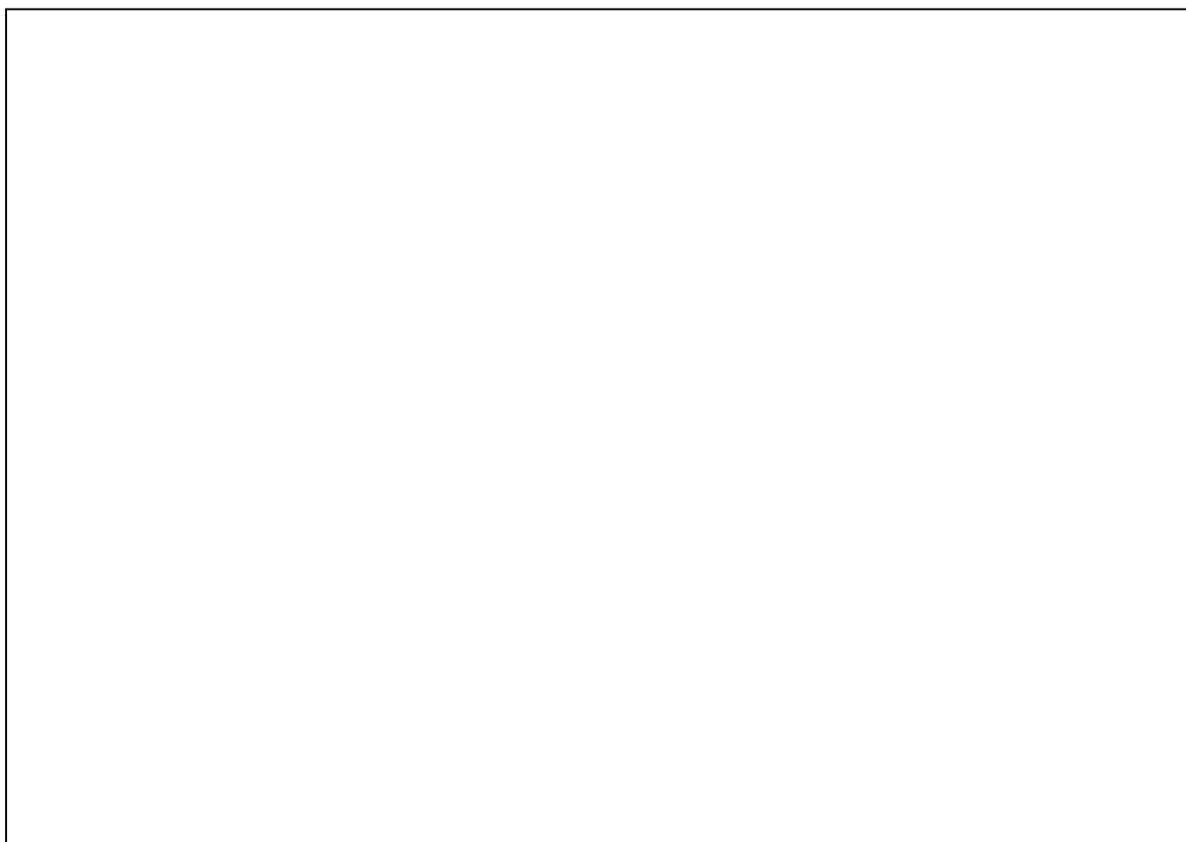


Element 9: Implementation

A compilation of programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, or subdivision ordinances, to implement the objectives, policies, plans and programs contained in [the other elements]. The element shall describe how each of the elements of the comprehensive plan will be integrated and made consistent with the other elements of the comprehensive plan, and shall include a mechanism to measure the local governmental unit's progress toward achieving all aspects of the comprehensive plan. The element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.



Element 9

Implementation

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Element 9: Implementation

Introduction

The Wisconsin planning law describes the implementation element as a compilation of programs and specific action to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, or subdivision ordinances, to implement the objectives, policies, plans and programs in the other elements. The task of this element is to describe tools that can be used to implement a comprehensive plan. While Wood County does not necessarily use all of the implementation techniques listed, those techniques are nevertheless listed to educate readers and decision makers about what is available. A process for updating the comprehensive plan is also included as part of this element.

Plan Adoption

The first step toward implementation of the comprehensive plan is adoption of the plan by the County Board of Supervisors. Wisconsin Statute 66.1001 provides specific procedures that are necessary to adopt the plan. As allowed by statute, the County Board has delegated the responsibility of preparing and maintaining the comprehensive plan to the Conservation, Education & Economic Development (CEED) Committee. Upon completion of the plan, the Committee will hold a public hearing and then take action to forward the plan to the County Board for adoption. The comprehensive plan does not take effect until the County Board enacts an **ordinance** that adopts the plan and that ordinance cannot be adopted unless the plan contains all of the

elements specified by the comprehensive planning statute. At a minimum, a class 1 public notice is required to be published at least 30 days before the hearing is held. Once adopted and no later than January 1, 2010, any program or action of the County Board or its authorized committee, that affects land use shall be “consistent” with the comprehensive plan. This statutory requirement will primarily impact the County’s floodplain and shoreland zoning ordinances, their land subdivision ordinance and their private sewage ordinance.

Wood County Land Use Ordinances

Zoning Ordinance

A modern zoning ordinance is used to shape land use and density patterns in a municipality. The zoning map is based on the future land use map in the county plan and is designed to be consistent with the comprehensive plan. Together, these maps will maintain or improve land use patterns and enable orderly, sustainable growth within the jurisdiction. A goal of zoning is to balance the right of the property owner to use land and the right of the general public to a healthy, safe, and orderly living environment. When properly applied, zoning can stabilize and protect property values, protecting what is usually the single largest investment a person makes; their home. The right of the public to limit the use of private property must be based upon a well-reasoned comprehensive plan for future growth and development. Hence the correlation between the future land use map and the zoning map. Zoning has four main purposes: (1) to locate similar compatible uses near each other and to separate conflicting land uses, such as industrial and residential; (2) to control the height, bulk and size of buildings of buildings, and setbacks from property lines; (3) to apply regulations that are consistent throughout an entire zoning district; and (4) to provide a fair way to resolve disputes over property rights and the enforcement of the district regulations.

The relationship between the plan and the zoning ordinance is easy to understand if one considers that the plan identifies a general pattern of desired land use development and the zoning ordinance specifies the range of conditions of use that can occur on parcels of land to be "consistent" with the plan. In this relationship, the zoning ordinance is clearly a tool to implement the land use recommendations of the comprehensive plan and, in Wisconsin, it is a statutory requirement.

An effective and manageable planning tool, zoning offers many possibilities for confronting the issues presented in this comprehensive plan. Natural conditions such as geology or geography are very difficult, if not impossible, to alter. Zoning is an acceptable solution because of the characteristics of the land. Fitting compatible uses with suitable natural conditions saves expense for the landowner or homeowner as well as protects natural conditions.

Zoning traditionally creates different zones, or districts, for various land uses. Each district has some clearly permitted uses and other uses requiring approval of the Planning Commission and Town Board for specific site proposals. Some uses are prohibited. Flexibility can be built into the zoning ordinance to allow for some variance in land use rules. This is important because the unique characteristics of some lands preclude them from being categorized to be used the same as other lands in a specific zoning district. For example, odd-shaped lots may preclude a parcel from meeting lot line setbacks, while the lot may, in fact, contain adequate area for development. In cases, some mixing of uses may be appropriate where the uses are compatible with one another and with neighboring properties and where neither use creates a nuisance, health hazard, safety hazard or other conflict with other nearby uses.

Wood County adopted a zoning ordinance in 1934. That ordinance established only two districts. District No. 1, Forestry and Recreation District limited use of buildings and land to forest industries and production of forest products; parks, campgrounds, private summer cottages, hunting and fishing cabins; mines, quarries and travel pits; hydroelectric dams, power plants, distribution lines, telephone lines; and

ZONING ORDINANCE
Wood County
Wisconsin

FORESTRY AND RECREATION DISTRICT

By Town Board Approval
By County Board Approval
Unincorporated District

Wood County Zoning Ordinance & Map, 1934. Although Wood County does not have a modern, comprehensive zoning ordinance, the 1934 ordinance is still active. Eleven of 22 towns have zoning ordinances. Those ordinances and amendments to them are required by Wisconsin Statutes to be approved by the County Board of Supervisors.

harvesting of wild crops. “Family dwellings” were prohibited in District No. 1. District No. 2 – Unrestricted District provided that “any land may be used for any purpose whatsoever, not in conflict with law.”

The 1934 zoning ordinance is, obviously, obsolete. A proposal to adopt a comprehensive countywide zoning ordinance in the early 1970s was defeated by the Wood County Board of Supervisors. Since that time, the policy of the County’s Planning & Zoning Committee (now the Conservation, Education & Economic Development [CEED] Committee) has been that, if towns want zoning, they can adopt and enforce their own ordinances. At this time, 11 of the 22 towns in Wood County have their own zoning ordinances.

Subdivision Ordinance

Wood County first adopted a land subdivision ordinance in 1970. As a comprehensive plan implementation tool, subdivision regulations attempt to minimize the creation of lots that fail to satisfy zoning or sanitary ordinances. The control of land divisions promotes the dedication and reservation of land for roadways and drainage ways. In addition, landowners benefit from an effective subdivision code by assuring that properties don’t overlap when new parcels are created by metes and bounds land descriptions. Most Wood County towns rely on the County to monitor and regulate land divisions. Only a couple towns have their own subdivision regulations.

Private Sewage System Ordinance

One means of protecting the County’s groundwater and surface water is to ensure that private waste disposal systems are of the appropriate design and located in areas where there will be limited or no negative impact on the environment. The Wisconsin Administrative Code and Wood County’s Private Waste System Ordinance regulate design and placement of these systems. Wood County monitors pumping of the systems and location of disposal of the

waste. The Wisconsin Department of Natural Resources licenses certain parcels of land for land disposal and has specific guidelines on how land spreading can occur.

Floodplain Zoning

Wood County first adopted a floodplain zoning ordinance to give those whose homes, businesses or other structures are located in or near a floodplain the opportunity to purchase property insurance against flood damage. The County ordinance meets all requirements of the Federal Emergency Management Agency (FEMA) and is administered by the Wood County Planning and Zoning Office.

Shoreland Zoning

Where the floodplain zoning ordinance focus is on floodways and flood fringe areas – those most likely to experience inundation during periods of flooding – the shoreland zoning ordinance was adopted to monitor activities within 300 feet of navigable streams and 1,000 feet of lakes, ponds and flowages. Development is allowed in these buffer areas, but minimum setbacks, clearing standards and other provisions apply. The Wood County Planning & Zoning Office administers the Shoreland Zoning Ordinance.

Capital Improvement Program

A capital improvement program (CIP) is a plan for the capital expenditures of the County over a period of years, usually five years. The CIP addresses the County’s capital needs that require attention during the period and helps establish priorities and financing for those needs. A capital budget is a concurrent document that outlines the plans for the expenditure of funds for capital projects. A tax impact analysis, or development impact analysis, is sometimes used to develop the CIP and helps County officials determine both the advantages and disadvantages of various projects or developments. Capital improvement programs are very useful, especially when the

supply of money is short and the demand for services or improvements is high. Wood County has a five-year capital improvement plan for large capital outlays. The CIP is updated on a regular basis with input from all County departments and is reviewed and approved by the Executive Committee of the County Board.

Exchange of Tax Deeded Lands

Wisconsin statutes allow counties to exchange lands it acquires by tax deed for other lands in the county for the purpose of promoting the regulation and restriction of agricultural forestry lands and may exchange tax deeded lands for other lands for the purpose of creating a park or recreational uses.

Construction Site Erosion Control and Storm Water Management Zoning

Counties in Wisconsin are granted authority under Wisconsin Statute 59.693 to enact an ordinance for construction site erosion control at sites where the construction activities do not include the construction of a building and for storm water management. These ordinances must be consistent with any comprehensive zoning plan or general zoning ordinance applicable to the enacting county. Wood County has not made use of this authority, but may elect to do so if they find that such construction activity is having a negative impact on surface waters in the County.

Building and Sanitary Codes

Wisconsin has a uniform dwelling code that regulates the construction of dwelling, or housing, units. There are also codes regulating the construction of commercial and industrial buildings. Towns, villages and cities are responsible for providing for inspection of dwellings. Although there are state codes regarding residential, commercial and industrial structures, the statutes also allow counties to adopt building and sanitary codes (s. 59.70 (1)).

The sanitary code allowed under this section of the statutes is not the same as the statute that authorizes private sewage system ordinances for counties. Wood County has not enacted codes under s. 59.50 (1).

Non-Metallic Mining Ordinance

Wood County enacted a non-metallic mining ordinance under the mandate of Wisconsin Statute 295.13. The ordinance is administered by the Wood County Land Conservation Department. The Wisconsin Department of Natural Resources (WDNR) established standards for both the mining operation and reclamation of the mine after the source material is exhausted or operations cease for other reasons. The standards include a reclamation plan, on-site inspections, enforcement remedies and penalties, and periodic review of the county program by the WDNR.

Administration of the Wood County Comprehensive Plan

Planning Committee

The Wood County Conservation, Education and Economic Development (CEED) Committee is the committee that has been designated to oversee planning and zoning functions for the Board of Supervisors. The CEED Committee is made up of five members of the County Board. Each member represents a district in the County and elected for a two-year term. In Wood County, it has been the practice to reorganize committees every two years, following the general election of the group. It is the CEED Committee that is responsible for completing the comprehensive plan in compliance with s. 66.1001, Wisconsin Statutes and administering Wood County's land use ordinances.

Planning & Zoning Staff

Wood County has a staff of six full-time and one part-time employees. The Planning & Zoning Director and the Planner/Land Records

Coordinator are the two primary planners in the department. A Geographic Information Systems (GIS) Specialist plays an important role. It is the GIS Specialist that prepares many of the planning maps, both for County use and for many of the town comprehensive plans.

The Code Administrator and Environmental Analyst are individuals who are licensed to conduct inspections of private septic system installations. They are also certified soils testers, are certified to delineate wetlands and more. These positions are involved in day-to-day administration of the private sewage system ordinance, the floodplain ordinance and the shoreland zoning ordinance.

The office also has one full-time and one part-time clerical staff members. As a team, the Planning & Zoning Office staff report to the CEED Committee on a monthly basis and to the County Board as needed.

Plan Amendments and Monitoring

The plan amendment process can be as important as the initial development and adoption of the plan. Monitoring those changes is also important. Monitoring changes can assist the Conservation, Education & Economic Development Committee and County Board to assure consistency in the application of standards and in proposing changes to either the text or the future land use map. The following process is used in Wood County for amending the plan and monitoring changes.

Plan Amendments

The comprehensive plan is a dynamic document; as conditions change in the County, the plan will change. In addition, the Wisconsin planning law requires that comprehensive plans that are created under the statute be updated “no less than once every 10 years.”¹ An example of why a comprehensive plan would

need to be amended, or updated, might include changing economic conditions in the area – if a new manufacturer chooses to locate in the County, It can impact transportation, housing and schools. An aging population will likely demand different types of housing or changes in the types of county services. A major change to the transportation system is yet another example of when the plan may need to be updated. Two major changes are in the making in Wood County as this plan is being prepared. U. S. Highway 10 will be relocated from most of its existing corridor from Marshfield, east to the Portage County line. The relocation will impact some of the County’s best agricultural lands. It will be moved out of the Villages of Milladore and Auburndale, impacting businesses in those communities that rely on impulse shopping. It will also result in relocation of some county residents, disrupting their lives as they seek new places to live. In the Wisconsin Rapids area, state and local officials are investigating the possible extension of State Highway 54 from its current intersection with County Road W, south to Griffith Avenue (County Road Z), then west, crossing the Wisconsin River to the Village of Port Edwards. To implement this proposal will impact existing residential and commercial developments, may impact municipal well fields, could have an impact on the local airport, and will result in changing traffic patterns through that part of Wood County.

Working with local boards and councils, county officials must be ready to react to changing conditions in the community by amending the plan to reflect changes. Care must be taken, however, not to amend the plan as a routine or the process may lose its importance in the community development process. It is important to establish county-wide planning goals, review those goals on a regular basis and develop objectives that will help the decision makers achieve community planning goals. This should always be done after soliciting input from local representatives, the general public.

The amendment process is rather straight forward (the flow chart on the last page shows the process for amendments). The first step can

¹ Chapter 66.1001 (2) (i), Wisconsin Statutes, 2005-2006, page 535.

be either a petition to the CEED Committee from a County resident or property owner or a proposal by the CEED Committee itself, or from the County Board. The petition can be for either a change in the plan's text, such as a change in goals or objectives, or a change to the future land use map. Remember, the floodplain and shoreland zoning ordinances, subdivision ordinance and private sewage system ordinance must be consistent with the comprehensive plan.

The second step is review of the petition or proposal by the CEED Committee. Their review can include visiting the site, meeting with the petitioner to discuss the reason for the request, obtaining professional planning assistance or a legal opinion, or meeting as a committee to discuss the merits of the proposal.² Third, the CEED Committee will then publish a notice and hold a public hearing on the proposal to get input from any interested persons. They should keep a written transcript or, at the very least, detailed minutes of the testimony. Following the hearing, the Committee will forward a recommendation to the County Board in the form of a resolution. The County Board will then approve the resolution to amend the comprehensive plan, amend the resolution on the floor of the Board, table the resolution for a specified time to get more information, refer the resolution back to committee, or vote to reject the resolution for the amendment. The petitioner should be provided a written copy of the decision. If the petitioner is not satisfied with the decision, he can submit an entirely new petition, submit a petition with revisions to the original proposal, appeal the decision to the Circuit Court, or do nothing. Of course, the petitioner also has the option of rescinding the petition at any time during the process.

Monitoring

Monitoring changes over time is also very important and it is relatively easy. Changes can be documented simply by maintaining a file of each change, including copies of the:

- petition for amendment or minutes of the CEED Committee meeting where an amendment was initiated,
- minutes of all Committee meetings where the proposal was discussed,
- notice of public hearing,
- public hearing transcript or detailed minutes of the hearing,
- copy of the County Board resolution as voted upon,
- notice to petitioner of County Board decision.

These files should be maintained in a safe place in case the decision is challenged by either the petitioner, in the case of a denial, or by someone who opposed the amendment proposal. Included in the individual files is detailed rationale for the CEED Committee's and County Board's decisions regarding specific cases. These files will prove useful when a comprehensive review of the plan is done in ten years (or sooner) from adoption.

² All meetings of the CEED Committee must comply with the Wisconsin Open Meetings Law.

COMPREHENSIVE PLAN AMENDMENT PROCESS

