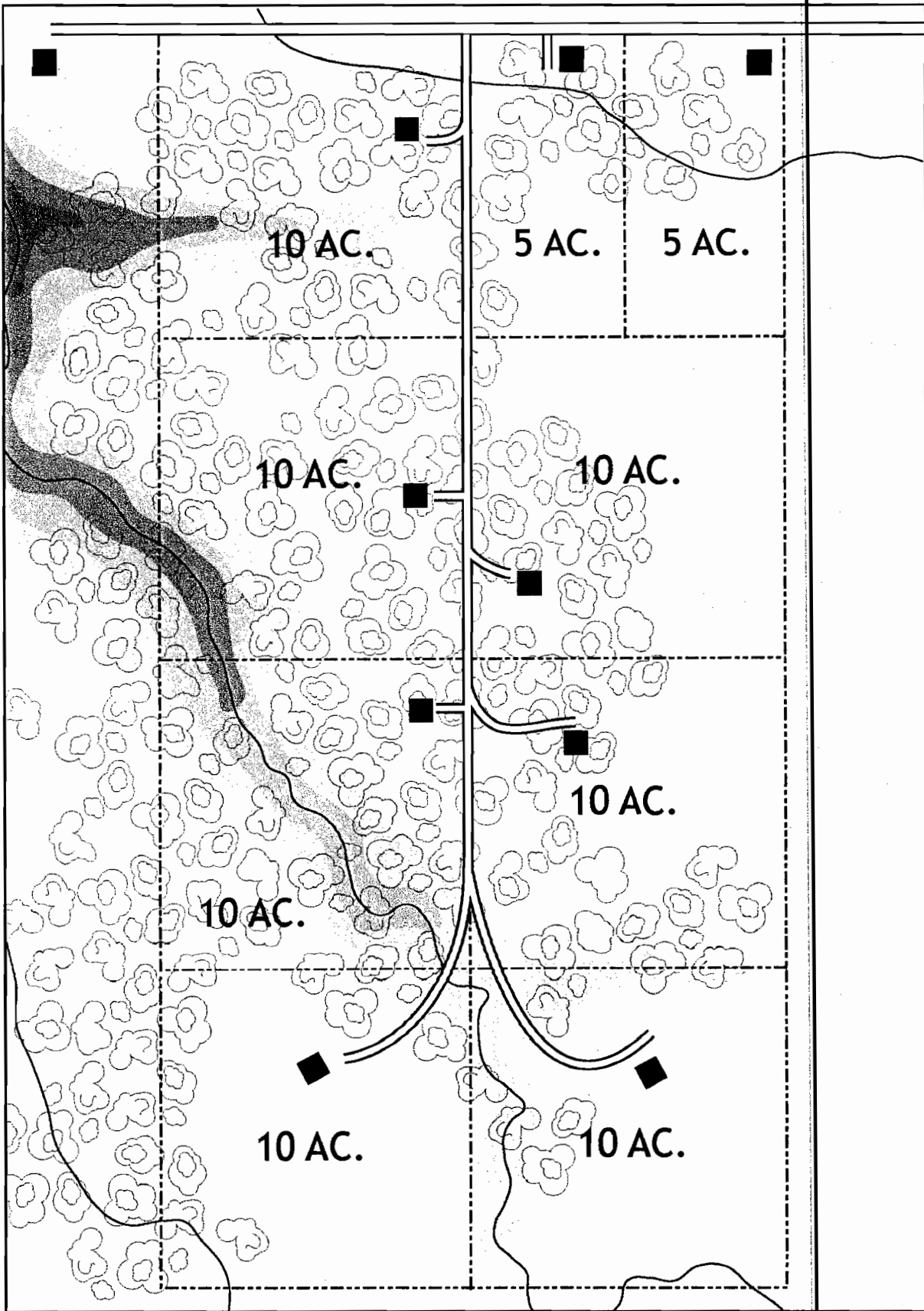
Conservation subdivision development projects should be encouraged to contain diversity in housing types and costs to match the housing needs of the community.

Figure A: Undeveloped 80 Acre Parcel



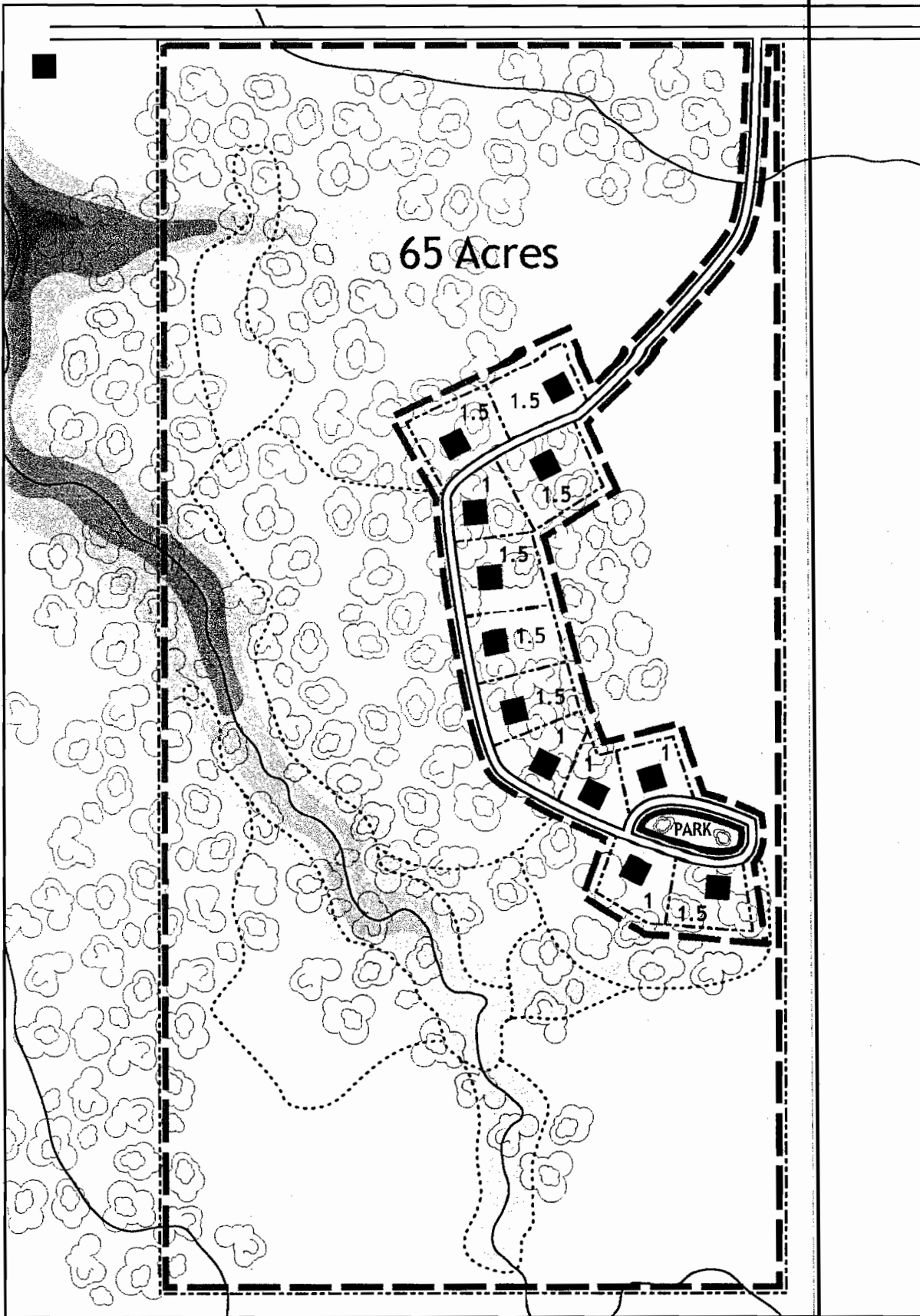
■ residence  
----- property boundary

Figure B: Conventional Subdivision



----- property boundary  
■ residence

Figure C: Conservation Subdivision



- — — — — preserved "green-space"      ■ residence
- ..... property boundary      ..... footpath

## **OTHER POTENTIAL IMPEMENTATION TOOLS**

### **SIGNS**

In an effort to preserve community character and natural setting, many communities have opted to utilize a *sign ordinance* to regulate the nature, size, location, and number of signs in their community. Ordinances of this nature give the community a legal tool for regulating signage and offer a tool to prevent the placement of unsightly and intrusive billboards that tend to propagate along transportation corridors.

### **NOISE**

Noise concerns within a community can affect the quality of life for residents. These concerns may be addressed through the development and implementation of a town noise ordinance.

### **PURCHASE OF DEVELOPMENT RIGHTS (PDR)**

In an effort to preserve and protect valuable natural or cultural features, communities may chose to purchase the development rights to a land parcel(s). PDR is a voluntary program, where a community, land trust, or some other agency usually linked to local government makes an offer to a landowner to buy the development rights on the parcel. The landowner is free to turn down the offer or to try to negotiate a higher price. Once an agreement is made, a permanent deed restriction is placed on the property that restricts the type of activities that may take place on the land in perpetuity.

## **CONCLUSION**

In October 1999, the State of Wisconsin passed its "Smart Growth" legislation bill which stated that all municipalities (towns, villages, and cities) making land use decisions must base their decisions on a plan and have that plan formally adopted by their municipal government by January 1, 2010. By making the commitment to prepare, complete, and adopt a land use plan, the Town of Oakland has demonstrated its desire to be a progressive and thoughtful community. The town is concerned about its future direction, preserving its heritage, and enhancing the well being of its resources and inhabitants.

The land use plan is not a static or unchanging document, rather, it serves as a "snapshot" of the town at its time of completion and requires periodic revisiting and revision and conditions by the residents and government of the town to accommodate changes in the Town of Oakland

In closing, it is the sincere hope of the Town of Oakland's government and the Town of Oakland's Planning Committee that this plan be seen as a useful tool and as an asset and benefit to the town which contributes to the continued well-being of the residents, visitors, property owners, and businesses in the Town of Oakland.

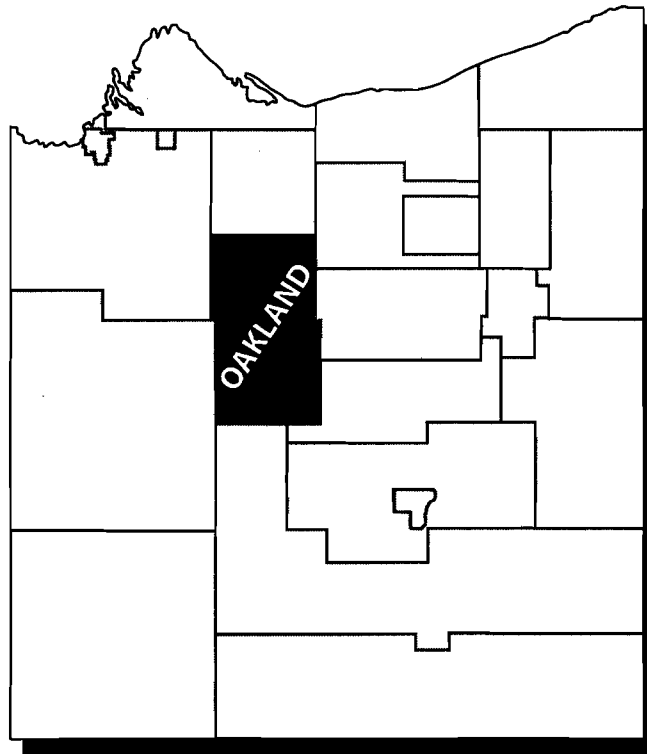
APPENDIX A

COMMUNITY PLANNING SURVEY RESULTS

# **TOWN OF OAKLAND**

## **Douglas County, Wisconsin**

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## **Community Land Use Planning Survey Results**

**February 1, 2001**

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**Prepared by the Town of Oakland with assistance from the  
Northwest Regional Planning Commission for use in the forthcoming  
Town of Oakland Land Use Plan**



The Town of Oakland is presently preparing a land use plan. A key element of the land use plan is public participation and public input in identifying the issues presently facing the town or which may be important to the town in the future.

As part of this process, the Town of Oakland Land Use Planning Committee developed and disseminated a Community Land Use Survey to each property owner and resident of the town in September/October 2000. All surveys received by **January 31, 2001** were tabulated, and the results are presented in this document.

Of the 650+ surveys mailed out, 217 completed surveys were returned, yielding a 33 percent survey response rate. Survey experts indicate that any survey response rate over 20 percent is statistically significant, so the Town of Oakland should be pleased with the “turn-out” for its survey.

The Northwest Regional Planning Commission—one of nine regional planning commissions serving the State of Wisconsin—has been hired to assist the town in the development of its Land Use Plan by providing technical expertise, coordination and dissemination of the survey results, mapping, graphics and other consulting needs for the process.

If you have questions about the Town of Oakland Land Use planning process, please contact:

Northwest Regional Planning Commission  
1400 S. River Street  
Spooner, Wisconsin 54801  
715/635-2197  
Fax: 715/635 7262  
info.nwrpc.com

Don Hagen, Chair  
Town of Oakland Planning Committee  
7061 South Falk Road  
South Range, Wisconsin 54874  
(715) 399-8181  
Fax: 715 399 2703

## Town of Oakland Community Land Use Planning Survey

The following are the questions as they appeared in the survey accompanied by the percentage of responses to each question. The leading response appears in **boldface**.

**A0. How important are land use issues to you?**

<b>Very Important:</b>	<b>52.2%</b>
Important:	41.9%
Unimportant:	2.3%
Very Unimportant:	0.0%
No response:	3.6%

**A1. The surface waters of Oakland township – its lakes, rivers, streams, wetlands should be protected from degradation (including contamination and overuse).**

<b>Agree:</b>	<b>86.6%</b>
Neutral:	7.8%
Disagree:	4.1%
No response:	1.5%

**A2. Provisions should be made to preserve the aesthetic beauty and environmental quality of township lakes, rivers, streams, shorelines and wetlands.**

<b>Agree:</b>	<b>82.0%</b>
Neutral:	12.0%
Disagree:	5.1%
No response:	0.7%

**A3. It is important to protect the town of Oakland's groundwater and drinking water.**

<b>Agree:</b>	<b>92.2%</b>
Neutral:	5.1%
Disagree:	0.9%
No response:	1.8%

### **AIR QUALITY**

**B1. In future township planning and development, every effort must be made to maintain the highest level of air quality.**

<b>Agree:</b>	<b>79.3%</b>
Neutral:	16.1%
Disagree:	3.2%
No response:	1.4%

## TOWN ZONING AND LAND USE REGULATIONS

**C1. Zoning regulations protect areas more than they detract from them.**

Agree:	56.7%
Neutral:	30.9%
Disagree:	10.1%
No response:	2.3%

**C2. Zoning and land use regulations protect the property values of residents and protect them from incompatible land uses near their property.**

Agree:	65.9%
Neutral:	22.1%
Disagree:	10.1%
No response:	1.9%

**C3. Township land uses should be regulated locally by township zoning.**

Agree:	66.4%
Neutral:	20.7%
Disagree:	12.0%
No response:	0.9%

**C4A. Township land use regulations should be enforced.**

Agree:	73.7%
Neutral:	17.5%
Disagree:	5.5%
No response:	3.3%

**C4B. I am satisfied with County zoning.**

Agree:	26.7%
Neutral:	48.8%
Disagree:	19.8%
No response:	4.7%

**C4C. I would prefer Township zoning.**

Agree:	45.2%
Neutral:	35.0%
Disagree:	14.7%
No response:	5.1%

**C5. New industrial and commercial businesses should generally be required to locate where there are planned and compatible infrastructure amenities such as sewer, water, and roadways.**

Agree:	65.4%
Neutral:	23.0%
Disagree:	9.7%
No response:	1.9%

**C6. The town should develop aesthetic and environmentally sound design standards for commercial and industrial development.**

Agree:	71.4%
Neutral:	15.2%
Disagree:	11.1%
No response:	2.3%

**C7A. Future minimum rural lot size should be increased from the current County 5 acre Minimum.**

Agree:	32.3%
Neutral:	26.7%
<b>Disagree:</b>	<b>37.8%</b>
No response:	3.2%

**C7B. The minimum should be acres.**

Note: Of the 217 surveys received, 56.7% did not fill in a value for question C7B. The results below reflect the 43.3% who did enter a value.

Less than 5 acre minimum lot size:	5.3%
5 to 9 acre minimum lot size:	31.9%
<b>10 to 19 minimum acre lot size:</b>	<b>52.2%</b>
20 or more minimum acre lot size:	10.6%

**C8A. Lakeshore minimum lot size should be increased to provide natural buffers between neighbors and at the shoreline.**

Agree:	36.9%
<b>Neutral:</b>	<b>37.8%</b>
Disagree:	20.3%
No response:	5.0%

**C8B. The minimum lot size should be feet.**

Note: Of the 217 surveys received, 67.3% did not fill in a value for question C8B. The results below reflect the 32.7% who did enter a value.

<b>100 feet or less (frontage):</b>	<b>38.0%</b>
101 to 150 feet (frontage):	14.1%
150 to 199 feet (frontage):	28.2%
200 or more (frontage):	19.7%

**C9A. Setback requirements for building on waterfront lots should be increased from the current 100 foot requirement.**

Agree:	17.5%
<b>Neutral:</b>	<b>39.2%</b>
<b>Disagree:</b>	<b>39.2%</b>
No response:	4.1%

**C9B. The setback should be feet.**

Note: Of the 217 surveys received, 72.8% did not fill in a value for question C9B. The results below reflect the 27.2% who did enter a value.

<b>100 feet or less (setback):</b>	<b>40.7%</b>
101 to 150 feet (setback):	37.3%
150 to 199 feet (setback):	15.2%
200 or more (setback):	6.8%

**C10. Junk cars/salvage yards should be regulated by township zoning.**

<b>Agree:</b>	<b>70.7%</b>
Neutral:	14.3%
Disagree:	15.2%
No response:	0.5%

**C11. Unlicensed vehicles should be allowed by permit only.**

<b>Agree:</b>	<b>48.4%</b>
Neutral:	16.6%
Disagree:	33.6%
No response:	1.4%

**GROWTH AND MANAGEMENT**

**D1. The township should encourage the preservation of its agricultural land and work to protect its family farms.**

<b>Agree:</b>	<b>76.5%</b>
Neutral:	17.5%
Disagree:	5.5%
No response:	0.5%

**D2. It is important to preserve the township's agricultural heritage.**

<b>Agree:</b>	<b>69.1%</b>
Neutral:	24.9%
Disagree:	5.5%
No response:	0.5%

**D3. It is important for the town to maintain the integrity of its forest resources and forest lands.**

<b>Agree:</b>	<b>82.9%</b>
Neutral:	12.9%
Disagree:	3.7%
No response:	0.5%

**D4. The rural character of Oakland township should be preserved.**

<b>Agree:</b>	<b>80.6%</b>
Neutral:	15.2%
Disagree:	3.7%
No response:	0.5%

**D5. It is important to increase the population of Oakland township.**

Agree: 15.7%  
 Neutral: 39.2%  
**Disagree: 44.6%**  
 No response: 0.5%

**D6. It is important to attract new businesses to Oakland township.**

Agree: 24.9%  
**Neutral: 40.6%**  
 Disagree: 33.6%  
 No response: 0.9%

**D7. What kinds of businesses would you encourage locating in Oakland township?**

RANK	SUBJECT	NUMBER OF MENTIONS
1	None	22
2	Grocery / small store / mom n' pop store	20
3	Farming / orchards / nurseries	13
	Non-polluting businesses	13
4	Tourism / recreational businesses	8
	Household businesses / cottage industries	8
5	Light industry / light manufacturing	7
6	Service sector / service industry businesses	6
7	All	4
	Industrial / manufacturing	4
	Hardware stores / building supply stores	4
	Farmer's market	4
	Gas station	4
	Computer based business / cyber-commuting work / high tech businesses	4
8	Day care center	3
9	Motel / lodging facilities	2
10	Sawmill	1
	Publishing	1
	Churches	1
	Charter schools	1
	Storage facilities	1
	Rental property	1
	Laundromat	1
	Prisons	1
	Casinos	1
	RV Parks	1
	Modular home builders	1
	Bowling alley	1
	New park / recreation area	1
	Coffee shop	1
	Health spa	1
	Strip club	1

**D8. What kinds of businesses would you discourage locating in Oakland township?**

<b>RANK</b>	<b>SUBJECT</b>	<b>NUMBER OF MENTIONS</b>
1	Heavy industry / manufacturing / refinery	48
2	Taverns	25
3	Polluting businesses or industries	14
4	Junkyards / scrap yards / salvage yards	13
5	All	11
6	Large retailers / large commercial businesses	8
7	"Wet" industries (large water consumption industries)	6
	Prisons	6
8	Land fills	5
9	Commercial feed lots	4
10	Power lines	2
	Commercial trucking	2
	Mineral prospecting / Mining operations	2
	Clear cutting / large scale logging	2
	Illegal drug trade	2
	Trailer parks	2
11	Telecommunication towers	1
	Townhouses / Condominiums / Rental Units	1
	Churches	1
	Casinos	1
	Fast food restaurants	1
	Turkey farming operations	1
	Sewage treatment plants	1
	Cattle farming	1
	Gas stations	1

**D9. Commercial haulers who damage township roads should be held responsible to repair or pay for the damage.**

**Agree: 75.6%**  
**Neutral: 12.4%**  
**Disagree: 11.1%**  
**No response: 0.9%**

**Currently there are no town ordinances governing the following activities on PUBLIC lands. All are regulated by State or County regulations. Do you want the town to adopt more stringent regulations?**

**RECREATIONAL USE ISSUES ON PUBLIC LANDS**

**E1. Personal water craft**

**Establish town regulations: 41.5%**  
**Keep existing regulations: 53.5%**  
**No response: 5.0%**

- E2. High speed boats**  
 Establish town regulations: 47.0%  
**Keep existing regulations: 47.9%**  
 No response: 5.1%
- E3. Recreational boating**  
 Establish town regulations: 24.4%  
**Keep existing regulations: 69.6%**  
 No response: 6.0%
- E4. Snowmobiles**  
 Establish town regulations: 41.5%  
**Keep existing regulations: 54.8%**  
 No response: 3.7%
- E5. All-terrain vehicles**  
 Establish town regulations: 44.2%  
**Keep existing regulations: 51.2%**  
 No response: 4.6%
- E6. Off-road four wheel vehicles**  
 Establish town regulations: 43.8%  
**Keep existing regulations: 51.6%**  
 No response: 4.6%

**Indicate whether you would “improve regulations” or “keep current regulations” regarding the following statements that address residential and business development issues?**

**RESIDENTIAL AND BUSINESS DEVELOPMENT**

- F1. Where mobile homes can be located**  
 Improve regulations: 39.6%  
**Keep existing regulations: 53.5%**  
 No response: 6.9%
- F2. Where residential housing can be built**  
 Improve regulations: 27.2%  
**Keep existing regulations: 65.0%**  
 No response: 7.8%
- F3. Campgrounds and RV parks**  
 Improve regulations: 30.4%  
**Keep existing regulations: 60.4%**  
 No response: 9.2%



- E2. High speed boats**  
 Establish town regulations: 47.0%  
**Keep existing regulations: 47.9%**  
 No response: 5.1%
- E3. Recreational boating**  
 Establish town regulations: 24.4%  
**Keep existing regulations: 69.6%**  
 No response: 6.0%
- E4. Snowmobiles**  
 Establish town regulations: 41.5%  
**Keep existing regulations: 54.8%**  
 No response: 3.7%
- E5. All-terrain vehicles**  
 Establish town regulations: 44.2%  
**Keep existing regulations: 51.2%**  
 No response: 4.6%
- E6. Off-road four wheel vehicles**  
 Establish town regulations: 43.8%  
**Keep existing regulations: 51.6%**  
 No response: 4.6%

**Indicate whether you would “improve regulations” or “keep current regulations” regarding the following statements that address residential and business development issues?**

**RESIDENTIAL AND BUSINESS DEVELOPMENT**

- F1. Where mobile homes can be located**  
 Improve regulations: 39.6%  
**Keep existing regulations: 53.5%**  
 No response: 6.9%
- F2. Where residential housing can be built**  
 Improve regulations: 27.2%  
**Keep existing regulations: 65.0%**  
 No response: 7.8%
- F3. Campgrounds and RV parks**  
 Improve regulations: 30.4%  
**Keep existing regulations: 60.4%**  
 No response: 9.2%

- F13. Development on flood plains**  
 Improve regulations: 39.6%  
**Keep existing regulations: 51.2%**  
 No response: 9.2%
- F14. Development on land with unique natural features**  
 Improve regulations: 46.5%  
 Keep existing regulations: 43.3%  
 No response: 10.2%
- F15. Logging practices along lake shores, river banks and stream banks.**  
 Improve regulations: 57.1%  
 Keep existing regulations: 35.0%  
 No response: 7.9%
- F16. Logging practices along township roads**  
 Improve regulations: 51.2%  
 Keep existing regulations: 39.6%  
 No response: 9.2%
- F17. Telecommunication towers**  
 Improve regulations: 46.6%  
 Keep existing regulations: 44.2%  
 No response: 9.2%
- F18. Industrial parks**  
 Improve regulations: 43.8%  
**Keep existing regulations: 45.2%**  
 No response: 11.0%
- F19. Electrical transmission lines**  
 Improve regulations: 51.6%  
 Keep existing regulations: 39.2%  
 No response: 9.2%

**G1. What do you like about living in Oakland township?**

<b>RANK</b>	<b>SUBJECT</b>	<b>NUMBER OF MENTIONS</b>
1	Environmental quality / wildlife / natural beauty	56
2	Peace and quiet	52
3	Rural setting / rural atmosphere	49
4	Friendly people / good neighbors	25
5	Privacy / solitude	24
6	Proximity to Duluth/Superior	16
7	Open land / lack of development	15
8	Access to recreation	8
9	Clean air	6
10	Good town management	4
11	Relatively low taxes	3
	Dark skies / night sky viewing	3
	Sense of community	3
12	Good place to raise a family	2
	Less regulations than living in the city	2
	Safety of the area	2
	Nothing	2
13	Volunteer fire department	1
	Anna Gene Park	1
	Amnicon River	1
	Dowling Lake	1
	Lyman Lake	1
	Town roads are open to ATV use	1
	Tri-Lakes Civic Club	1
	Slow pace of life	1
	School district	1
	Farming heritage	1
	My outhouse on Dowling Lake	1

**G2. What would you like to change about Oakland township?**

<b>RANK</b>	<b>SUBJECT</b>	<b>NUMBER OF MENTIONS</b>
1	Nothing	19
2	Town roadway management practices / road paving	16
3	Better/more information on town meetings / town government activity.	8
4	Better zoning enforcement	7
	More controls on logging operations	7
5	Clean-up / removal of junkyards, scrap-yards and eyesores	6
	More citizen participation and public involvement	6
6	Less trucking/large-transport along County Trunk Highways "B", "L" and "K"	5
	Improve road conditions of County Trunk Highways "B", "L" and "K"	5
7	Better lakes protection	4
8	Pet control / control of loose dogs	3
	Develop a sewer system to protect the lakes	3
	Limits on snowmobile/ATV use in the town	3
9	Less development / discourage development	2
	Lower property taxes	2
	Better system of property tax assessment	2
10	New town board	1
	Keep population down	1
	Speed limits on town roads	1
	Improvements to town hall building	1
	Stock streams with trout	1
	Develop more public hunting and fishing grounds	1
	Control of construction on floodplain areas	1

**G3. Any other comments or suggestions:**

<b>RANK</b>	<b>SUBJECT</b>	<b>NUMBER OF MENTIONS</b>
1	Better information on existing town/county/state regulations	26
2	Less government / less regulations	12
3	Better enforcement of existing regulations	11
4	More town road improvements / paving of town roads	9
	Keep property taxes low	9
5	Develop a town newsletter	5
	Clean-up of yards / junk / scrap yards	5
	Better system of property tax assessment	5
	Better restrictions on logging practices / clean-up after logging operations	5
6	Less commercial truck traffic through the town	4
7	Retain natural environment and rural character	3
	No billboards	3
	Loggers should leave buffer along roadways	3
	Better town plowing service in winter	3
8	Forestry education program / encourage better forest management	2
	More local (town) control rather than state/county control	2
	Improve county highways	2
	No industrial parks	2
	Do not become a suburb of Superior / no suburban sprawl	2
	Protect old oak stands from cutting	2
	No business or industry development	2
	No Arrowhead-Weston power line	2
9	Increase business opportunities in the town	1
	Moratorium on building setback requirements on lakefront property	1
	Better postal service	1
	Garbage service priced too high	1
	Prohibit the feeding of wild animals on residential land	1
	More recreational trails	1
	Develop natural gas lines	1
	Prohibit telecommunication towers	1
	Regulate jet-ski usage on the lakes	1
	Increase communication between the town and the county and state government	1
	Have tax appraiser available at town meetings	1
	Periodic checks of septic systems	1
	Improve snowmobile trails	1
	Clean up the mercury in the lakes	1
	Limit the number of animals that can be kept on the property	1
	Do not take on town zoning / keep county zoning	1
	Better restrictions on mobile home placement and trailer parks	1
	Ban sodium vapor lights	1
	Plant more trees	1
	Make all town roads open to ATV use	1
	Protect private property rights	1
	More compassion toward the elderly	1

# APPENDIX B

## SAMPLE ORDINANCES AND MODEL ORDINANCE LANGUAGE

**Introduction.** The following information are examples of ordinances and sample ordinance language presented to address the issues which came to light through the development of the land use plan. These are intended as samples and sources of information from which the individual towns may develop and adopt their own ordinances through their individual town government processes.

## **I) Screening Ordinance**

The goal of the screening ordinance and recommendations is to assist in the preservation of the community's north woods aesthetic qualities and rural character through an overall appearance of naturalness, cleanliness and visual order in new residential, commercial and industrial developments

The Board of Supervisors of the Town of \_\_\_\_\_ recognize that maintaining natural vegetation along roadways where new developments are taking place is an effective means of maintaining the natural aesthetic quality of the town. Further, the town recognizes that screening through the use of natural or manufactured means is an effective means of visibly screening legal but aesthetically discontinuous adjacent land uses.

### **General Requirements**

- 1.1 A Site Design and Maintenance Plan, which specifies the site design, landscaping and vegetation plantings, is required for any new commercial or industrial development or re-modeling of an existing commercial or industrial development.

*Exception: In cases where immediate landscaping is not possible, a conditional permit may be issued, with landscaping and screening to be completed within one-year of occupancy:*

- 1.2 Site design will incorporate existing topographic grades into the design the design and/or when grading and contouring the site so that the finished grade should appear as natural to the site and surrounding areas and protect the natural resources and adjacent properties.
- 1.3 Whenever possible, the site should incorporated existing natural features such as existing vegetation, forested areas, open space and maintain the integrity of all natural watercourses.
- 1.4 Where possible and practical, pedestrian friendly designs, including walkways, benches and curb-cuts are encouraged.
- 1.5 Roadside trees are very important to north woods character and their removal should be minimized and supported by clear justification. The use of existing roadside trees and natural vegetation in green space and buffer areas is encouraged.
- 1.6 Mechanical equipment including, but not limited to: heavy equipment, dumpsters/recycling bins, loading and services areas, salvage yards, open storage areas, propane tanks, ground-mounted satellite dishes must be screened totally from the view of the right of way and from navigable waterways. Suitable screenings in order of design preference are:
  - a) Preserved Natural Landscape Green Space: Must be a minimum of 15 feet in depth and consist of a mixture of natural and planted deciduous and coniferous trees between the development and the right-of-way and/or navigable waterways of significant density to

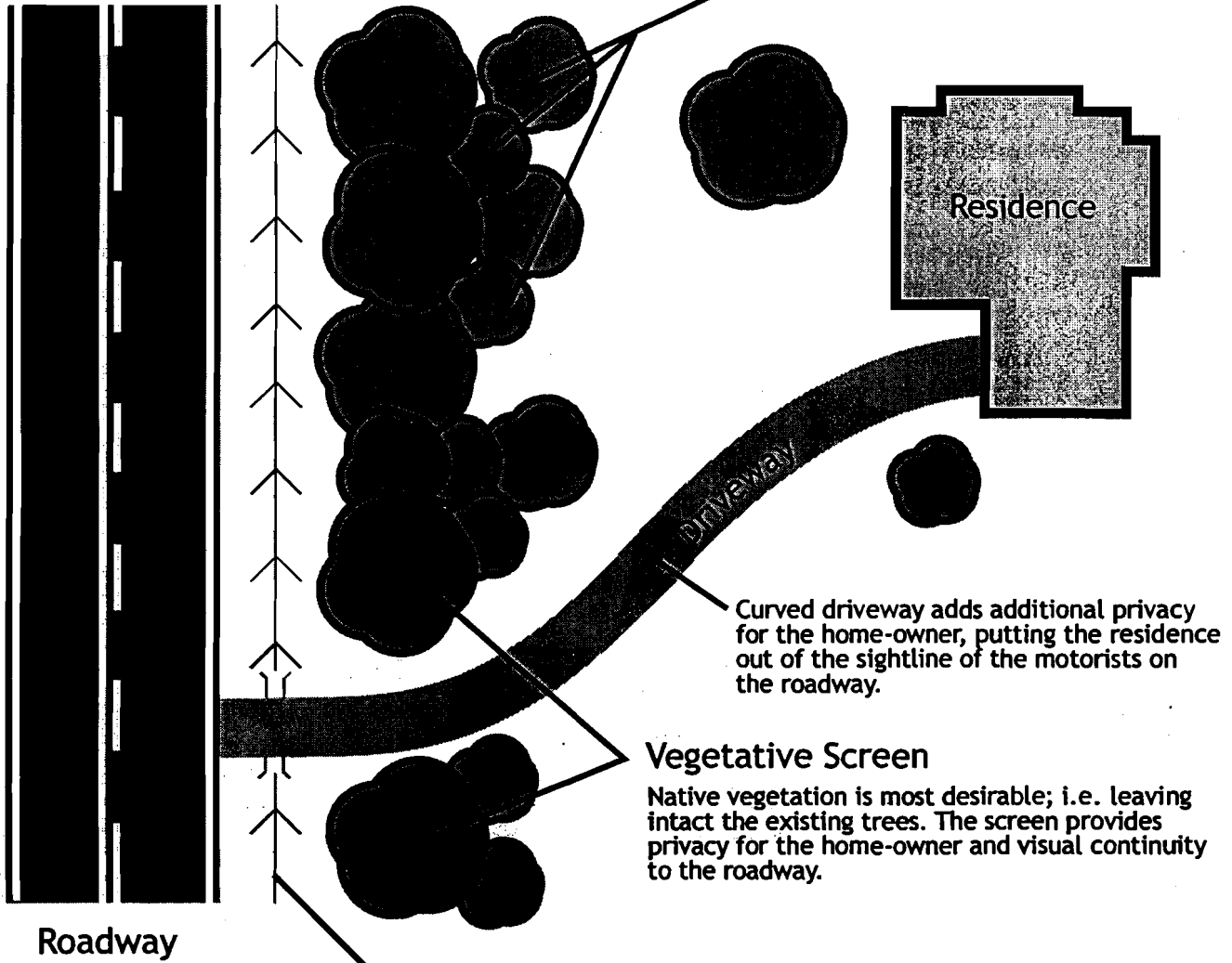
screen the object(s) during all seasons. The use of existing trees, shrubs, and natural vegetation in the green space is required.

- b) Planted landscape buffer: A dense planting(s) of spruce and balsam evergreens. The planting will be a minimum of 15 feet in depth and will mature to a height appropriate to screen the object(s).
- c) Opaque wooden fencing: Left in either an original unpainted or natural color or painted an earth toned color surrounding the structure of sufficient size to screen direct view of the object(s).
- d) An enclosure or shelter surrounding the structure of sufficient size to screen direct view of the object(s) that is of an earth tone color.



# Screening Example

Several tiers (with a mix of vegetation) provide a more solid screen between the residence and the roadway.



Roadway

Curved driveway adds additional privacy for the home-owner, putting the residence out of the sightline of the motorists on the roadway.

## Vegetative Screen

Native vegetation is most desirable; i.e. leaving intact the existing trees. The screen provides privacy for the home-owner and visual continuity to the roadway.

## Ditch/Drainage

Drainage and catchment of run-off from the roadway. Native shrubs and grasses protect the ditch from erosion and provide initial filtration. Additional armoring (rip-rap or other structural devices) may be needed in areas prone to high velocity water flow or that are unstable due to existing or imminent erosion.

## II ) Sign Ordinance

### 1. GENERAL SIGN REQUIREMENTS

- 1.1 Unless specified otherwise in this ordinance, any sign, new or preexisting in the Town of \_\_\_\_\_ shall, within 90 days of the adoption of this ordinance, require a permit, comply with permit requirements including an annual fee and permit. All signs will display a permit sticker. Any sign that does not have a permit will be removed immediately.
- a) Wisconsin Department of Transportation (WisDOT) regulated signs deemed illegal at the time of this ordinance being enacted will not be issued a permit and shall be removed within 90 days of enactment of this ordinance.
  - b) Upon the effective date of this ordinance, any existing sign or sign structure used for business advertising purposes in the Town of \_\_\_\_\_ and considered legal by WisDOT standards, that does not fully comply with the standards set forth in the Town of \_\_\_\_\_ Sign Ordinance, shall be deemed "legal non-conforming." These signs shall be required to comply with all standards set forth in this ordinance no later than five years from the date this ordinance is adopted.

#### Required Action

Wisconsin Dept. of Transportation Sign Status	Town of _____ Sign Status
Illegal sign: Must be removed immediately	Legal / Non-conforming sign: Permit is required but the sign is "grand-fathered" with five years to meet the Town's sign standards.
Legal D.O.T. signs	Conforming signs: permit required

- c) Upon the adoption of this ordinance, no legal non-conforming sign may be enlarged or replaced without a new sign permit, approved under the requirements of this ordinance.
- d) If any legal non-conforming sign deteriorates or is damaged to the point that 50% or more of the original sign is in need of replacement, the sign will be considered not in compliance of the ordinance and removed.
- e) A sliding fee scale will be established for these four classes of signs:
  - (1) Way finding for town businesses and residences
  - (2) Way finding for non-town businesses and residences
  - (3) Off-premise for businesses located within the town
  - (4) Off-premise advertising signs for businesses located outside the town

on-premise exterior advertising signs will require a permit, but it will be issued free of charge.

- Exception: Occupational and Business Directory Signs that comply with this ordinance are exempt from permit requirements.

f) Permits will be issued by the Town of \_\_\_\_\_ according to this schedule:

- (1) Initial Sign Approval: No later than ten days after erection of any sign, the permittee shall provide the Town with a completed sign permit, permit fees, and two photos of the completed sign as it is erected. One photo shall show the sign and all supporting structures as it appears on the permitted location, and the other photo shall clearly show all information appearing on the sign. Failure to submit photos shall result in the permit being denied and the sign removed at the owner's expense.

If the front and reverse side of a sign, displays information or if it is a V-shaped sign, it will be considered two signs and a third photograph shall be required that clearly shows all information on both sign faces.

- (2) Final Approval: Upon finding that the erected sign meets all of the requirements of this ordinance, the Town of \_\_\_\_\_ shall issue the final sign approval and issue a permit sticker to the permittee which will be affixed to the sign.

g) Signs not in compliance with this ordinance shall be subject to removal at the owner's expense.

h) Any person violating any provision of this ordinance, upon conviction thereof, shall forfeit a penalty as established by the Town of \_\_\_\_\_.

i) Any provision of this ordinance that creates an undue hardship, may be appealed to the \_\_\_\_\_ Town Board.

1.2 Any change in a business or transfer in ownership will require existing signs be issued a new permit under this ordinance.

1.3 All signs are required to be kept in good repair and maintain a neat appearance.

Routine maintenance to an existing sign is allowed without a permit as long as there are no changes to the sign's original design as specified in the sign permit. Any changes, beyond routine maintenance, to an existing sign must be made compliant with this ordinance and will require that the sign is re-permitted or the sign will be considered illegal and removed either by the owner or the Town of \_\_\_\_\_ with the owner being billed.

1.4 Earthtoned colors for sign background are required on all off-premise signs with the exception of way finding signs. Fluorescent colors, blaze orange, glitter, sparkles, or flashing lights, beacons, or reflective materials for the sign background, lettering, and/or trim are prohibited. Lettering may be

of any other color except as noted above. White and yellow are not permitted as a sign background color but may be used for lettering.

➤ Exception: White must be used as a background color on Way finding Signs

- 1.5 Externally lit off-premise and on-premise signs are permissible where the source of light is designed and located in a manner that shields direct view of the light source from a highway driver and it is shielded above from illuminating the night sky. This can be accomplished by using hoods (on or around the light), landscaping that shields the light source, or light placement that directs illumination onto the sign only.
  - 1.6 No part of a sign or sign structure shall exceed 20 feet above the ground's surface.
  - 1.7 The sign structures are the posts, poles, or materials used to support a sign. Sign structures must be a solid earthtone color or constructed of natural materials such as logs, stone, wood. Barber-poled striped, non-earthtone colored, and/or reflective materials or advertising used on supports are not permitted.
    - a) No more than one sign, incorporating a maximum of two sign faces, may be erected for each sign structure.
- Exception: Wayfinding signs: more than two wayfinding sign faces are permitted per each wayfinding sign structure.
- b) "V-shaped" sign structures, where a maximum of two signs is erected at a single location on two structures are permitted as long as the angle between the two structures does not exceed 90-degrees. V-shaped signs, shall be counted as two signs with a total of two sign faces.
- 1.8 Prohibited signs in the Town of \_\_\_\_\_ include:
  - a) Roof signs that are placed upon, project from, or are erected above the eaves of the roof or incorporated into the roof itself.
  - b) Billboards, defined as by any sign or aggregate of signs sharing the same sign face whose dimension is greater than 32 sq. ft. in size.
  - c) Signs that exceed a 32 sq. ft. dimension.
  - d) "Advertising vehicles or trailers" (where a vehicle is used as an advertising display) parked on the public right-of-way or on private property as to be seen from the public right-of-way .
  - e) Signs resembling highway traffic signs or signals or which contain the word "stop," "go slow," "caution," "danger," "warning" or other such wording that could confuse a motorist.
  - f) Posting of bills, posters, placards, and circulars within the public right-of-way or on public property.

- g) Signs which all or parts thereof revolve, flash, blink, or incorporate moving or rotating lights with the exception of devices that inform the public of the time & temperature.
  - h) Lights or other illuminated devices producing any type of motion.
- 1.9 Sign structures may not be erected in the right-of-way nor any closer than 33 ft. from a roadway centerline whichever is greater.
- 1.10 May not be erected with the primary intent of its advertising being directed at the users of any navigable waterway.
- 1.11 Franchise signs are permitted as long as the requirements of this sign ordinance are met.
- 1.12 A sign will be considered abandoned and subject to removal, 90 days after the adoption of this ordinance, if it:
- a) Advertises a business which has ceased operation for a period of one year,
  - b) The sign's advertising space remains vacant of an advertising message for a period of one year
  - c) Signs that have not obtained a permit according to the requirements of this ordinance.
- 1.13 The posting of any sign to a tree or the use of a tree as a sign post is prohibited.
- Exception: "No trespassing signs", "closed area", "game farm", or "tree farm" signs which are in conformity with Wisconsin Statutes.
- 1.14 All types of ice fishing shelters used on any lake in the Town of \_\_\_\_\_ are prohibited from displaying any information other than the mandatory minimum required by the WDNR.

## 2. WAY FINDING SIGNS

Are defined as signs used only for finding direction to a business or residence.  
Wayfinding signs may not include advertising.

- 2.1 Way finding signs, with the exception of recreation trail way finding signs, must be the white arrow type sign whose dimensions and design are consistent with state standards, as specified in WisDOT Chap. Trans. 200. (see Appendix A for these state standards)
- 2.2 Way finding signs, located on roads other than state or federal highways, are permitted for both businesses and private residences.
- 2.3 Way finding signs may only be erected at intersections of state, county and/or town roads. A business will be allowed a maximum of one sign for each direction of travel at each intersection. White arrow signs will be grouped into sign assemblies that arrange signs from the top of the mounting posts to the bottom. Where travel is in two directions, two sign assemblies will be

necessary with like directional signs grouped together on each assembly to indicate travel in the appropriate direction.

- 2.4 Illumination, or the use of reflectors, reflective tape or paint, on way finding signs is not permitted.
- 2.5 Advertising may not be included on way finding signs.
- 2.6 Recreational Trail Way finding signs, used on snowmobile trails or other recreational trails, must conform to state trail marker standards but are not to exceed 6" x 24" in size. No Town permit is required for these signs.

### 3. OFF-PREMISES ADVERTISING SIGNS

Are defined as advertising signs located outside the contiguous parcel of land that is owned by the business it advertises.

- 3.1 A maximum of two (2) off-premise permanent signs, advertising products or services is permitted for each business establishment.
- 3.2 Off-premise advertising sign structures must be spaced at least 300 feet from any other sign, except for on-premises, way finding, or official signs, located on either side of the highway.
- 3.3 Each off-premise advertising sign may have an advertising space no greater than 32 sq. ft. in aggregate, including the border and trim, but exclusive of supports. Only two sign faces are permitted per sign structure.
  - a) Multiple smaller signs may be incorporated within a single sign face but will be subject to the 32 sq. ft. maximum sq. footage requirements. Neither the length nor the width of any off-premise sign shall exceed 8 ft.
- 3.4 The background color for any internally illuminated off-premise signs must be earthtoned. White is not permitted as a background color.

### 4. ON-PREMISE SIGNS

Are defined as those signs located on the principal site where the business activity specified on the sign is normally conducted. See chart for design requirements and numbers of on-premise signs that are allowed.

- 4.1 Sign permits for on-premise exterior advertising signs are required but shall be issued free of charge.
  - Exception: "Occupational Signs" denoting only the name and profession of an occupant in a dwelling, commercial building, or institutional building and "Business Directory" signs that only list the services, hours of operation, or menus offered within a building shall not be required to obtain a permit provided that they are no more than 2 sq. ft. in size and located in such a manner to be visible from the nearest public right-of-way.

- 4.2 Floodlighting a building, where floodlights are used to up-light the exterior walls, is not permitted.
- 4.3 Fluorescent colors, blaze orange, glitter, sparkles, flashing lights, beacons, or reflective material for sign background, lettering, and/or trim are not permitted.
- a) The use of earthtoned colors for on-premise signs is strongly encouraged.
- 4.4 Internally Illuminated Signs
- a) A maximum of three internally illuminated sign faces are allowed per business and must be located on the business's primary premise.
- b) May not be erected with the primary intent of being directed at the users of any navigable waterway.
- c) The background color for all internally illuminated signs must be earthtoned. White is not permitted as a background color.
- 4.5 Internally illuminated vending machines, arcade machines, mechanical rides, and mechanical amusement devices shall not be viewable from the public right-of-way or a navigable waterway.
- 4.6 Illuminated Canopies: Translucent canopies attached to a building's facade, if internally lit, will be considered an internally lit advertising sign. Illuminated canopies must be earthtoned in color. White is not permitted as a background color.
- 4.7 Awnings: Awnings that are not illuminated, and serve the function of providing protection from the weather or sun, shall not be considered a sign. Only the name of the on-premise business may only be printed on awnings without a sign permit.
- 4.8 Neon Signs: Are encouraged as on-premise advertising signs as long as the neon sign complies with requirements of this ordinance.
- Exception: Neon, externally illuminated, or non-illuminated signs that state the following messages: "No Vacancy", "Vacancy", "Closed", and "Open", "Immediate Seating" are not considered an advertising sign and are not subject to on-premise advertising sign requirements as long as the sign does not exceed 3 sq. ft.
- 4.9 Caricatures, Statues: Shall only be permitted on the premise of the business that the caricature advertises providing that no dimension shall exceed 7 ft. with a maximum cubic footage of 63 cu. ft. They will be earthtone in color and/or constructed of wooden, stone, or other natural materials. They may not incorporate any flashing lights, beacons, reflective materials, glitter, or sparkles.
- Exception: Statues or structures of regional distinction or historical significance.

## 5. TEMPORARY SIGNS

Signs that comply with the following requirements, shall not require a sign permit:

- 5.1 Special Event Signs: That advertise a one time per year event, campaign, or activity that will occur within 30 days of the sign being erected must be removed with one week of the completion of the activity they are promoting.
- 5.2 Job-site Construction Site Signs: Denoting owners, occupants, architect, engineer, or contractors of improvements under construction must be located on the job site and may not exceed 32 sq. ft. in size. They must be removed upon completion of the construction.
- 5.3 Real Estate Signs: Are not to exceed 8 sq. ft. in area which advertises the sale, rental, or lease of the premises upon which the said signs are temporarily located.
- 5.4 Political Signs: Signs conveying a political message for a public election or a referendum sign shall not exceed 32 sq. ft. in size and will be removed within seven days of following the election or referendum.
- 5.5 Banners, Bunting or Flagging: May be displayed on the exterior of a commercial or public building two weeks prior to and one week after a commercial business's official grand opening or a recognized community event. Banners and signs furnished by beer wholesalers to Class B licensees are prohibited by Wisconsin State Statutes 125.33 (1) and (2) from being displayed outside of these businesses.
  - Exception: Protective flagging for septic systems and other areas that require marking for reasons of health, safety, or general welfare is exempt.



### III ) Noise / Nuisance Ordinance

- (a) *Loud and Unnecessary Noise Prohibited* It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise. It shall be unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.
- (b) *Types of Loud and Unnecessary Noises* The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
- (1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any Street or public place in the Town for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and device when traffic is for any reason held up.
  - (2) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
  - (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, sound amplifier or other machine or device for the producing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
  - (4) Animals, birds. The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
  - (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Town authorities.
  - (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.

- (7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Chief of Police shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
- (8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.
- (9) Exceptions. The provisions of this Section shall not apply to:
  - a. Any vehicle of the Town while engaged in necessary public business.
  - b. Excavations or repairs of streets or other public construction by or on behalf of the Town, County, or State at night when public welfare and convenience renders it impossible to perform such work during the day.
  - c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(c) Permits for Amplifying Devices.

- (1) Permit Required. The use of loudspeakers or amplifying devices on the streets or in the parks of the Town is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.
- (2) Grounds or Reasons for Denial or Allowance. The Chief of Police shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.
- (3) Time Restrictions. The Chief of Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 10:00 p.m. No permit shall be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

## Public Nuisances

- 11-6-1 Public Nuisances Prohibited
- 11-6-2 Public Nuisances Defined
- 11-6-3 Public Nuisances Affecting Health
- 11-6-4 Public Nuisances Offending Morals and Decency
- 11-6-5 Public Nuisances Affecting Peace and Safety
- 11-6-6 Abatement of Public Nuisances
- 11-6-7 Cost of Abatement
- 11-6-8 Enforcement; Penalty

### SEC. 11-6-1: PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, or permit to exist any public nuisance within the Town .

### SEC. 11-6-2: PUBLIC NUISANCE DEFINED.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) In any way render the public insecure in life or in the use of property;
- (c) Greatly offend the public morals or decency;
- (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

### SEC. 11-6-3: PUBLIC NUISANCES AFFECTING HEALTH

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 11-6-2:

- (a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) **Breeding Places for Vermin, Etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) **Garbage Cans.** Garbage cans which are not fly-tight.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- (g) **Water Pollution.** The pollution of any public well or cistem, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

- (h) **Noxious Odors, Etc.** Any use of property, substances or things within the Town or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort or inconvenience the health of any appreciable number of persons within the Town.
- (i) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- (j) **Animals at Large.** All animals running at large.
- (k) **Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood and other refuse.
- (l) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

#### **SEC. 11-6-4: PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 11-6-2:

- (a) **Disorderly Houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (b) **Gambling Devices.** All gambling devices and slot machines, except as permitted by state law.
- (c) **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Town.
- (d) **Continuous Violation of Town Ordinance.** Any place or premises within the Town where Town Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) **Illegal Drinking.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

## SEC. 11-6-5: PUBLIC NUSANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 11-6-2:

- (a) **Signs, Billboards, Etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.
- (c) **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- (d) **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (e) **Tree Limbs.** All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (f) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (g) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Town.
- (h) **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (i) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (j) **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- (k) **Obstructions of Streets: Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Ordinances of the Town or which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- (l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street alley or sidewalk.
- (m) **Abandoned Refrigerators-** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) **Flammable Liquids.** Repeated or continuous violations of the Ordinances of the Town or laws of the State relating to the storage of flammable liquids.
- (o) **Unremoved Snow.** All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

## SEC. 11-6-6 ABATEMENT OF PUBLIC NUISANCES.

### (a) Summary Abatement.

- (1) Notice to Owner. If the inspecting officer determines that a public nuisance exists within the Town and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining, or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than twenty-four (24) hours or greater than seven (7) days and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.
- (2) Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

(b) **Abatement by Court Action.** If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspector or sanitarian shall file a written report of such findings with the Mayor who, upon direction of the Council, shall cause an action to abate such nuisance to be commenced in the name of the Town in the County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.

(c) **Court Order.** Except where necessary under Subsection (a), no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

(d) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisance by the Town or its officials in accordance with the laws of the State of Wisconsin.

## SEC. 11-6-7: COST OF ABATEMENT.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

## SEC. 11-6-8: ENFORCEMENT; PENALTY

(a) **Enforcement.** The Chief of Police, Fire Chief, Director of Public Works and Building Inspector shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are

not violated. No action shall be taken under Section 11-6-6 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.

- (b) **General Penalty.** Any Person who shall violate any provision of this Chapter shall be subject to a penalty as provided (by County or Town statute)

#### IV) Outdoor Lighting Ordinance

Statement Of Need And Purpose: Good outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting ordinance that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the Town's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the town.

This ordinance is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Town of \_\_\_\_\_.

#### ARTICLE 1

1.1. DEFINITIONS: For the purposes of this Ordinance, terms used shall be defined as follows:

**Direct Light:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**Fixture:** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

**Flood or Spot light:** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Glare:** Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

**Height of Luminaire:** The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

**Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces.

**Lamp:** The component of a luminaire that produces the actual light.

**Light Trespass:** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.



**Lumen:** A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

**Luminaire:** This is a complete lighting system, and includes a lamp or lamps and a fixture.

**Outdoor Lighting:** The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

**Temporary outdoor lighting:** The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

## ARTICLE 2

2.1 REGULATIONS: All public and private outdoor lighting installed in the Town of \_\_\_\_\_ shall be in conformance with the requirements established by this Ordinance.

### 2.2 CONTROL OF GLARE – LUMINAIRE DESIGN FACTORS:

- A. Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
- B. Any luminaire with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.

### 2.3 EXCEPTIONS:

- A. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.
- B. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.
- C. All temporary emergency lighting need by the the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.
- D. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to

be as close as possible to the Federally required minimum lumen output requirement for the specific task.

- E. Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.

## 2.4. TEMPORARY OUTDOOR LIGHTING

Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Board of Supervisors after considering: (1) the public and/or private benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Board of Selectmen, who shall consider the request at a duly called meeting of the Board of Selectmen. Prior notice of the meeting of the Board of Supervisors shall be given to the applicant and to the Towns Lighting Committee / Land Use Committee. The Board of Supervisors shall render its decision on the temporary lighting request within two weeks of the date of the meeting. A failure by the Board of Supervisors to act on a request within the time allowed shall constitute a denial of the request.

## ARTICLE 3

### 3.1. EFFECTIVE DATE AND GRANDFATHERING OF NONCONFIRMING LUMINAIRES:

- A. This ordinance shall take effect immediately upon approval by the voters of the Town of \_\_\_\_\_ at an annual or special Town Meeting and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
- B. All luminaries lawfully in place prior to the date of the ordinance shall be grand fathered. However, any luminaire that replaces a grand fathered luminaire, or any grand fathered luminary that is moved, must meet the standards of this ordinance.

## ARTICLE 4

### 4.1. AUTHORIZATION FOR INSTALLATION OF PUBLIC AREA AND ROADWAY LIGHTING:

- A. Installation of any new public-area and roadway lighting fixtures other than for traffic control shall be specifically approved at an Annual Town Meeting.
- B. Before any proposal for new multiple public roadway lighting luminaires shall be included in a Warrant for an annual Town Meeting, the Lighting Committee and the Board of Supervisors or its representative shall hold a public hearing to describe the proposal and to provide an opportunity for public comment. Notice of the hearing shall be printed in a newspaper of general circulation not less than one (1) week prior to the date of the hearing and shall be posted for a period of at least one (1) week before the meeting.

## ARTICLE 5

### 5.1. NOTIFICATION REQUIREMENTS:

- A. The Town of \_\_\_\_\_ building permit shall include a statement asking whether the planned project will include any outdoor lighting.
- B. Within 30 days of the enactment of this ordinance, the Code Enforcement Officer shall send a copy of the Outdoor Lighting Ordinance, with cover letter to all local electricians and local electric utilities.

## ARTICLE 6

### 6.1. VIOLATIONS, LEGAL ACTIONS, AND PENALTIES:

- A. **Violations and Legal Actions:** If, after investigation, the Code Enforcement Officer finds that any provision of the Ordinance is being violated, he shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the thirty-day period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.
- B. **Penalties:** A violation of this Ordinance, or any provision thereof, shall be punishable by a civil penalty of one hundred dollars (\$100), and each day of violation after the expiration of the thirty-day period provided in paragraph 1 shall constitute a separate offense for the purpose of calculating the civil penalty.

## V ) Communication Tower Ordinance

WHEREAS, the Federal Communications Commission (FCC) has issued wireless communication licenses for personal communications services and other wireless technologies in order for those license holders to provide wireless services throughout the United States; and

WHEREAS, the growing demand from citizens and businesses for new wireless communications services has produced an increased need for the installations of wireless communication facilities; and

WHEREAS, the location, siting, design and construction of wireless communication facilities can have adverse impacts on celestial observation and the surrounding area;

NOW, THEREFORE, to accommodate the communication needs of residents and businesses while protecting health, safety, and welfare, to minimize adverse visual effects of wireless facilities through careful design and siting standards, to avoid potential hazards or damage to adjacent properties from tower failure through structural standards and setback requirements, to maximize the use of existing and approved towers and structures for new wireless communications antennas, and to reduce the number of towers needed to serve the area, the Town Board does ordain as follows:

### DEFINITIONS:

- 1) **Alternative tower structure.** Any structure not specifically designed or intended for the placement of antennas and wireless communication equipment.
- 2) **Antenna.** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include omni-directional antenna (rod), directional antenna (panel) or parabolic antenna (disc).
- 3) **Collocation.** The location of more than one antenna or set of antennas on the same tower structure.
- 4) **FAA.** Federal Aviation Administration.
- 5) **FCC.** Federal Communications Commission.
- 6) **Height.** The distance measured from ground level to the highest point on a tower or structure, including any attachments.
- 7) **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guy towers, monopole towers and self-supporting lattice towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.
- 8) **Tower accessory structure.** Any structure located at the base of a tower for housing base receiving or transmitting equipment.

- 9) **Wireless Communications.** Any personal wireless services as defined in the Telecommunications Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or may be developed.

## **APPLICABILITY**

- 1) **Preexisting Towers and Antennas.** Any tower or antenna for which a permit has been issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, however any addition or change to a preexisting tower or antenna shall comply with all applicable requirements of this ordinance.
- 2) **AMATEUR RADIO; RECEIVE ONLY ANTENNAS.** This ordinance shall not govern the installation of any tower or antenna that is owned and/or operated by a federally licensed amateur radio operator or is used exclusively for receive-only antennas.

## **GENERAL REQUIREMENTS**

- 1) All towers and antennas shall comply with all FCC and FAA rules, regulations and standards. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such tower and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners expense.
- 2) Design and installation of all towers shall comply with the manufacturer's specifications. Plans shall be approved and certified by a registered professional engineer.
- 3) Installation of all towers and antennas shall comply with all applicable state and local building and electrical codes.
- 4) For leased sites, written authorization for siting the wireless communication facilities from the property owner must be provided.
- 5) All towers and antennas must be adequately insured for injury and property damage.
- 6) All unused towers and antennas must be removed within 12 months of cessation of operation or use, unless a written exemption is provided by the Town Board. After the facilities are removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed from the ground to within 8 feet of ground level. If removal and/or restoration is not completed, the Town of \_\_\_\_\_ is authorized to cause the complete removal and site restoration and the cost shall be assessed against the property as a special assessment.
- 7) When applicable, proposals to erect new towers and antennas shall be accompanied by any required state or local agency license or application for such license.

- 8) Only one tower is permitted on a parcel of land. Additional towers may be permitted with a special exception permit if the additional tower is located within 200 feet of the existing tower and all other requirements of this ordinance are met.
- 9) The monopole design is the preferred tower structure. Use of guy or lattice towers must be justified on the basis of collocation opportunities or specific structural requirements.
- 10) The construction or installation of any wireless communication facilities or related equipment requires a building permit from the Town of \_\_\_\_\_ prior to beginning installation or construction.

## **PROHIBITIONS**

- 1) No tower shall be over \_\_\_\_\_ feet in height.
- 2) No tower or antenna may be installed on a parcel within a subdivision created for residential purposes.
- 3) No advertising message or sign shall be affixed to any tower or antenna.
- 4) Towers and antennas shall not be artificially illuminated unless required by FCC or FAA regulations.
- 5) No part of any tower or antenna shall extend across or over any right-of-way, public street, highway, sidewalk, or property line.
- 6) All visible light emitting devices shall be prohibited from being used on any tower at any time with the exception of the requirements by the FCC or FAA for safety purposes.
- 7) Whenever any tower is required to have flashing type lighting or illumination, the use of red flashing lights shall be required during the night time hours as opposed to white strobe lights unless otherwise federally mandated.

## **PERFORMANCE STANDARDS**

- 1) Tower structures shall be setback from the nearest property line a distance equal to the height of the tower plus the distance of any attachments extending above or beyond the tower. This setback may be reduced to 75 percent of the combined height of the tower plus any attachments if the applicant submits an engineering report from a registered professional engineer that certifies that the tower is designed and engineered to collapse upon failure within the distance from the highest point of the structure to the property line.
- 2) Towers shall not be located within 500 feet of any residence other than the residence on the parcel on which the tower is to be located.
- 3) New towers shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least 2 additional users if the tower is 130 feet or more in height.

Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights.

## **SCREENING AND LANDSCAPING**

The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped with a buffer of plant materials that effectively screens the view of all tower accessory structures, equipment and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level. In locations where the visual impact of the tower would be minimal the landscaping requirement may be reduced or waived by the governing authority. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible.

### **Security Fencing and Lighting**

- a) All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to 12 feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of 6 feet high chain link fence with a locked gate.
- b) Security lighting for on-ground facilities and equipment is permitted, as long as it is down shielded to keep light within the boundaries of the site.

### **Color and Materials**

- a) All towers and antennas shall use building materials, colors, textures, screening and landscaping that blend the facilities with the surrounding natural features and built environment to the greatest extent possible., The tower shall be painted light blue or other color that is demonstrated to minimal visibility.
- b) All metal towers shall be constructed or treated with corrosion resistant material.

### **Parking and Access**

Adequate parking spaces shall be provided on each site so that parking on public road right-of-way will not be necessary. The governing authority may require additional parking if the minimum parking proves to be inadequate. A gated, all-weather driveway must provide access.

### **COLLOCATION/SHARING OF FACILITIES**

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any of the following conditions:

- 1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- 2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- 3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- 4) The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing tower or structure would cause interference with the applicant's proposed system.
- 5) The fees, cost, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are considered unreasonable.
- 6) The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.

### **APPLICATIONS**

All applications for building permits for new wireless communication facilities shall include the following information:

- 1) A report from a registered professional engineer and other professionals which:
  - a) describes the tower height and design, including a cross section and elevation;
  - b) certifies the facility's compliance with structural and electrical standards;
  - c) describes the tower's capacity, including the potential number and type of antennas that it can accommodate;
  - d) describes the lighting to be placed on the tower of required by the FCC or FAA;
  - e) certifies that the facilities will not cause destructive interference with previously established public safety communications system;
  - f) describes how the requirements and standards of these ordinances will be met by the proposed facilities.



- 2) Each application shall include a facility plan. The Town of \_\_\_\_\_ will maintain an inventory of all existing and proposed wireless communication site installations, and all providers shall provide the following information in each plan. The plan must be updated with each submittal as necessary.
- 3) Written description of the type of consumer services each provider will provide to its customers (cellular, PCS, SMR, ESMR, paging or other anticipated wireless communication services).
- 4) Provide a list of all existing sites, existing sites to be upgraded or replaced, and proposed cell sites within the county for these services to be provided by the provider.
- 5) Provide a map of the County which shows the geographic service areas of the existing and proposed cell sites.

### **LAND OWNER ACKNOWLEDGEMENT**

Written acknowledgement by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the building permit including the restoration and reclamation requirements of this ordinance.

### **ADDITIONAL INFORMATION AND ANALYSIS**

- 1) The Town of \_\_\_\_\_ may at its discretion require visual impact demonstrations, including mock-ups and/or photo montages; screening and painting plans; network maps; alternative site analysis; lists of other nearby wireless communication facilities; or facility design alternatives for the proposed facilities.
- 2) The Town of \_\_\_\_\_ may employ on its behalf, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of such review and/or independent analysis.
- 3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

## **EXISTING TOWER / NEW ANTENNA**

Applications for a building permit to add a new antenna to an existing tower or structure shall be exempt from the requirements under heading APPLICATIONS, items 1, 2, and 3 of subsection (b) inclusive.

## **ALTERNATIVE TOWER STRUCTURE**

- 1) If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- 2) If equipment is to be installed on an alternative tower structure, applicant shall furnish a report from a professional engineer certifying the proposed alternative tower structure to be suitable for applicants equipment and intended use. Suitable shall be understood to include, but not be limited to, structural integrity and human safety concerns.

This ordinance shall become effective upon its adoption by the Town Board of Supervisors and publication.

## VI ) Driveway Ordinance

The Board of Supervisors of the Town of \_\_\_\_\_ recognize that emergency vehicles require access to homes, cabins and places of businesses are often hampered and in some cases prevented due to narrow access roads and driveways and inadequate turnarounds. This is particularly a problem for firefighting equipment involved in controlling residential or forest fires.

The Board of Supervisors are concerned about the personal threat this may impose to emergency personnel responding to the call and damage to the town's/fire districts equipment.

Therefore, the Board of Supervisors enact the following ordinance:

Whereas, the Board of Supervisors recognize the need for an ordinance for all driveways and private roads.

Whereas, the Town is responsible for fire protection.

Whereas, the Town provides snowplowing services for a fee on private driveways.

Whereas, the Town wished to provide reasonable access for ambulance service.

Hereby, the Town Board of the Town of \_\_\_\_\_ set down the following regulations:

All driveways must have a minimum of 25 feet at the entrance and 20 feet minimum width throughout the length of the driveway. Said 20 feet shall be a flat surface and free of stumps, trees, brush, rocks and debris. A minimum height clearing of 18 feet is required. Any curves in the driveway or on private roads must not be less than 100 feet radius. Driveways exceeding 150 feet in length must provide an adequate turnaround that will accommodate a 30 foot long fire truck.

If a circle drive is constructed, it must have a radius of no less than 45 feet to the center line. Otherwise, the turn around areas shall not be less than 60 feet by 60 feet. Private roads shall be the same as the roads maintained by the Town.

Section 1: Effective ~~-(date)-~~, no new driveway may be constructed unless it meets the specifications of this ordinance.

Section 2: The Town Board recommends that requests for snowplowing existing driveways shall first meet the minimum requirements of this ordinance concerning driveways.

Section 3: Definition of terms.

"Driveway": Every way or private place in private ownership used for vehicular traffic to gain access to a public road from a dwelling.

"Dwelling": Any structure in which all or part of which is designated for or used for human habitation.

Section 4: Violation of this ordinance will result in the cessation of town services until such time the dimensional requirements of the driveway are sufficiently met.