14 Implementation Strategy

The final element in the comprehensive planning process is the implementation of the *St. Germain Year 2020 Comprehensive Land Use Plan*, specifically the Year 2020 Preferred Land Use Map. The development of a land use plan 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 the plan's implementation strategy, as the implementation is the critical link between planning and positive action in the town.

The implementation strategy includes the short term action plan (included in the front of this document) and optional/informational tools that could be used to achieve the town's desired vision as set forth in this plan. The short-term action plan is designed to facilitate the immediate policies and directives identified by the planning process. In addition, voluntary implementation tools which property owners may become involved in are identified.

Implementation of the plan will take the town some time and money to adopt the procedures and recommendations necessary to work plan initiatives into administrative procedure. Planning, in and of itself, has strength only to identify the path to St. Germain's long-term vision. Implementation tools, coordinated and applied, actually develop the ideas over time, incrementally building vision to reality.

14.1 Implementation Tools

An overview of the recommended implementation tools are contained in this section. The recommended tools include those which have been identified as part of the action plan. In addition to the recommended tools, an overview of optional/informational implementation tools is also provided. The optional tools are provided for future reference by the town, should the town decide to pursue other options to aid in achieving the goals and objectives of the plan.

The following implementation tools have been identified as the proposed tools to be used by town decision makers to achieve the vision, goals, and objectives of this plan. These tools are supported strongly by the town in terms of both being able to accomplish the objectives of the plan, and the ability of the town to administer them effectively. The action plan identifies when the town anticipates to have such ordinances established.

Action Plan (please see the beginning of the document)

The action plan is a short-term analysis of actions primary to the success of *St. Germain's Year 2020 Comprehensive Land Use Plan*. The action plan was placed in the beginning of this document to display the importance and identity of the implementation actions. Implementation will not be successful without execution. The proper context to review the plan is by the ideas and actions generated by the process that culminate into value; the value being a measure of benefit toward the place in time that allows for growth and yet retains or even enhances the community character and sense of place.

Zoning Ordinance

The town of St. Germain has adopted and administers their own zoning ordinance (SG92). The town still operates under the regulation of county zoning, as administered by Vilas County, but has adopted a stricter version of the county ordinance. The town has its own zoning administrator and reviews zoning and development requests through the St. Germain Planning and Zoning Committee. Zoning requests ultimately are approved by Vilas County once through the local review and approval process.

The town needs to review the town zoning ordinance provisions in SG92 as they relate to the preferred land use classifications discussed in Section 12. The town of St. Germain should also consider adopting text amendments and zoning map changes as to more specific and in conformance with the vision and use set forth in the *St. Germain Year 2020 Comprehensive Land Use Plan*. The preferred land use classifications indicate the type, location, and density of uses throughout the town. Ultimately, the town zoning code should be amended to facilitate the preferred uses of land.

The preferred land uses need to be compared to the existing town zoning districts to determine compatibility of preferred use to existing zoning regulation. At the time of report preparation, St. Germain was working with an attorney to review the town zoning code, and was working through the process of comparing existing zoning districts to the preferred uses identified in the plan. The town will also need to work with Vilas County to discuss any preferred changes to the St. Germain zoning code, as the town has adopted and is under the jurisdiction of the county zoning ordinance.

The town should first pursue a redesignation of St. Germain lands from the existing zoning (Map 9-3) configuration to revised zoning districts (if any) to more accurately portray the preferred land uses as indicated on Map 12-1. Such amendments would apply only to the town of St. Germain, and not the entire county. In addition, the town should encourage Vilas County to review and utilize the information contained within Map 12-1, Year 2020 Preferred Land Use, to assist in decisions regarding the rezoning of properties.

Land Division Ordinance

Section 236 of the Wisconsin Statutes regulates the division of land into lots for the purpose of sale or building development. The town may regulate, by ordinance, the subdivision of land within its corporate limits. St. Germain has adopted ordinance SG-1997-2, Town of St. Germain Land Division Ordinance, that regulates how and when a parcel is to be created and made ready for development. Most importantly, the land division ordinance helps implement the land use plan. A land division ordinance may regulate density of development, but it may not regulate use of property, which is a function the zoning ordinance provides. However, the town can amend the existing land division ordinance to require a *new* land division be in conformance with the *St. Germain Year 2020 Comprehensive land Use Plan* as a basis of the approval of the land division. The key to the amendment is two-fold. The first amendment should be a text amendment to require consistency to the plan. This revision will kick in the density provision as identified by the preferred land use classifications.

The second revision includes requiring an applicant who needs approval for a land division to submit a clear and concise letter of intent as part of the land division application. The letter of intent submitted as part of the application record can be used to administer use of the property, which typically has been done with zoning.

The revised land division ordinance can, with the revisions stated, be a valuable tool to administer land use plans without the benefit of coordinated zoning. The administration of the land division ordinance is a key factor to the success and use of land division regulations. A deterrent to effectiveness is the regulation affects new land divisions, not land previously divided and of property record.

In the case of the town of St. Germain, the land division ordinance must also reference the land use plan and its associated policies as the primary decision-making guide until local or county zoning is adopted. This will strengthen the decisions made by the town. The land division ordinance will accompany the Vilas County Zoning Ordinance as the primary implementation tool to achieve its desired future condition and goals and objectives of the plan.

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 should 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. Figure 13-1 in Section 13, Downtown Development and Design, captures the character and charm of northwoods design, features that would be directly regulated by design review.

Basic Code of Ordinances

The town of St. Germain 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 8.3 Development Regulation.

1. An ordinance to regulate landfills, quarries and gravel pits.
2. An ordinance to regulate large events and assemblages.
3. An ordinance to regulate potential hazards and public nuisances.
4. An ordinance to regulate junk motor vehicles and white goods.
5. An ordinance to regulate cellular towers.

These ordinances should be considered as part of a code of ordinance book to be administered by the Town's Planning Committee.

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 St. Germain regulates home occupational businesses through the St. Germain 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 language in the St. Germain zoning code is general. 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. The existing language does address most of the issues; however, it would be in the town's interest to review and refine the language to specifically administer home occupations, as they will increase in use in the town.

14.2 Optional/Informational Implementation Tools

The following implementation tools are identified as *optional* as they are either not necessarily needed at the present time to achieve the vision, goals and objectives of the plan, or currently do not have strong support from the town. They are however, very useful tools that the town may want to consider implementing in the future to aid in achieving its vision.

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. In this type of ordinance, the term "driveway" is often 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. The ordinance should identify the following:

- Approval requirements
- Fees

- Application procedures
- Specifications for driveway construction (including maximum length, surface width, width clearance, maximum grade, etc.)
- Other requirements (i.e., engineering plan, penalties, etc.)

The town of St. Germain may want to consider the development of a driveway ordinance to ensure that town services may be adequately provided, and to ensure that development is not occurring beyond a specified distance from public roads, thereby providing quicker emergency vehicle response time while also maintaining the town's rural character.

Purchase of Development Rights (PDR)

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 (woodland, agricultural, etc.) 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 set priorities such as location, soil quality, etc. 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 agricultural 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 helps maintain tax rates as 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. In the town of St. Germain, a PDR program could be used to preserve the identified rural areas of the town.

Transfer of Development Rights (TDR)

The transfer of development rights 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. Two types of land are included in the TDR program: 1) lands which are to be protected from development, from which the development rights are sold, and 2) lands that are developable. If a developer wishes to develop at a greater density than is currently permitted on a certain property, the developer may buy the development rights from another property, thereby sacrificing the development rights of one property for the increased development of another. The price of the development rights in such a transaction is determined by the

willing seller and buyer. This type of program is a means of redistributing development rights from rural, open areas to urban areas.

Conservation Easements

Protecting the conservation values of a property by voluntarily placing a permanent restriction on development is achieved by a conservation easement. The easement can be donated to a qualifying agency, such as a land trust, or purchased by a unit of government. Land trusts may be local, regional, state, or nationwide organizations. The conservation easement is legally recorded on the deed to the property, thereby restricting development by all owners of the property to follow. The restrictiveness of the easement is flexible, and allows the landowner to determine the limits to be placed on development. The landowner continues to own, manage and use the land placed under easement, including full control over public access, however the development rights of the property belong to the chosen entity. A landowner choosing to donate development rights by means of establishing a conservation easement is entitled to a tax deduction, as donating development rights of land is a charitable act. In addition, a conservation easement will likely reduce property value, thereby reducing tax liability. In the town of St. Germain, a conservation easement program could be used to preserve the identified rural areas of the town.

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 is 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 5 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 5 to 1, a lot area of 1 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 5 acres as under conventional development.

Figure 14-1 provides an example 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 14-1 and 14-2 present examples of how cluster developments could be implemented with a density bonus provided. The outcome of conventional subdivisions is also portrayed.

Figure 14-1

Conventional vs. Cluster Development in Natural Resource Areas

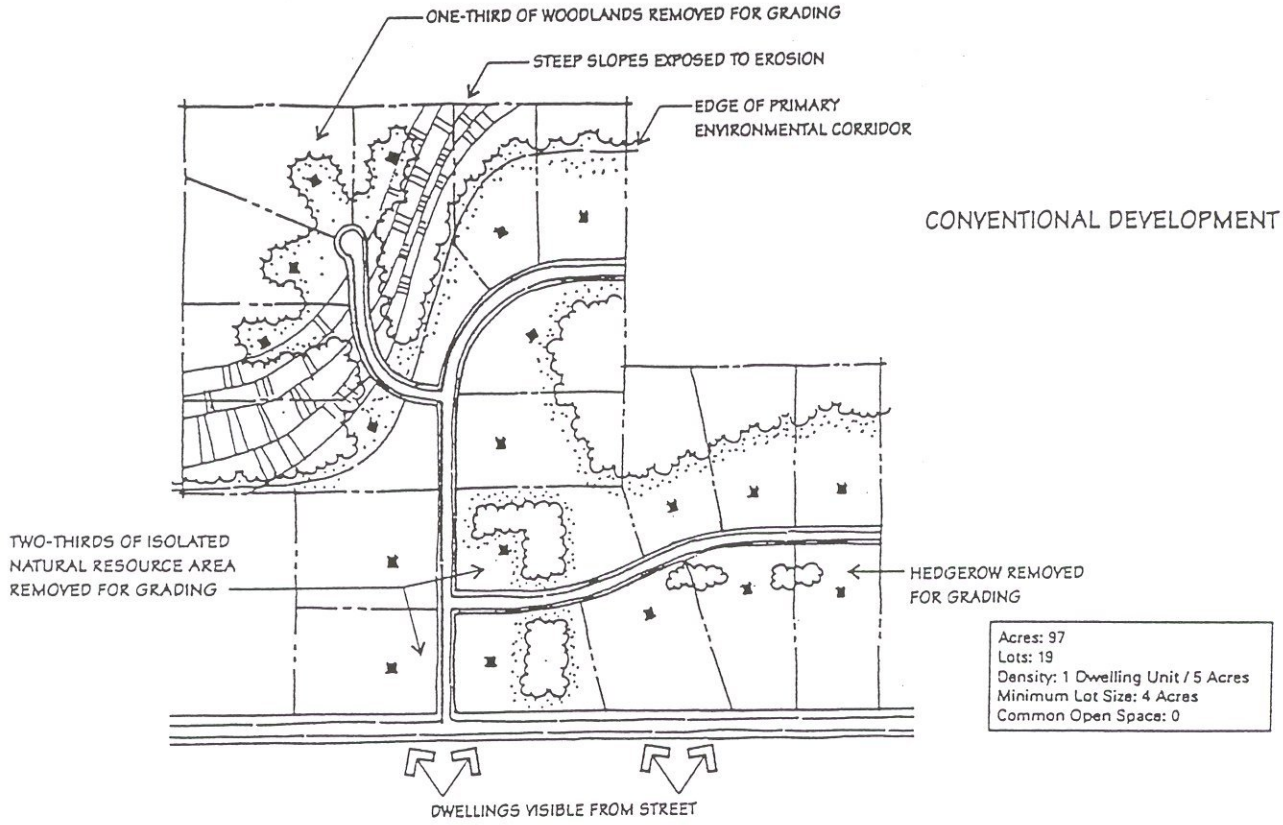

Table 14-1
Cluster Development Scenario
Minimum Lot Size of Five (5) acres

	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 14-2
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.

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 homeowners association to manage and maintain a cluster system is unsuccessful. There are two primary reasons why a homeowners 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 (homeowners association expense).

Cluster sanitary systems can be very successful if established correctly and under proper management. It is imperative that the towns be 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.

Construction Site Erosion Control Ordinance

Under §61.354 of the Wisconsin Statutes, the town may enact a construction site erosion control and stormwater management ordinance. The main purpose of such an ordinance would be to protect water quality and to minimize the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams and wetlands. It is recommended that the town does not need to develop a separate ordinance to regulate construction site erosion at this time, however the town may want to consider regulating erosion control through its building permit approval or land division ordinance process.