

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 & Lakes Classification Committee, Town Board, Zoning Committee, and the Town of Presque Isle 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 Presque Isle'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 nine preferred land uses the town identified for the "desired future condition" of land in the town. The preferred land use classifications are not zoning districts. The classifications can be a useful tool 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 Presque Isle preferred land uses and the associated permitted and conditional uses were compared to existing county and town zoning regulations to determine compatibility of intent. Where an existing zoning district closely matched the town's preferred use, the zoning district was recommended to implement that use. Where a match was not identified, a recommendation for action was included.

The following discussion assumes Presque Isle will proceed utilizing the zoning system in place, whereas the town has adopted and operates under its own zoning that is more restrictive in both lot size and use than the county requirements as discussed in section 9.2 of this document. The existing zoning system includes both town and county zoning administration. 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 General Zoning & Shoreland Zoning Ordinance and the Presque Isle Comprehensive Shoreland District and Zoning Ordinance will also play a major role in implementation of the *Town of Presque Isle Year 2020 Comprehensive Land Use Plan*. Vilas County Lakes Classification provisions in the county Shoreland Zoning Ordinance, as adopted by the

town 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 types of uses, such as if property will be commercial or residential, will continue to be regulated by the underlying zoning district and to some degree the Year 2020 Preferred Land Use Map. The degree of authority the plan will have over use will be determined by the emphasis the town and its operating committees place on the integration of plan recommendations and the consistency of decisions that result from town review. 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 "A"

The 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 Presque Isle Comprehensive Shoreland District and 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 are more restrictive than the county ordinance; the county Single-Family zone allows 16 permitted or conditional uses, whereas the town zoning ordinance allows for eight uses, and the preferred Lakeshore Residential A classification could allow four permitted or conditional uses. In any event, the use of the existing R-1 zone is recommended. The town zoning ordinance and plan should be consulted to determine the compatibility of new uses during development review.

Lakeshore Residential "B"

The intent of the classification is clear, however the mechanism to implement the classification is not. There is no existing zoning district that matches the *preferred intent* envisioned for this land use area. To start, the single family zone could work, but the town's preferred uses in this classification include some business and commercial applications that are not preferred in Lakeshore Residential A, nor are allowed in the existing R-1 town zoning ordinance. The Lakeshore Residential A classification proposes four uses, whereas the preferred Lakeshore Residential "B" classification could allow nine permitted or conditional uses, the existing R-1 zoning allows eight. The issue lies in the difference in the permitted and conditional uses within and compared to the plan and the zoning ordinance. The largest obstacle from using the town R-1 is lakeshore residential "B" recommends resorts and bed & breakfast establishments as permitted uses, while the town does not allow those uses on the zoning code. The town would need to modify the town R-1 zone to accommodate Lakeshore Residential B, which is contrary to Lakeshore Residential A. That would need to be worked out between the town Zoning Committee and Town Board. A possibility included modifying the existing R-1 zone to include all the Lakeshore Residential uses for both A and B and simply add language to the zoning code that use will be specific to the recommendations in the plan. In this case, then the number of zoning districts would be kept to a minimum while allowing the plan to have greater importance in land use decisions.

Another potential option is to have the town adopt a new zoning district similar to the Crab Lake district that regulates use specific to the areas that have been designated Lakeshore Residential "B". This recommendation will be the cleanest and most efficient but will require both town and county approval to authorize adoption.

The existing General Business (GB) or Community Business (CB) zoning district does not meet the intent as the Lakeshore "B" class as the town envisions the uses to be primarily residential, not commercial, even though residential is allowed in the GB zone. The intent of the class is mixed residential and lakeshore commercial, not all uses. It is recommended the town review the potential 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. It is also recommended that the town forward this recommendation to Vilas County as the county has several instances throughout the different townships that a limited mixed use zone could assist in plan implementation.

Wooded Residential

The intent of the Wooded Residential classification is to primarily facilitate residential development and some limited commercial development on five acre lots. There is no existing county or town zoning district that matched the preferred intent envisioned for this land use area. The county forestry zone matches the preferred lot size, but that is the only common comparison. The Wooded Residential classification is most closely aligned to the existing town Single-Family Residential zoning district, with seven common uses (either permitted or conditional). However, the Wooded Residential classification suggests three additional uses that are not allowed in the Single-Family zone. It is recommended the town discuss the potential with the town Zoning Committee and then with the Town Board to add an additional zoning district, at a minimum use or modify the existing Single-Family zone, or that the town adopt land division ordinance (or significantly expand the land division provisions in the zoning code) to address conformity locally (see Appendix 13-2).

Forestry and Recreation

The intent of the Forest and Recreation classification is to maintain and preserve large forestry tracts while still allowing the landowner limited development potential. The town Forestry (F) zoning district could be utilized to implement this class. The existing town zoning code allows 19 different permitted or conditional uses, while the Forestry and Recreation land use classification suggests 19 uses. The similarity in the zoning district and the preferred land use is very negotiable. However, it is recommended that the minimum lot sizes be reviewed and adjusted as the town zoning ordinance as recommended in the plan. The town Forestry zoning district should be revised to increase the respective lot size minimum to 10 acres complying with plan recommendations and county wide land use trends and minimum lot sizes relative to forest management program standards. If a zoning revision is not desirable, then the Town of Presque Isle may need to adopt a local land division

ordinance provision 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.

The suggested permitted and conditional uses line up very well between the town zoning ordinance and the recommended uses identified within the plan. Some minor modifications may need to be made, but that is minor as compared to the minimum lot size issue.

Forest Management

The intent of the Forest Management classification is to maintain and preserve large forestry tracts. The plan recommends that very limited development should take place within the classification, and that no residential development occur. There is no such zoning district being used in the town or by Vilas County. The Forestry zoning district could be utilized to implement the Forest Management classification. However, the town would need to adopt regulations through a local land division ordinance to regulate the preferred use and development restrictions.

Town Center/Commercial

The existing General Business (CB) zoning district of the Town Comprehensive Shoreland District and Zoning Ordinance could be utilized to implement the Town Center/Commercial land use class for areas along CTH B and W in the designated downtown area within the unincorporated village area. The town may want to consider utilizing the General Business (GB) zone within areas outside of the downtown area as the uses that could occur would be different than in the platted village area. The CB zoning and the associated uses allowed more closely match the intent of the downtown area while achieving reduced lot sizes and setbacks due to the pre-existing lot configuration.

Parks and Recreation

No existing town or county zoning district matches the preferred permitted and conditional uses envisioned for this land use area. Most town and county zoning districts permit parks or playgrounds within a respective zoning district, which minimizes the importance of the issue. It is recommended that the town address the issue by recommending a revision to the existing town zoning code to include park specific provisions. It is also suggested that recommendation also be forwarded to Vilas County. 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.

Government/Institutional

Vilas County nor Presque Isle has 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 the adoption of a government or institutional zone. It is recommended the town

and county review the zoning ordinance relative to this issue. If there is no action on a government zoning district, the town could use the General Business (GB) zone to more accurately reflect intent, although the General Business zone allows many more uses than the suggested town classification. Exposure is minimized due to the slight amount of land dedicated to the suggested Government/Institutional classification.

Conservancy

The Town of Presque Isle nor Vilas County has a conservancy zoning district, nor does any existing zoning district specify land conservation as a permitted use. The Forestry zoning district does promote the preservation of forest lands for wildlife habitat, aesthetics, and recreation, but it does not meet the intent of the conservancy class relative to lot size, permitted or conditional uses. With the recent donation from the Wolter estate to the Nature Conservancy, it is recommended the Town of Presque Isle propose a new zoning district be added to both the town and county zoning ordinance to provide for land conservation. If such a zoning district is not created, the Forestry zoning district would be the alternative preferred option, even though lot sizes and permitted uses are in conflict. Again, exposure is not a concern as the ownership of the lands dedicated to conservancy will mandate that the preferred land use be conservancy.

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, with responsibilities delegated to operating committees such as the Planning Committee and the Zoning Committee. The Town Board may also seek advice from appointed advisory bodies or technical advisors.

Actions

1. Adopt the *Town of Presque Isle 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 Presque Isle Year 2020 Comprehensive Land Use Plan via resolution if desired.
2. Appoint a town Plan Commission. The Land Use Planning & Lakes Classification 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 Plan Commission should also include both the people and the duties of the existing town Zoning Committee. The duties and responsibilities of the Zoning Committee and the Plan Commission will cross-over to a degree that not combining the functions and operations will be inefficient.

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 Presque Isle 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 Presque Isle 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 Presque Isle.
5. Hold periodic public forums 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 inquires related to town planning and development regulations.
7. Monitor the effectiveness of the *Town of Presque Isle Year 2020 Year 2020 Comprehensive Land Use Plan* by reporting annually to town residents on plan implementation. At a minimum, the report should include: 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 "Presque Isle Procedures Manual" which establishes policies relative to processing of town permits and approvals; conduct of governmental officials; administrative rules etc that deals with the aspects of land development and review of proposals.
9. Conduct a comprehensive review of the land use plan every two years.
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. Continue to coordinate the plan recommendations with the Presque Isle Zoning Committee and Town Board to ensure compatibility with plan recommendations and town administration.

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 Comprehensive Land Use Plan

Vilas County has initiated the planning process for the development of a Vilas County Comprehensive 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 2002 or beginning part of 2003.

Adoption of the *Town of Presque Isle Year 2020 Comprehensive Land Use Plan* communicates the town's preferred land use classifications as land management areas with 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 Presque Isle. 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 Comprehensive 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 Comprehensive Land Use Plan.
2. Request that Vilas County incorporate the *Town of Presque Isle 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 land use with such items as shoreland zoning, shoreland-wetland protection; land divisions and subdivisions; floodplain 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. More importantly, this needs to take place with the Town Zoning Committee as well. The town must have its' internal administration worked out between the plan recommendations and the existing zoning districts. 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. Coordinate the Year 2020 Comprehensive Land Use Plan with th existing town zoning code to review decision-making and permit review procedures to facilitate consideration and consistency between the plan and regulations that implement the plan.
2. 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.

13.5 Ordinance Revisions

Vilas County and Town of Presque Isle Zoning Ordinances

Under Wisconsin Statutes, counties, towns, 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 Presque Isle 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 Presque Isle has previously adopted its own zoning ordinance whereby zoning districts and associated regulations are administered by the town. The town then adopted more specific requirements (relative to permitted and conditional uses) than the county zoning districts. The preference of the town is that local administration of zoning continue. The town has its own administration and Board of Adjustments and has the ability to regulate land use in accordance to the plan.

The main disadvantage of having local ordinance control is the town may be able to achieve all of the "desired future conditions" specified in the plan, which is a very large advantage as compared to towns that are under county zoning and do not have the flexibility offered through local control.

Presque Isle has the ability to implement its own vision as it does have its own zoning code. The proposed 10 acre minimum lot size provision in the Forestry & 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. The Town of Presque Isle may need to develop town specific land division ordinance or make provisions to the existing Forestry zoning district to implement the 10-acre provision.

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. Such policy direction informs town decision makers that decisions of land use should be coordinated between local regulations and plans.

Actions

1. Coordinate integration of the *Town of Presque Isle Year 2020 Comprehensive Land Use Plan* as part of Vilas County Comprehensive 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. Pursue amending the town zoning ordinance as necessary to help implement the recommendations of the plan via both revisions to the zoning districts and the associated permitted and conditional uses as specified. The zoning code and its zoning permit review procedures should be reviewed for consideration and consistency with the town's *Comprehensive Land Use Plan*.
3. Explore options with Vilas County to utilize, amend, or add new county zoning districts to implement the town's *Comprehensive Land Use Plan*. Basic options include: (Please see Appendix 13-1 for zoning options). The town may be able to save money by waiting for the county to make county modifications that the town could use in its own zoning code. This may not be advantageous to the town in terms of the time may take, nor are there any assurances that the county will make adjustments in the towns interest.

Amendment of the *Town of Presque Isle Year 2020 Comprehensive Land Use Plan*

The *Town of Presque Isle Year 2020 Comprehensive Land Use Plan* reflects several years of work by the town dating back to 1998. 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 provides 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., town land division ordinance) of a local government unit that affects land use shall be consistent with a land use plan adopted in conformance with state requirements previous statement predicated on the continuance of the regulation).

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 Presque Isle Year 2020 Comprehensive Land Use Plan* and any other applicable local plans and policies.
3. Update the *Town of Presque Isle 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 Comprehensive Land Use Plan. A gap analysis will need to be performed to assess the missing plan components.

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 Presque Isle Comprehensive Shoreland District and Zoning Ordinance, as well as 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 Presque Isle's case, the town has indicated preferred minimum lot sizes of 10 acres in the Forestry and Recreation classification and five acres in the Rural Residential classification. For many reasons, it most likely would be a town land division ordinance that would facilitate the acreage minimum, and not a town zoning ordinance amendment. A town land division ordinance may be cleaner from a 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 is 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.

Home Occupational Businesses

Home occupations are becoming more popular, and rural locations (especially the northwoods) are prime candidates for the impacts associated with shift in workforce locations. The Town of Presque Isle does have some provisions in its 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 intent of this discussion is that home occupations will be a larger focus for new business development as people seek increased quality of life while technology advances allow for telecommuting and large market access. The town may want to consider evaluating existing regulations to assess potential long term impact/ 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. Presque Isle should stay abreast of county activity.

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 non-profit 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, non-profit 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 non-profit 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 13-3 and 13-4 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 reductions 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 is 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. 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/5 acres)	16	16	16	16	16	16	16
Total Lots with Density Bonus	N/A	24	32	24	32	24	32
Min. Lot Size*	5 acres	1 acre	0.75 acre	0.75 acre	0.5 acre	0.5 acre	0.375 acre
Max. Lot Size**	N/A	1 acre	0.75 acre	0.75 acre	0.5625 acre	0.5 acre	0.375 acre
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 amount 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 amount 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 croppd 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 crop land must meet at least one of the following conditions:
 - ▶ be highly erodible
 - ▶ croppd wetland
 - ▶ subject to scour erosion
 - ▶ located in a national or state CRP conservation priority area
 - ▶ cropland associated with non-croppd 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, in stream 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