

SEWRPC Community Assistance Planning Report No. 291
A COMPREHENSIVE PLAN FOR THE TOWN OF ERIN: 2035

Chapter XII

IMPLEMENTATION ELEMENT

INTRODUCTION

The implementation element is the last of the nine elements of a comprehensive plan required by Section 66.1001 of the *Wisconsin Statutes*. Section 66.1001 (2) (h) of the *Statutes* requires this element to include a compilation of programs, in a specified sequence, to implement the recommendations set forth in the preceding eight elements. The *Statute* also requires this element to:

- Identify proposed changes to applicable zoning ordinances, subdivision ordinances, and official maps.
- Describe how each of the other eight elements of the comprehensive plan will be integrated and made consistent with other elements of the plan.
- Include a mechanism to measure the Town's progress towards achieving the recommendations of the plan.
- Include a process for amending and updating the plan. The *Statutes* require that a comprehensive plan be updated no less than once every 10 years.

Section 66.1001 (4) of the *Statutes* sets forth the required procedure for adoption or amendment of a comprehensive plan, which includes:

- Adoption of a written public participation plan designed to foster public participation in the development of a comprehensive plan or a plan amendment.
- Approval of a recommended plan by a resolution approved by a majority of the full membership of the plan commission.
- Distribution of the draft plan for review and comment to:¹
 - Every governmental body located in whole or in part within the Town.
 - The clerk of each adjacent local government and the Washington County Clerk.
 - The Wisconsin Department of Administration.
 - SEWRPC.
 - The public library serving the Town.

The parties listed above must also be provided with a copy of the adopted comprehensive plan.

- Adoption of the plan by an ordinance adopted by a majority of the full membership of the Town Board. Adoption of the plan by the Town Board must be preceded by at least one public hearing. A Class 1 notice of the hearing must be published at least 30 days before the hearing. Written notice must also be provided to persons who have applied for or been issued a permit for a nonmetallic mining reclamation plan, registered a nonmetallic mining site under Chapter NR 135 of the *Wisconsin Administrative Code*, or to owners or leaseholders of lands with nonmetallic resources who have requested notice of the hearing in writing, and to property owners that have filed a request for written notice under Section 66.1001 (6) of the *Statutes*.

¹ *The Wisconsin Department of Administration has stated that both draft and adopted plan reports may be distributed in digital format, provided a paper copy of the report is available for review at the public library and at the Town Hall.*

PLAN REVIEW AND ADOPTION

For any planning process, it is good practice to hold public informational meetings and hearings on recommended plans before their adoption. Such actions provide an additional opportunity to acquaint residents and landowners with the recommended plan and to solicit public reactions to the plan recommendations. The plan should then be modified to reflect any pertinent new information and to incorporate any sound and desirable new ideas advanced at these meetings. Accordingly, a public open house for the Town comprehensive plan was held on May 7, 2008. A public hearing was held before the Town Board on _____, 2008. The Town provided public notice of the hearing in accordance with the requirements of the comprehensive planning law, and distributed the draft plan report to all of the parties specified in the law. The Plan Commission resolution approving the comprehensive plan and recommending adoption of the plan by the Town Board is included in Appendix E.

An important step in plan implementation is the formal adoption of the recommended plan by the Town Board. Upon such adoption, the plan becomes the official guide to be used by Town officials in making development or redevelopment decisions. The plan should serve as the basis on which all development proposals, such as rezoning requests, subdivision plats, and certified survey maps, are reviewed. Only those zoning actions or land divisions which are consistent with the plan should be approved. The Erin Town Board adopted this comprehensive plan on _____, 2008. A copy of the adopting ordinance is included in Appendix F.

A public participation plan for development of this comprehensive plan was prepared in 2004, and adopted by the Town Board on September 27, 2004 (see Appendix B).

PLAN AMENDMENTS AND UPDATES

Changes to long-range planning documents are inevitable. This plan is based on various types of data and projections which, if faulty or outdated, could cause the need for reassessment of plan goals, objectives, policies, and/or programs. Thus, this plan needs a certain amount of flexibility to deal with unforeseen situations without requiring a plan amendment.

If a plan needs frequent amending, residents and local officials will begin to think of a plan amendment as a normal "everyday" occurrence rather than an action which should be undertaken only after careful consideration. In addition, landowners and citizens may lose faith in the plan itself and find their public trust in the plan greatly compromised. There are various strategies the Town has adopted as an integral part of this plan to minimize the number of amendments needed.

This plan was carefully developed to provide a reasonable amount of flexibility to accommodate any changing conditions in the Town without a change in the plan itself. The following sets forth guideline for updating this plan.

Types of Plan Changes

Basically, there are *two types of plan changes*--the *periodic update* and the *correction*. The periodic update is like "fine-tuning" a plan; that is, it adjusts the course of the plan according to changing conditions or new information. The correction is exactly what it sounds like. If a plan is based on faulty data, a correction may need to be made in the goals, objectives, policies, programs, and plan text or map(s) that were based on the faulty data.

Rationale and Justification for Plan Amendment

Adjustments to this plan should be made as required by changing conditions. Consequently, one of the important tasks of plan implementation is a periodic reevaluation to ensure the plan continues to properly reflect current conditions. It is recommended that a general plan reevaluation take place on at least an annual basis. Since communities are dynamic rather than static places of human habitat, they continue to evolve and change as long as they exist. Periodic monitoring and updating is an integral part of this plan.

A more comprehensive review of the plan is recommended about every five years--in 2015, 2020, 2025, 2030, and 2035. It is recommended that the 5-year comprehensive review utilize, to the extent practicable, an up-to-date data base. Each 5-year update should also include an extension of this plan for an additional five years to continually accommodate 20 to 25 years of Town growth. The comprehensive planning law requires that the Town plan be updated at least once every 10 years.

Factors contributing to the possible need to amend this plan are due to the long-range nature of this type of document. These factors are set forth in this chapter to provide the necessary guidance in conducting a plan amendment. The important aspect of plan amendment, however, is that it should not be taken lightly. A plan amendment should be undertaken only after careful study and by reason of one of the following basic six factors--projections, assumptions, data error, new issues, comprehensiveness, and data updates/emergence of new data.

Projections and Forecasts: Plans are based on projections or forecasts because plans deal with future situations. If projections or forecasts are in error, or require modification due to the emergence of new data, then this plan may need to be adjusted. The Town should monitor this plan based on the preparation of new projections or forecasts. Comparisons should then be made between what was projected or forecast and what is actually happening. If warranted and deemed necessary by the Town Board upon recommendation of the Town Plan Commission, this plan should be amended to accommodate the new projections or forecasts.

Assumptions: A number of assumptions have been made upon which this plan and its various elements are to be based. Assumptions may have to do with demographics, capital investment, or national policy. For example, during the late 1960s and early 1970s a dramatic shift in birth rates occurred. Any plans based on the assumption that the birth rate of the 1950s would continue were dramatically affected by the change in birth rates which actually occurred.

As stated earlier, the Town should review this plan on an annual basis--affording an opportunity to review and reexamine the accuracy of any assumptions upon which this plan was based.

Data Error: An error in planning data differs from an assumption in that the faulty information is quantifiable. A new arterial street may be under construction and designed to meet certain specifications. A construction error, new Federal standards, or other factors may result in the street not being placed or functioning as planned. This, too, requires a plan reassessment and, perhaps, a plan amendment.

New Issues: Issues may evolve that were not critical or foreseen when this plan was initially developed. For example, community character is an issue that tends to stay in the background until it is almost too late to save it. New issues may require modification of plan goals, objectives, policies, or programs --or the creation of new plan goals, objectives, policies, or programs --to effectively deal with new issues. New factors affecting current issues can also present situations where this plan may have to be amended.

Comprehensiveness: The various elements of this plan are designed to guide future Town actions and specific growth decisions. This plan recognizes, however, that some elements may benefit from more detailed study and analysis. For major issues that require greater analysis than offered by this plan, a plan amendment may be justified. The amendment may be authorized by the Town Plan Commission at any time.

Data Updates/Emergence of New Data: The maps, tables, and statistics upon which this plan is based are factual in nature but may change through time (for example, when new Census data is released beginning in 2010). Thus, a general annual review of this plan is necessary and, where deemed appropriate by the Town Board with recommendation(s) from the Town Plan Commission, amendments to this plan should be made to keep data current.

Plan Amendment Process

It is critical to have and to follow guidelines when determining if an amendment to the plan is appropriate. All projections and assumptions should be reviewed in detail at meetings where Town officials and citizens are provided information on new factors which might affect this plan. Officials and citizens should be asked to submit any additional concerns of their own. This plan should be revised in a manner similar to its original

development, with citizen participation prior to any change. Indeed, the comprehensive planning law requires that any plan amendment follow the same procedure as that followed for the adoption of this plan, including adoption of a public participation plan, a public hearing, approval of the plan amendment by a resolution of the Plan Commission, adoption of the amendment by an ordinance of the Town Board, and distribution of the plan amendment to the parties listed in Section 66.1001 (4) of the Statutes. It is recommended that the Town prepare and adopt a public participation plan to be used for all plan amendments.

Amendments to the Town of Erin Land Use Plan Map

The Town Board, upon recommendation of the Town Plan Commission, may consider (but is not obligated to approve) amendments to the Land Use Plan map (Map VI-4 in Chapter VI). The Town Plan Commission and the Town Board in their review and consideration of proposed Land Use Plan amendments shall examine the following questions and issues (in addition to the basic six factors--projections, assumptions, data error, new issues, comprehensiveness, and data updates/emergence of new data) for approving a land use plan amendment:

- Is the proposed amendment consistent with the vision, goals, objectives, policies, and programs of this plan?
- Will the proposed amendment benefit the Town as a whole?
- Is the proposed amendment compatible with surrounding land uses?
- Will the proposed amendment assist in preserving the rural character of the Town?
- Are public roads available, or planned to be available in the near future, to accommodate the area of the proposed amendment?

CONSISTENCY BETWEEN THE COMPREHENSIVE PLAN AND TOWN ORDINANCES

Section 66.1001 (3) of the *Statutes* requires that the following ordinances be consistent with a unit of government's comprehensive plan by January 1, 2010:

- Official mapping established or amended under Section 62.23 (6) of the *Statutes*.
- County or local subdivision regulations under Section 236.45 or 236.46 of the *Statutes*.
- County zoning ordinances enacted or amended under Section 59.69 of the *Statutes*.
- City or village zoning ordinances enacted or amended under Section 62.23 (6) of the *Statutes*.
- Town zoning ordinances enacted or amended under Section 60.61 or 60.62 of the *Statutes*.
- Zoning of shorelands or wetlands in shorelands under Section 59.692 (for counties), 61.351 (for villages), or 62.231 (for cities) of the *Statutes*.

Zoning Ordinance and Zoning Map Amendments

It is the Town's intent that the Town's zoning ordinance be one of the primary implementing tools of this plan. As such, it should substantially reflect and promote the achievement of plan goals, objectives, policies, and programs. A zoning ordinance is a legal means for both guiding and controlling development within the Town, so that an orderly and desirable pattern of land use can be achieved which conforms to the plan and balances individual property rights with community interests and goals. The zoning ordinance contains provisions for regulating the use of property, the size of lots, the intensity of development, site planning, the provision of open space, and the protection of natural resources.

It is recommended that the Town Zoning Ordinance be amended to allow the use of lot averaging techniques. Regulations to address accessory storage buildings and other storage on lots along lakes should also be considered, while recognizing that Washington County has primary authority for regulating structures and uses within shoreland areas. The Town should also consider including design guidelines in the zoning ordinance to enhance the visual character of shoreland residential areas by locating buildings to minimize disruption to the lakeshore environment and to preserve lakeviews by minimizing development on hilltops.

Following the adoption of this plan by the Town Board, the Town Plan Commission should immediately initiate appropriate amendments to the Town zoning map to bring the map into conformance with the Land Use Plan Map (Map VI-4 in Chapter VI). The land use categories shown on Map VI-4 are not zoning districts. The planned land use districts form the basis, however, for amending the zoning map. Table XII-1 lists each of the land use plan categories and their recommended corresponding zoning districts.

Existing commercial and industrial uses that are not designated for such use on the land use plan map may remain in commercial or industrial zoning districts until such time as the use is discontinued. At that time, the property should be rezoned to a zoning district that is consistent with the land use plan map. The R-1 and R-3 residential zoning districts may be applied to *existing* parcels less than seven or five acres within areas designated as Rural Preservation and Agricultural Transition, respectively.

Subsequent petitions for zoning boundary and text amendments to the Town Zoning Ordinance should be accompanied by a statement of the proposed zoning change, its compatibility with the Town Plan, and the conditions warranting a zoning change. All rezoning applications in the Town should be carefully reviewed relative to the land use plan map and the remainder of this comprehensive plan.

Subdivision Ordinance and Official Mapping Ordinance

It is recommended that the Town Land Division Ordinance be amended to require land divisions to be designed to preserve natural landforms, woodlands, and environmental features, and existing hedgerows and woodlands surrounding farming areas and homesteads.

The Town of Erin has not adopted an official mapping ordinance.

RECOMMENDED PROGRAMS

As previously noted, the comprehensive planning law requires the Implementation Element to include a compilation of programs, in a specified sequence, to implement the recommendations set forth in the other required plan elements. The Town of Erin Plan Commission reviewed the programs developed in the previous seven elements (there are no programs recommended in the Issues and Opportunities Element) and developed a relative priority ranking for their implementation. Recommended priorities for implementing programs are presented in Table XII-2. Any new programs recommended in this plan must be individually reviewed and approved by the Town Board through the annual budget process prior to implementation.

(Note: Table XII-2 will be completed following Town Plan Commission review and conceptual approval of the programs in the preceding element chapters).

CONSISTENCY AMONG PLAN ELEMENTS

The comprehensive planning law requires that the implementation element “describe how each of the elements of the comprehensive plan shall be integrated and made consistent with the other elements of the plan.” All elements of this comprehensive plan were prepared simultaneously by the same staff with great care given to ensure internal consistency among the various elements. All element chapters were reviewed by the Town of Erin Smart Growth Committee and Plan Commission. There are no known inconsistencies among plan elements.

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Table XII-1

RELATIONSHIP BETWEEN THE TOWN OF ERIN LAND USE PLAN CATEGORIES AND IMPLEMENTING TOWN OF ERIN ZONING DISTRICTS

Land Use Plan Categories (see Map VI-4)	Corresponding Zoning Districts
Rural Preservation ^{a, b} Agricultural Transition ^b	R-5 Residential R-10 Residential R-20 Residential A Agricultural AN Agricultural – No Development ^c Single-Family Cluster Development
Shoreline Residential	R-DL Druid Lake Residential
Roadside Commercial	B Business/Commercial I Industrial
Government and Institutional	I-1 Institutional
Parks and Recreation	Park-Recreational
Wetland	LC Lowland Conservancy A Agricultural
Primary and Secondary Environmental Corridors	R-5 Residential R-10 Residential R-20 Residential A Agricultural AN Agricultural – No Development Single-Family Cluster Development LC Lowland Conservancy UC Upland conservancy

^aSection 360-35C(1) of the Town zoning ordinance, which requires a density of at least seven acres per home in critical watershed areas, applies within areas designated Rural Preservation.

^bThe R-1 and R-3 residential zoning districts may be applied to existing parcels less than seven or five acres within areas designated as Rural Preservation and Agricultural Transition, respectively.

^cThe Agricultural – No Development district would apply to common open space areas in conservation (cluster) subdivisions.

Source: SEWRPC.

Table XII-2

**TOWN OF ERIN COMPREHENSIVE PLAN
IMPLEMENTATION PRIORITIES**

(Prioritization of implementing programs to be completed following Town Plan Commission review and conceptual approval of the programs in the preceding element chapters.)