

13 Implementation Strategy

The final element in the land use planning process is implementation. Plan development is an exhaustive and labor intensive process. Often, little energy is reserved to take the steps necessary to begin "working" the plan. However, the plan's ultimate success will be tied to the energy and resources which are applied to implementation.

The implementation strategy includes a summary of issues and items discussed by the Land Use Planning Committee, Town Board, and the Town of Lincoln taxpayers at public meetings. The implementation strategy also includes a modified action plan presented in the front of this document. The action plan identifies implementation actions within the context of primary responsibility for a proposed action and a targeted completion date.

Plan implementation will take resources to adopt the procedures and recommendations into administrative procedure. Planning, in and of itself, has strength only to identify the path to the Town of Lincoln's long-term vision. Implementation tools, coordinated and applied, translates vision into reality. The implementation strategy is organized as follows:

1. Preferred Land Use Classifications Versus Zoning Districts
2. Preferred Land Use Class Recommendations
3. Administration
4. Intergovernmental Coordination
5. Ordinance Revisions
6. Ordinance Development
7. Voluntary Implementation Tools

13.1 Preferred Land Use Classifications Versus Zoning Districts

Comprehensive land use plans are policy documents indicating how communities would like to see the land used over a 10 to 20 year period (future vision). Comprehensive plan maps depict land for future uses, and typically show broad categories of land uses. For each of the preferred land use classifications there may be one or more zoning districts that could be used to implement the preferred land use. The specific zoning district that could be used to implement the plan's preferred land use will depend on local circumstances and policies defined within the plan itself. Plans should guide zoning decisions, but zoning regulations are just one of a number of implementation tools that can be used to help local communities achieve their preferred land uses.

In Vilas County's planning process, local communities developed their preferred land use classifications as "visions" of what they would like to see in their areas in the next 10 to 20 years. The preferred land use classifications describe the mix of preferred uses, the locations of those various mixes of uses, and the densities of preferred development. Each preferred land use classification also lists the types of uses the communities feel ought to be considered as permitted or conditional uses within each classification.

Communities used a variety of public participation processes, including direct mail packets that included the classification descriptions, the preferred permitted and conditional uses, and community feedback forms. The mailings were sent to all property taxpayers. The public participation process generated community-wide responses and feedback which enabled the local planning committees to solidify recommendations, based on public opinion, on the types of uses, their locations and densities for each of their preferred land use classifications.

As future visions, the preferred land use classifications are not intended to take the place of zoning districts. The preferred land use classifications are used however to make recommendations for specific zoning map or ordinance text amendments that would help to achieve the proposed future land uses. The communities can match their lists of recommended permitted and conditional uses for the preferred land use classifications against a similar table reflecting the permitted and conditional uses regulated in existing zoning districts.

A variety of comprehensive land use plan implementation recommendations can be generated when comparing the two tables:

- ◆ Where the list from a preferred land use classification closely matches an existing zoning district, the land use plan can recommend utilization of that zoning district as part of the plan implementation strategies.
- ◆ If there is no close match, the plan can use the classification list as a recommendation to the zoning agency (county, city, town, etc.) to create new zoning district options.
- ◆ If the list is close but some uses vary, the local plan commission can recommend a zoning district as a “best fit”, but still utilize their land use classification list of permitted and conditional uses as a reference for rezoning requests. For example, if a single family zoning district is the “best fit” for a lakeshore residential land use classification, but the preferred land use classification also recognizes resorts as a compatible use, the municipality can use the plan to justify rezoning from single family to a district that would permit resorts at the time a specific resort development is proposed.
- ◆ Where types of uses closely match between a zoning district and a preferred land use classification, but the lot sizes (densities) do not, towns could independently utilize a subdivision control ordinance to require the lot sizes recommended by the local plan.
- ◆ Some types of land uses can be achieved regardless of the type of zoning district in place using a variety of other implementation tools. Such tools include land acquisition (ex. for parks), conservation easements, encouraging the use of Managed Forest Law and other tax programs, transfer or purchase of development rights programs and others.

As implementation strategies, each of the above recommendations would enable zoning decisions and actions, by either the county or towns, to be “consistent” with the local comprehensive land use plans. Consistency of such land use programs and actions are also a requirement of the current planning law.

Comprehensive land use plans are intended to guide county and local decisions on zoning text and map amendments. They are not intended, however, to replace zoning and other ordinances as regulatory frameworks to implement day-to-day permitting activities. Individual zoning permits (and conditional use permits) would still be issued according to the zoning or other regulations in effect on the date the permit is issued. The permitted and conditional uses would remain in effect under the zoning regulations until the zoning map or text is amended to more closely reflect the types of permitted and conditional uses recommended for the preferred land use classifications.

13.2 Preferred Land Use Classification Recommendations

Section 12 recommends 13 preferred land uses the town identified for the "desired future condition" land in the town. The preferred land use classifications are not zoning districts. The classifications can be some useful tools to help the town assess the viability of existing zoning in directing plan implementation based on the intent of the classification. In accordance with Appendices 12-1 and 12-2, the Town of Lincoln preferred land uses and the associated permitted and conditional uses were compared to existing county zoning districts to determine compatibility of intent. Where an existing county zoning district closely matched the town's preferred use, the county zoning district was recommended to implement that use. Where a match was not identified, a recommendation for action was included. This discussion assumes the town will proceed utilizing Vilas County for zoning administration, which the town has stated it will. It is *not implied* that a recommendation to utilize an existing (or recommended) zoning district should or will necessitate a zoning change within the areas where preferred uses closely matches the existing zoning. The recommendation implies *only* that the preferred uses either are or are not closely related and that the town could use the Year 2020 Preferred Land Use Map and the following recommendations as a guide when reviewing lot splits or rezonings.

The Vilas County Shoreland Zoning Ordinance will also play a major role in implementation of the *Town of Lincoln Year 2020 Comprehensive Land Use Plan*. Lakes Classification provisions in the Shoreland Zoning Ordinance will regulate density and construction in the shoreland zone, where a majority of development pressure has and will continue to shape the landscape. The Shoreland Zoning Ordinance will not regulate the types of uses, such as if property will be commercial or residential; use of property will continue to be regulated by the underlying zoning district and to some degree the Year 2020 Preferred Land Use Map. The intent of the Year 2020 Preferred Land Use Map, the preferred land use classifications, and the planning process in general is to correlate the relationship between existing and preferred uses, and to determine how public land use directives can be achieved. The following implementation recommendations lead the strategy.

Lakeshore Residential

Vilas County's existing Single-Family Residential (R-1) zoning district closely matches the preferred uses identified in the Lakeshore Residential classification; therefore, the R-1 zoning district could be used to implement the preferred use. The Vilas County Shoreland Zoning Ordinance currently regulates development within the shoreland zone, which will also be an effective tool to regulate development activity within the Lakeshore Residential areas. Overall, the town's preferred uses would be slightly less restrictive than the county ordinance; the county Single-Family zone allows 16 permitted or conditional uses (nine permitted & seven conditional), whereas the preferred Lakeshore Residential classification would allow 18 total (six permitted and 12 conditional uses).

Rural Residential

Vilas County currently does not have a Rural Residential zoning district. It is recommended that the Town of Lincoln propose a new zoning district be added to the Vilas County Zoning Ordinance to provide for five acre lots or larger, principally related to residential uses. Appendix 12-1 shows the preferred uses within the Rural Residential classification are somewhat similar to single-family residential zoning; however, the town's proposed Rural Residential classification could conditionally allow limited commercial depending on the intensity of use. The county's Forestry zone is the only zoning district that has a five-acre minimum lot size, but the preferred uses are much different (and more restrictive) in the Rural Residential classification than in the Forestry zone.

Wooded Residential

The intent of the Wooded Residential classification is to facilitate residential development on 1.5 acre lots along existing town roads to maximize the public investments in the road network. There is no existing county zoning district that matched the preferred intent envisioned for this land use area. The Wooded Residential classification is most closely aligned to the existing Single-Family Residential zoning district (either permitted or conditional). However, the Wooded Residential classification is less restrictive than Single-Family zoning in the overall number of preferred uses and suggests additional uses that are not allowed in the Single-Family zone. It is recommended the town discuss the potential with Vilas County to add an additional zoning district, at a minimum use or modify the existing Single-Family zone, or that the town adopt a land division ordinance to address conformity locally (see Appendix 13-2).

Forestry and Recreation

The Forestry and Recreation classification may need to use a combination of both town and county regulations to implement the intent of the preferred land use. The Vilas County Forestry (F) zoning district could be utilized to implement this class. However, it is recommended that the Town suggest the Forestry zoning district be revised to increase the respective lot size minimum from five acres to 10 acres complying with county land use plan trends and with

minimum lot sizes relative to forest management program standards. The existing zoning district is slightly more restrictive than the Town of Lincoln is suggesting (41 county permitted or conditional uses vs. 42 preferred permitted or conditional uses). This should also be discussed with Vilas County, although the differences are negligible.

To offset the existing county minimum lot size (5 acres) for the Forestry zoning district, the Town of Lincoln may need to adopt a local land division ordinance to achieve the preferred 10-acre minimum lot size when a new land division would occur within the planned Forestry and Recreation classification. The land division ordinance would require conformity to the adopted *Year 2020 Comprehensive Land Use Plan* relative to lot size, whereas use(s) would still be regulated through the zoning ordinance. It is possible for a land division code to regulate land use as conformity requirements can be included in a land division code. This issue is discussed in greater detail in this chapter and in Appendix 13-2.

Highway Commercial

The existing General Business (GB) zoning district of the Vilas County Zoning Ordinance could be utilized to implement the Highway Commercial land use class. The town and county uses are very similar in intent and in the number of permitted and conditional uses (49 uses allowed via county and 51 suggested uses by the town). The lot size recommendations are also the same. The main issue that exists between the county zoning regulations and the town's preferred land uses are some specific recommendations for lot and access review as part of the development process. The town is concerned with frontage access as the state highways utilize access control along the state highway(s). The town also suggests new development look for ways to cluster development and share access, signage etc as represented in Appendix 12-4. The potential also exists to coordinate development approvals with the City of Eagle River in areas that are near the border. The city and town should discuss the development and coordinate such issues as public services and signage, access, building location on the parcel, and pedestrian accommodations such as trails or sidewalks. Coordination and review of development within the Highway Commercial classification could have as large an impact as the type of use that is developed.

On-Chain Mixed Use

The intent of the On-Chain Mixed Use classification is to have mixed residential and commercial uses to accommodate the existing development pattern. Mixed uses are planned to be more prevalent in this area. There is no existing Vilas County zoning district that matches the *preferred intent* envisioned for this land use area. The existing General Business (GB) zoning district does not meet the intent as the on-Chain Mixed Use class is not solely a general business area, even though residential is allowed in the General Business zone. The All-Purpose zoning district would technically work for implementation, which could be said for any of the preferred land uses. The intent of the class is mixed residential and commercial uses that may exist now or that may happen. The difference is the location of near the lakeshore and the predominance of residential uses in the area. Development should be very considerate of the surrounding development pattern. It is recommended the town approach Vilas County to adopt a new Mixed

Use zoning district tailored specifically to the application of mixed uses. The proposed Mixed Use district could have varying degrees of intensity associated with development, similar to performance-based zoning. The higher the intensity of use, the more restrictions are applied to it. Intensity of uses relates primarily to potential commercial uses, where single-family residential uses are anticipated to be the predominant use within the classification.

Other implementation strategies could involve requirements related to design-review standards for new commercial structures, and local subdivision controls that could allow various lot sizes depending on the intensity of use. The intensity of use will need to be discussed at the county level as the Town of Washington also has planned areas designated with the On-Chain Mixed Use classification, although Washington's recommendations are much more restrictive (water-orientated commercial only) than Lincoln's.

Planned Mixed Use

The intent of the Planned Mixed Use classification is to have mixed residential and commercial uses at a lower density to accommodate the existing development pattern and plan for areas that are anticipated to develop over the life of this plan. Mixed uses are common throughout the town, but much more prevalent in these areas, especially nearer the border between the town and the city. There is no existing Vilas County zoning district that matches the *preferred intent* envisioned for this land use area. The existing General Business (GB) zoning district does not meet the intent as the Mixed Use class not solely a business area, even though residential is allowed in the GB zone. Community Business zoning would work as the lot size requirements are reduced. The All-Purpose zoning district would technically work for implementation, which could be said for any of the preferred land uses, and that is not recommended.

The intent of the class is mixed residential and commercial. It is also the intent to view the STH 70 corridor differently than the STH 17 corridor. STH 70 is very densely developed with mixed use and is anticipated to be a primary development corridor, as discussed in chapter 12. Development along STH 70 in close proximity to the city has the potential, due to location, for possible shared services of sewer and water as the city's public utility is at the city's west border. The recommendation for the STH 70 corridor then is for assessment of building footprints on lots and identifying potential lot splits on larger lots that could be necessary if there is ever agreement for shared service along the STH 70 west corridor and sewer would become available. A property owner should plan for the potential of sewer on the front side of the development process and plan their building and lot configurations accordingly. If that does not occur, the costs could be exacerbated down the line by inadvertently placing a building in the middle of 300' of road frontage, which would limit the potential to accomplish lot splits in the event of sewer being provided to the area.

The STH 17 corridor is also different from STH 70 and warrants different considerations. For example, the STH 17 corridor is relatively undeveloped as compared to STH 70. New development will occur along the highway and will require highway access. The STH 17 corridor should be assessed differently as the opportunity exists for clustering commercial uses at

intersections or utilizing internal access service access to property and coordinating access to the highway (see Appendix 12-3 & 12-4). It is recommended the town approach Vilas County to adopt a new Mixed Use zoning district tailored specifically to the application of mixed uses. The proposed Mixed Use district could have varying degrees of intensity associated with development, similar to performance-based zoning. The higher the intensity of use, the more restrictions applied to it.

Other implementation strategies could involve requirements related to design-review standards for new commercial structures, and local subdivision controls that address lot sizes, and cluster development regulations that could require shared access and internal roads to service highway corridor development.

Industrial

The existing Industrial (I) zoning district of the Vilas County Zoning Ordinance could be utilized to implement the Industrial preferred land use class. The town and county uses are very similar in intent; however, the county regulations are twice as lenient in the number of permitted and conditional uses (46 uses allowed via county and 23 suggested uses by the town). This means that the town may need to approve some developments with conditions applied to the development to address the concerns associated with industrial development. The main issues that exist between the county zoning regulations and the town's preferred land uses are the specific use recommendations.

Government/Institutional

Vilas County does not have a public, government, or institutional zoning district. Public uses such as government facilities are permitted in all the existing zoning districts. Therefore, it may not be necessary for Vilas County to adopt a government or institutional zone. It is recommended the town suggest the county review the zoning ordinance relative to this issue. If there is no action on a government zoning district, the town prefers could use the Community Business (CB) zone to more accurately reflect intent, although the Community Business zone allows 26 more uses than the suggested town classification. Exposure is minimized due to the slight amount of land dedicated to the suggested Government/Institutional classification.

Parks and Recreation

No Vilas County zoning district matches the preferred permitted and conditional uses envisioned for this land use area. Most Vilas County zoning districts permit parks or playgrounds within the district, which minimizes the importance of the issue. It is recommended that the town suggest the county adopt a free standing parks district; however, the existing recreation district could be utilized to best represent the land use intent if no additional district is created, assuming land covenants are filed and are attached to the property deed restricting use in condition of sale or redesignation of park-related use. The town should also consider the park & recreation facility development as an opportunity for community development and enhancements to the quality of

life in the town, as the town has very little in developed recreational facilities. Trails development and park facilities are held in high regard by the public. The town should consider advancing the status of parks and outdoor recreation in the town by strongly considering land acquisition for town facilities or coordinating park and recreation uses with the city of Eagle River through a cost-share relationship.

Agriculture

The Vilas County Zoning Ordinance does have an agriculture zoning district, which could be used to implement the land use. There are some marked differences between the town's preferred permitted and conditional uses and lot size when compared to the county's Agricultural zone. The county Agriculture zone has a 35-acre minimum lot size whereas the town suggests five acres, and the town suggests 13 more uses than is currently allowed. New development within the agriculture area should be located near existing public roads (within 300') and should be located in such a manner that it does not fragment farming operations. The intent is very similar as both the town classification and the county zoning district desire continued agricultural use and contiguous tracts of productive agricultural area. It is recommended the Town of Lincoln discuss the lot size and preferred uses with Vilas County to determine compatibility of intent. The Town may wish to consider use of a local land division ordinance that could allow the town to meet the preferred intent and intensity of use.

Education/Recreation

There is no existing Vilas County zoning district that matches the preferred uses envisioned for this land use area. The classification intent is to address group camp facilities and the potential transition of use. In the case of transition and change in use, the plan recommends no higher intensity of use and uses should be similar (primarily residential) to those surrounding it. The Recreation zone is not recommended due to its multiple permitted uses. Although any transition will have to be viewed on a case-by-case basis, the town recommends the lands, in the case of transition, be viewed as Lakeshore Residential unless otherwise approved.

13.3 Administration

Listed below are strategies that may be implemented through town policy and administrative actions. The primary responsible party is the Town Board. The Town Board may also seek advice from appointed advisory bodies or technical advisors.

Actions

1. Adopt the *Town of Lincoln Year 2020 Comprehensive Land Use Plan* in its entirety. The Smart Growth statutes require adoption of the plan by ordinance, not by a resolution. However, since the town started the planning process prior to passage of the legislation, the town can adopt the *Town of Lincoln Year 2020 Comprehensive Land Use Plan* via resolution if desired. The ordinance method is recommended.
2. Appoint a Town Plan Commission. The Land Use Planning Committee should be dissolved and reorganized according to the Wisconsin State Statutes (62.23), as the Plan Commission has powers and duties defined in the statutes, whereas a planning committee does not. Both are legal entities authorized to perform planning and related functions. However, the town would be best served by the duties and legal standing of a Plan Commission.

The general function of the Plan Commission will be to assist and advise the Town Board with ordinance development and amendment; review of development or zoning proposals, and amendment of the *Town of Lincoln Year 2020 Comprehensive Land Use Plan*. It is desirable to have a cross-section of interests on the Plan Commission to best represent the different viewpoints and opinions in the town. Membership applications could be used by the Town Board to review applicants and ensure a diversity of interests.

3. Ensure that town policies, ordinances, and decisions are made in conformance with the *Town of Lincoln Year 2020 Comprehensive Land Use Plan* (see Section 13.4).
4. Work with Vilas County to clarify and balance roles and responsibilities for planning and regulation within the Town of Lincoln.
5. Hold periodic public meetings on town planning, land use and regulatory issues, and voluntary land and resource programs to keep the public interested and informed with the implementation of the town land use plan.
6. Provide a local point of contact to respond to inquiries related to town planning and development regulations (typically the Plan Commission).
7. Monitor the effectiveness of the *Town of Lincoln Year 2020 Year 2020 Comprehensive Land Use Plan* by reporting annually to town residents on plan implementation. At a minimum, the report should include: an update on completed and unfinished action plan items; annual work schedule for plan implementation; and summary of town development activity (e.g., land divisions, building permits, zoning permits, etc.).
8. Develop a Town of "Lincoln Procedures Manual" which establishes policies relative to processing of town permits and approvals; conduct of governmental officials; administrative rules; bidding; etc.

9. Conduct a comprehensive review of the land use plan every two years, or as necessary as conditions warrant.
10. Plan and budget for Plan implementation and maintenance. Successful implementation may require the town to invest both time and money into ordinance development, administration and enforcement; intergovernmental coordination, community education; and plan maintenance.
11. Provide for early and continuous opportunities for public input on new town ordinances and amendments.
12. Allow for the opportunity to discuss land use, zoning, and development issues with the City of Eagle River as development within the 1.5 mile border area should be coordinated.

13.4 Intergovernmental Coordination

Listed below are actions to coordinate land use planning activities and/or development regulations between jurisdictions. The objective of these actions is to seek and establish mutually beneficial relations with other units of government.

Vilas County Land Use Plan

Vilas County has initiated the planning process for the development of a Vilas County Land Use Plan. A major challenge facing the county will be to balance and integrate the desires of various local jurisdictions. Vilas County anticipates adoption of a county-wide land use plan by the end of year 2002.

Adoption of the *Town of Lincoln Year 2020 Comprehensive Land Use Plan* communicates the town's preferred land use management areas and related goals, objectives, and policies to Vilas County. The town should coordinate with Vilas County to integrate the town's land use plan as an element of the county-wide plan. Integration is important to help ensure consistent implementation of both the county and town plans within the Town of Lincoln. Failure to recognize and resolve significant policy differences could lead to conflicting town and county regulation of land use controls.

Actions

1. Monitor and participate in the development of the Vilas County Land Use Plan.
 - ◆ Ensure local representation at county public meetings and hearings.
 - ◆ Participate on citizen and local government committees assisting Vilas County in plan development.
 - ◆ Submit town comments to Vilas County in areas of both agreement and disagreement throughout the development of the Vilas County Land Use Plan.
2. Request that Vilas County incorporate the *Town of Lincoln Year 2020 Comprehensive Land Use Plan* as an element of the county-wide plan.
3. Seek to resolve any significant policy differences between the county and town land use plans.

Joint Administration of Local Land Use Controls

Plan implementation could include administration of several town ordinances (see Section 13.4 and 13.5). Effective administration will require coordination with Vilas County who also has jurisdiction over zoning; shoreland-wetland protection; land divisions and subdivisions; flood plain zoning; and other land use controls. Coordination of administrative responsibilities will help minimize duplication of efforts and public confusion over applicable permit and approval processes. Coordination may also be necessary between other units of government to address issues such as plat review or development proposals which cross jurisdictional boundaries.

Actions

1. Pursue the development of an agreement with Vilas County to address joint administration of local land use controls. The agreement should include, but is not limited to:
 - ◆ Joint administration procedures (e.g., public notices, public hearings, permit review and comment, etc.) related to re-zoning and development proposals requiring both town and county approval.
 - ◆ Development of public information explaining county and town land use controls and approval processes.
 - ◆ Tracking of permit applications and approvals.

2. Work with Vilas County to review decision-making and permit review procedures to facilitate consideration and consistency with the *Town of Lincoln Year 2020 Comprehensive Land Use Plan*.

City of Eagle River

The town and the city started the planning process with a good faith effort to work together in a joint process to discuss planning and development within a regional context, as the city lies entirely within the town. Over the course of the project, 10 joint meetings were jointly held with the city deciding to use their zoning regulations as their long term plan, thereby dropping out of the joint planning process. Although the plan did not get completed in a joint fashion, the value of being at the same table and listening to issues across the border provided value to both governments, and should not be lost. Several ideas generated from the planning process such as joint development review, coordination of economic development, coordination of potential regulations that could affect both governments such as signs, and the shared service potential for areas such as STH 70 west or a potential joint industrial park is key to both communities. It is recommended the town offer comment opportunity to the city for development review within one-half mile of the town border to allow for continued conversation and political relationship building; in return, the town should be consulted relative to annexation requests and development activity along the border area. The conversation needs to continue and a mutually beneficial relationship to the benefit of the public should be the goal.

13.5 Ordinance Revisions

Vilas County Zoning Ordinance

Under Wisconsin Statutes, counties and local units of government are authorized to adopt "zoning" ordinances. Zoning most likely will continue to be a primary tool for implementing the *Town of Lincoln Year 2020 Comprehensive Land Use Plan*. The town land use plan should guide zoning ordinance provisions including district descriptions, preferred densities, permitted uses, conditional uses and the official zoning map.

Town of Lincoln has previously adopted the Vilas County Zoning Ordinance, whereby zoning districts and associated regulations are administered by the county. The preference of the town is that county administration of zoning continue. Advantages related to continued county administration include:

1. Avoid the cost of developing and administering (e.g., permit processing, enforcement) a town zoning ordinance.

2. Avoid the time, cost and uncertainty associated with obtaining County Board approval on a town zoning ordinance and any future amendments.
3. Property owners and the development community are familiar with administration of zoning rules by the county.

The main disadvantage under county zoning is the town may not be able to achieve all of the "desired future conditions" specified in the plan. The proposed 10-acre minimum lot size provision in the Forestry and Recreation classification serves as a prime example. The county may not wish to have individual or town specific regulations related to a zoning district that is applied county-wide for administrative reasons. Most likely this will not be the case as several towns in Vilas County have recommended the same 10-acre lot size for the Forestry and Recreation classification. If the county does not modify the existing zoning code, the Town of Lincoln may need to develop town specific land division ordinance to implement the 10-acre provision as discussed in Section 13.5.

The land use plan conveys the town's preferred land use pattern and should serve as a guide to decisions and standards related to zoning. For example, the land use plan designates most of the town as some form of residential development with various lot sizes associated with the classifications. Such policy direction informs the County that creation and/or expansion of more intensive commercial zoning districts are not supported in areas other than where they have been planned.

Actions

1. Coordinate integration of the *Town of Lincoln Year 2020 Comprehensive Land Use Plan* as part of Vilas County Land Use Plan (see Section 13.3). The significance of this effort is that the county-wide plan will serve as a guide for Vilas County land use controls such as zoning.
2. Request that Vilas County and the Town of Lincoln amend its zoning permit review procedures to provide for consideration and consistency with the town's *Land Use Plan*.
3. Explore options with Vilas County to utilize, amend, or add new county zoning districts to implement the town's *Land Use Plan*. Basic options include: (Please see Appendix 13-1 for zoning options).

- Option 1.** Develop new Vilas County zoning districts and/or modifications to the existing district rules in accordance with Section 13.1 recommendations. Key "areas of review" are related to rules within the General Business, Forestry, and Single-Family Residential zoning districts and include:
- ◆ Coordination of lot size.
 - ◆ Permitted and Conditional Uses.
 - ◆ Consistency between Planning and Zoning.

- Option 2.** Develop unique town zoning as an appendix to the Vilas County zoning ordinance. Under this option, the town could request to have town zoning district descriptions and related text and map stand alone as an appendix to the county zoning ordinance.
- Option 3.** Establish a town zoning ordinance. The town could draft their own zoning ordinance. A town zoning ordinance would require County Board approval. The County Board would also have "veto" power over future amendments to the town's ordinance. An alternative to total town administration, could involve 66.30 intergovernmental agreements to contract with the county for zoning administration and enforcement.

Amendment of the Town of Lincoln Year 2020 Comprehensive Land Use Plan

The *Town of Lincoln Year 2020 Comprehensive Land Use Plan* reflects several years of work by the town dating back to the 1999 town survey (see Appendix 2-2). The plan is long-range in design and any amendments should be carefully considered for their cumulative effect.

Future amendments to the town plan should also consider consistency with the 1999 state land use planning legislation, otherwise called the "Smart Growth" legislation. The new state planning statutes provide the framework for developing and adopting land use plans, a grant program which provides communities with incentives to adopt plans or bring plans in conformance with the new state statutes, and a requirement that beginning on January 1, 2010, any program or action (e.g., a town land division ordinance) of a local government unit that affects land use will be consistent with a land use plan adopted in conformance with state requirements.

Actions

1. Coordinate plan amendment with the biannual land use review (see Section 13.2) of the plan, whenever possible.
2. The town Plan Commission and Town Board should determine that a proposed amendment is consistent with all the following criteria before granting approval:
 - ◆ It will maintain the public health, safety, and welfare.
 - ◆ The amendment is necessary due to changed conditions or circumstances.
 - ◆ The cumulative effects of proposed changes have been assessed and determined to be consistent with the spirit and intent of the *Town of Lincoln Year 2020 Comprehensive Land Use Plan* and any other applicable local plans and policies.

3. Update the *Town of Lincoln Year 2020 Comprehensive Land Use Plan* by January 1, 2010, consistent with the provisions of the new state land use planning legislation as identified in Appendix 13-3. Compliance should be coordinated with the biannual review of the town Plan, and integration of the town Plan with the Vilas County Land Use Plan.

13.6 Ordinance Development

The following town ordinances have been identified as the potential tools to be used by town decision makers to achieve the vision, goals, and objectives of this plan. These ordinances could accompany the Vilas County Zoning Ordinance (see Section 13.4) as the town's primary implementation tools to guide and manage new development. The action plan, located at the front of this document, identifies when the town could have such ordinances established.

Plan Commission Ordinance

A key element of plan implementation will be to form a town plan commission. For example, a plan commission is a prerequisite to the adoption or amendment of a town land division ordinance (see below). The Wisconsin Statutes [Wis. Stats. 60.62 (4)] allow towns who have village powers to establish plan commissions. The plan commission must be enacted by ordinance consistent with state enabling statutes. The plan commission must keep a public record of its resolutions, transactions, findings and determinations [Wis Stats. 60.62 (2)].

Land Division Ordinance

A land division ordinance is a planning tool to control how, when, and if rural areas, woodlands, and open spaces will be divided and developed while protecting the needs and welfare of the community. The impact of land division regulations is more permanent than zoning. Once land is divided into lots and streets are laid out, development patterns are set. Properly administered land division regulations can therefore be more useful in achieving plan implementation than zoning ordinances (see Appendix 13-2).

In the Town of Lincoln's case, the town has indicated preferred minimum lot sizes of 10 acres in the Forestry and Recreation classification. If the county does not desire a change to the existing zoning code, a town land division ordinance could facilitate the acreage minimum, not a county zoning ordinance amendment. A town land division ordinance would be cleaner from a county zoning standpoint and would allow the town the local control desired to implement the minimum lot sizes per the Year 2020 Preferred Land Use Map.

Design Review Standards

Design review standards are typically used by communities to ensure quality community character through establishing regulations, standards, and procedures for conducting site plan reviews as it applies to new business, industry and/or multi-family development. The objectives of design review standards often include: 1) to ensure efficient, safe, and attractive land

development that are compatible with surrounding land uses and community character, 2) to implement the goals and policies of the land use plan; 3) to provide for screening landscaping, signage and lighting which enhances and complements land development activities and minimize adverse impacts on surrounding properties; 4) to develop proper safeguards to minimize environmental impact, and to advance and promote sound growth and continued development, and 5) to safeguard property values and promote high-quality development, among others.

Standards could be developed for landscaping/screening, signage, parking, traffic, lighting, site layout/building orientation, and building design, along with any other areas deemed appropriate or necessary as identified by the town. This ordinance would assist the town in maintaining its rural character through the appearance of new development, which often stimulates private investment into existing buildings. The town and city discussed coordination of such issues during the planning process, and it is recommended the town consult the city in the event the town decides to act on this issue. Coordination along the border areas will have a very positive effect on the character of both the town and the city.

Basic Code of Ordinances

The Town of Lincoln may also develop a basic code of ordinances within the town. This basic code of ordinances should include the following ordinances, in addition to the basic ordinances which have already been established by the town (Section 9.2, Development Regulation).

1. An ordinance to regulate landfills, quarries and gravel pits, if county regulations do not.
2. An ordinance to regulate signs (there is an existing ordinance that should be reviewed).
3. An ordinance to regulate junk motor vehicles and white goods.
4. An ordinance to regulate cellular towers.

These ordinances should be considered as part of a code of ordinances to be administered by the town's Planning Commission, or may in part be addressed by Vilas County. The level of enforcement and administration should be considered when addressing the codes.

Home Occupational Businesses

Home occupations are becoming more popular, and rural locations (especially the northwoods) are prime candidates for the impacts associated with a shift in workforce locations. The Town of Lincoln does not have its own code. Therefore, home occupational businesses are regulated through Vilas County's zoning code. The issues arise to surrounding properties when conditions change relative to the use of a primarily residential land use to more of a commercial-type use.

The ordinance should establish what types of home occupational businesses are allowed, hours of operation, number of employees, number of customers, signage, outdoor storage, permitted and conditional uses, and other criteria which define when a home business has exceeded the limits of operating in an area that has infringed upon the protection of the health, safety, convenience

and general welfare of town residents. Vilas County may address the home-occupation issue as well in the near future. Lincoln should stay abreast of county activity.

Driveway Ordinance

Driveway ordinances are developed to establish standards for driveways that will provide for safe and adequate access from private development to public right-of-ways, and also to maintain appropriate access spacing, access-point design, and total number of access points to public roads. In addition, a driveway ordinance provides an opportunity for local review to ensure that the use the driveway is providing access for such as new commercial or single-family residence will be consistent with the town or county adopted road policies. The term "driveway" is generally defined to mean private driveway, road, field road or other means of travel through any part of a private parcel of land or which connects or will connect with any public roadway.

13.7 Voluntary Implementation Tools

This section provides a quick reference to programs, concepts and various federal, state and local conservation programs which are available to private landowners and/or local units of government in Wisconsin. Participation in these programs should be considered and encouraged as a tool to help preserve the important features, natural resources, and character of the town.

Purchase of Development Rights Program

Purchase of development rights programs have been in place in the eastern states for several decades and have received much support from farmers. PDR's allow a governmental entity or nonprofit conservation organization to purchase the development rights to land to either keep it in operation or undeveloped. The selling of development rights is done on a voluntary basis by landowners, and the rights are purchased based on a set of priorities. The value of the rights usually ranges from 30% to 80% of the property's fair market value, or the difference between the value of the land before restrictions are placed, and the value after the easement is placed on the land. Selling development rights has numerous benefits for the landowner, including the ability to obtain the equity (or development value) from the property, keeping the land permanently in production or as open space, allowing the property to be passed from generation to generation within the family, potential for significant tax savings on retirement income, and to make needed capital investments with the proceeds. The PDR program also encourages preservation by making land more affordable, and taxes for public service costs will be kept low because there will be less demand for services. Purchasing development rights results in a permanent restriction on the land. These programs are typically funded by a variety of sources including property and sales taxes, real estate transfers, special purpose taxes, farmland conservation fees, general funds and bonds.

Transfer of Development Rights

The transfer of development rights (TDR) and purchase of development rights are similar in that compensation is given to the landowner for the land's development value. The TDR program differs from the PDR program, however, in that it relies on the free market transfer of development rights from the open land to the development area rather than governmental acquisition.

Land Trusts

A land trust is a private, nonprofit organization dedicated to the protection of the natural resources. Land trusts develop partnerships with landowners and citizens of a community to achieve goals or natural value in the preservation of land and natural resources. Land trusts work with landowners, local community groups, recreational organizations, conservation clubs and private individuals who have identified an area worthy of preservation. Land trust can work through direct assistance in land acquisitions, resource management and can offer tax benefits. A land trust operates through landowner property donation, outright purchase of land or through securing conservation easements.

Cluster Development

One of the most successful implementation techniques which can be used to protect significant land resources, such as agricultural lands, woodlands, and natural, scenic and open areas are cluster development. This technique can be more effective when public, private, and nonprofit agencies combine their tools through cooperative efforts. The appropriate combination of tools should be defined which are best suited to the successful protection of land in each individual situation. Cluster development should be a welcome option in the preferred rural areas of the town as such development would allow for some residential development opportunities while at the same time preserving the town's rural character.

The objective of cluster development is to concentrate development in one or more portions of an area so that significant tracts of important resources may be preserved. In fact, the primary design element in cluster development is open space; lot layouts are designed around the open space/natural features. This type of development encourages the creation of small lots near agricultural, wooded, scenic or natural resource lands while protecting these resources, rather than scattering large lots throughout sensitive areas. It is generally required that 60%-80% of the development site remain open, or in its natural state, when using cluster development.

The following describes an example of how cluster development works:

There are 100 acres available for development in a community. In a conventional zoning district requiring a minimum lot size of five acres, 17 dwelling units would be evenly distributed across the 100-acre property. Under cluster development, however, a reduction in lot size would be permitted. The degree of reduction can vary, depending upon the open space preservation objectives identified. For the purposes of this example, if the minimum lot size reduction were from five to one, a lot area of one acre would be

permitted. Therefore, those same 17 dwelling units would only occupy 17 acres of the site, leaving 83 acres preserved in open space. The advantage of cluster development in this example then is that each resident would have 84 acres to enjoy - a one acre private lot plus 83 acres of common open space - rather than only five acres as under conventional development.

Appendices 12-3 and 12-4 provide examples of how cluster development looks in comparison to conventional development, and illustrates how natural areas can be preserved through the clustering technique.

The Rural Cluster Development Guide (Southeast Wisconsin Regional Planning Commission, 1996) identifies that lot reduction of less than 4:1 (no density bonus), which result in approximately 55% open space, are not recommended (SWRPC, 1996) to achieve the goal of cluster development. It is also recommended that a density bonus be provided to further encourage cluster developments as an option over conventional development. Experience has shown that optional cluster development will usually not be chosen over conventional development unless a density bonus is provided to the developer, thereby increasing the number of lots allowed. Density should be increased by at least 30% in order for cluster development to become attractive to a developer; doubling the density may not be extreme (SWRPC, 1996).

Tables 13-1 and 13-2 present examples of how cluster developments could be implemented with a density bonus provided. The outcome of conventional subdivisions is also portrayed. It is necessary in the examples above to both decrease the minimum lot size and to add a density bonus in order to make cluster development attractive to the developer. Simply reducing the minimum lot size would achieve the desired outcome of cluster development, however if density remained constant, the developer would be allowed the same number of lots under all scenarios. Experience has shown that if this is the case, the developer will select to proceed with the conventional development over cluster development.

The town land division ordinance language should be the tool used to approve and regulate cluster development.

Permanent Open Space Dedication in Cluster Developments

Most often, the open space created through cluster development remains as common open space owned by the residents of the subdivision (homeowners' association). Each of the individual homeowner's deeds will account for this land; each homeowner will own a said amount of acreage plus a percentage of the open space, which will be deeded as such to each homeowner. Each homeowner should have an equal interest (% ownership) of the open space, regardless of individual lot size ownership.

The dedication of such land to a town or municipality is rather unsuccessful for the primary purpose that doing so takes this land off of the tax roll. Management of the open space is the responsibility of the homeowners' association. Issues such as timber management, wood cutting,

hunting, and recreational use should be addressed through covenants established by the homeowners association.

Management/Maintenance of Cluster Sanitary Systems in a Cluster Development

The management/maintenance of a cluster sanitary system in a cluster development should be addressed by forming an independent sanitary sewer district which is under town supervision. Experience has shown that allowing a homeowner's association to manage and maintain a cluster system is unsuccessful. There are two primary reasons why a homeowner's association should not be responsible for the management of a cluster sanitary system: 1) homeowners are often uninformed buyers whereby many do not understand what they are buying into in such a development; and 2) homeowners often do not know how to maintain the sanitary system (i.e. how often to inspect system, what to look for, how to inspect system, etc.). Therefore, towns must be involved in the management of cluster sanitary systems in these situations to ensure proper maintenance of the system.

The following example which was implemented on the east coast demonstrates how a town(s) could successfully undertake the management of cluster sanitary systems in cluster developments. Several towns grouped together and hired one inspector/engineer to inspect all the cluster sanitary systems established as part of cluster developments within these towns. The inspector would report back to the towns the maintenance needs of each sanitary system. The towns, in turn, would contact the residents of the respective subdivisions and identify the maintenance that should be completed on the system. The residents of the subdivision were then responsible for hiring an engineer to make repairs to the system, at their own expense (homeowner's association expense).

Cluster sanitary systems can be very successful if established correctly and under proper management. It is imperative that the towns are involved in the monitoring of these systems. Therefore, the management of numerous cluster sanitary systems are a concern the town must be prepared to address prior to permitting cluster developments in which cluster sanitary systems would be required. In addition, the town land division ordinance language should require that developers proposing cluster developments create consumer information packets, especially in the case of having a cluster sanitary system, to ensure that home buyers are informed of their responsibilities.

Table 13-1
Cluster Development Scenario
Minimum Lot Size of Five (5) acres

	Conventional Development	50% O.S. No D.B	50% O.S. 25% D.B	60% O.S. No D.B	60% O.S. 25% D.B	75% O.S. No D.B	75% O.S. 25% D.B
Acres	40	40	40	40	40	40	40
Total Lots	8	8	10	8	10	8	10
Max. Lot Size*	5 acres	2 acres	1.65 acre	1.65 acre	1.3 acre	1 acre	0.8 acre
Flexibility Factor	NA	20% of 16 (3.2 acres)	20% of 16.5 (3.3 acres)	20% of 13.2 (2.6 acres)	20% of 13 (2.6 acres)	20% of 8 (1.6 acres)	20% of 8 (1.6 acres)
Total Acres Developed	40	19.2	19.8	15.8	15.6	9.6	9.6
Total Acres Open Space	0	20.8	20.2	24.2	24.4	30.4	30.4

O.S. = Open Space

D.B.= Density Bonus

Flexibility Factor = Accounts for land to be used for roads and lotting inefficiencies.

*Indicates approximate maximum allowable lot size required to still obtain desired amounts of open space - Total Developed Acres is based on number of lots developed at maximum lot size.

Note: Subdivisions with lot sizes under 1 acre will likely require a cluster sanitary system.

**Table 13-2
Cluster Development Scenario
Minimum Lot Size of 20 Acres**

	Conventional Development	50% O.S. 50% D.B	50% O.S. 100% D.B	60% O.S. 50% D.B	60% O.S. 100% D.B	75% O.S. 50% D.B	75% O.S. 100% D.B
Acres	80	80	80	80	80	80	80
Conventional Lots (1 du/20 acres)	4	4	4	4	4	4	4
Total Lots with Density Bonus	N/A	6	8	6	8	6	8
Min. Lot Size*	20 acres	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre
Max. Lot Size**	N/A	4 acres	3 acres	3 acres	2.25 acres	2 acres	1.5 acres
Flexibility Factor	N/A	20% (16 acres)	20% (16 acres)	17.5% (14 acres)	17.5% (14 acres)	10% (8 acres)	10% (8 acres)
Total Acres Developed	80	24	24	18	18	12	12

O.S. = Open Space

D.B. = Density Bonus

Flexibility Factor = Accounts for land to be used for roads and lotting inefficiencies.

* Indicates minimum lot size allowable.

** Indicates maximum allowable lot size required to still obtain desired amounts of open space - Total Developed Acres is based on number of lots developed at maximum lot size.

Forestry Management Programs

(See Appendix 8-1)

Environmental Improvement

Conservation Reserve Program (CRP)

- ◆ Purpose: To provide wildlife benefits, tree planting benefits, water quality benefits, and economic benefits.
- ◆ Practices: Environmental practices to be performed include tree planting, wildlife ponds, grass cover, etc.
- ◆ Benefits: Incentives are in the form of annual rental payments and cost-share assistance in return for establishing long-term, resource-conserving measures on eligible lands. Rental payments are based on the agricultural rental value of the land, and cost-share assistance is provided in an amount up to 50% of the participant's costs to establish approved practices.
- ◆ Contract: 10 years up to 15 years (if planting hardwood trees, restoring cropped wetlands, etc.), and is transferrable with a change in ownership.
- ◆ Eligibility: To be eligible, land must: 1) have been planted or considered to be planted for two years of the five most recent crop years, or 2) be marginal pasture land that is either enrolled in the Water Bank Program or is suitable for use as a riparian buffer to be planted to trees. In addition, the cropland must meet at least one of the following conditions:
 - ▶be highly erodible
 - ▶cropped wetland
 - ▶subject to scour erosion
 - ▶located in a national or state CRP conservation priority area
 - ▶cropland associated with non-cropped wetlands.
- ◆ Ranking: All eligible CRP offers are ranked using an Environmental Benefits Index (EBI) based on the environmental benefits that would potentially accrue if the land were enrolled in the CRP. The EBI makes the program highly competitive. Therefore, USDA representatives urge farmers to consider the continuous sign-up option to enroll the most environmentally desirable land. Under the continuous sign-up option, small amounts of land serving much larger areas such as riparian buffers, grass waterways, and filter strips can be enrolled at any time. The EBI factors include:
 - ▶wildlife habitat benefits;
 - ▶water quality benefits from reduced erosion, runoff and leaching;
 - ▶on-farm benefits of reduced erosion;

- ▶long-term retention benefits;
- ▶air quality benefits from reduced wind erosion;
- ▶the land's location in a Conservation Priority Area (if applicable); and
- ▶cost of enrollment per acre.

- ◆ Contact: NRCS, FSA, LCD

Wetland/Wildlife Programs

Wildlife Habitat Incentives Program (WHIP)

- ◆ Purpose: To develop or improve fish and wildlife habitat on privately owned land.
- ◆ Practices: seeding, fencing, instream structures, etc.
- ◆ Eligibility: Almost any type of land is eligible, including ag and non-ag land, woodlots, pastures and streambanks.
- ◆ Contract: Normally 10 year contact to maintain habitat. Up to 75% of restoration costs, to a maximum of \$10,000. Other organizations may provide the remaining 25% cost share.
- ◆ Public Access: Not required.
- ◆ Contact: NRCS

Wetlands Reserve Program (WRP)

- ◆ Purpose: To restore wetlands previously altered for agricultural use.
- ◆ Practices: Wetland restoration and wildlife habitat establishment.
- ◆ Eligibility: Land which has been owned for one year and can be restored to wetland conditions.
- ◆ Contract: Landowners may restore wetlands with permanent or 30 year easements or 10 year contracts. Permanent easements pay 100% of the agricultural value of the land and 100% cost sharing; 30 year easements pay 75% of the agricultural value and 75% cost sharing; 10 year contract pays 75% cost share only. Permanent or 30 year easements recorded with property deed. Ten year contact is not recorded with deed.
- ◆ Public Access: Not required.
- ◆ Contact: NRCS

Partners for Fish and Wildlife

- ◆ Purpose: Restoration of wetlands, grasslands, and threatened and endangered species habitats.
- ◆ Description: Up to 100% cost share provided to restore wildlife habitat on private lands.
- ◆ Eligibility: Land which can be restored to wetland conditions. Degraded or former grasslands that can be restored. Land that can be restored to provide habitat for threatened and endangered species.
- ◆ Contract: 10 years.
- ◆ Public Access: Not required.
- ◆ Contact: FWS