

12. Implementation

The Vilas County Year 2020 Comprehensive Plan is an advisory document that sets forth the general vision and establishes goals for community growth and development over the next two decades. The Vilas County planning process was built on the idea of local participation and town-level planning. The general framework of the county planning process consisted of building individual land use plans through a consistent planning process that allowed the local units of government to decide on the specifics of preferred land use. The preferred land uses, although separate and specific to each town in some cases, were coordinated at the local and county level to build consistent ideas relating to land use. The goal of local land use control, created and facilitated by intensive public participation, hinged on intergovernmental cooperation and coordination with Vilas County.

During the course of the planning process, the county and the participating towns learned the dynamics of growth management and how governmental policy affects land use. There are two primary differentiators between just having a plan and having a plan that works. The first is successfully building and adopting a plan premised on community values and a belief that the chosen direction is best for long term success and viability of the community. The second is possessing or developing the ability to leverage the administration and enforcement of plan policy with limited financial and operational resources. This process is difficult and challenging to say the least. The idea in Vilas County was to identify preferred land uses locally and coordinate plan recommendations and administration intergovernmentally to achieve both.

The issues associated with this process are not easily overcome. Many different recommendations were brought forth by individual towns, members of the County Land Use Planning Committee, focus groups, the public, and project staff. The County implementation strategy includes a combination of recommendations that were created within the individual plans or were identified through county-level discussions of land use and zoning administration. The balanced approach of the county plan incorporates a wide range of public interests and concerns.

Each adopted community plan has an individual implementation strategy that focuses on achieving its own plan recommendations with, or without, county-level coordination. The county plan is predicated on the commitment to achieve coordinated land use policy, growth management, and intergovernmental cooperation while protecting natural resources and the character of the county. The county plan is only useful in that regard if the local and county recommendations are implemented. As there are county ordinances (such as zoning and land division) that apply county-wide, county level administration needs to be coordinated with local plans to divert fragmentation of land use policy. Implementing the plan recommendations, in effect, will require consistent use of plans as a guide in decisions regarding land use and will begin a coordinated effort to manage growth efficiently at all levels of government. The plan's ultimate success will be tied to the energy, resources, and cooperation which are applied to implementation.

Some of the tools and strategies that Vilas County will be using over the next several years will be easy to attain. Others will take time and will require additional political and administrative debate.

The Priority Implementation Strategy is organized as follows:

1. Administration & Intergovernmental Coordination
2. Preferred Land Uses and Zoning Coordination
3. Recommended Ordinance Revisions
4. Plan Amendment Process
5. Additional Implementation Considerations

12.1 Administration and Intergovernmental Coordination

Listed below are strategies that may be implemented through county policy and administrative actions. The primary responsible parties are the County Land Use Planning Committee and the Zoning Committee in conjunction with associated County staff.

Actions

1. Adopt the Vilas County Comprehensive Land Use Plan. A resolution of support from the County Land Use Planning Committee and an adoption of the plan by the County Board will be instrumental in initiating the implementation process and officially endorsing local plans and their legitimacy in managing growth in Vilas County.
2. Develop Joint Administration of Local and County Land Use Controls.
 - ◆ Plan implementation could include administration and coordination of several county ordinances. Effective administration will require coordination between Town Plan Commissions and Town Boards with the County.
 - ◆ The most directly impacted will be the Vilas County Zoning Office due to coordination with zoning and land division activity. As the County has jurisdiction over zoning; shoreland-wetland protection; land divisions and subdivisions; flood plain zoning; and other land use controls, policy must be developed to enable the county and towns to effectively administer and coordinate town plans with county ordinances. Intergovernmental coordination is especially critical due to the number of towns that administer local or more restrictive zoning ordinance provisions.
 - ◆ 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.

- ◆ Assess the development of an agreement between Vilas County and towns with adopted plans 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.
 - Decision-making and permit review procedures to facilitate consideration and consistency between plan recommendations and zoning.
 - Ensure that policies, ordinances, and decisions are made in conformance with the Vilas County Comprehensive Land Use Plan.
 - Work with local units of government to clarify and balance roles and responsibilities for planning and regulation, including costs of administration
 - Hold periodic public meetings on county planning, land use and regulatory issues, and voluntary land and resource programs to keep the public interested and informed with the implementation of the county land use plan.
3. Plan and Budget for Implementation. Successful implementation will require the county to invest both time and money into ordinance development, administration and enforcement; intergovernmental coordination, community education; and plan maintenance.
- ◆ The initial intent of the 6-phase county planning process was to develop the local and county plans (Phases 1-5, see also Appendix B) and then culminate in Plan Implementation, or Phase 6. Fiscal 2003 budget cuts eliminated funding allocations for Phase 6. As the County revised the planning project scope to include the local plan integration process, the proposed zoning district additions will significantly bridge the relationship between planning and zoning, assuming the proposed new districts are adopted. Assisting Towns with implementing zoning district map revisions, however, will require a much larger and longer term effort.
 - ◆ The local plan recommendations, including recommended permitted and conditional uses associated with the preferred land use classifications, were built to allow comparison of preferred uses (plans) to allowed uses (zoning). The integration process spawned significant discussion about the existing zoning districts and applicability of the current permitted and conditional use structure within the current districts. The structure of the permitted and conditional uses, as well as the density provisions allowed in the current districts should be reviewed in comparison to the preferred land uses when/if the County revises the zoning ordinance
4. Resource Allocations.
- ◆ Continue to use and support the County's Land Information Office and GIS system to provide County officials, local governments, and individuals with accurate data and maps about the land and resources of Vilas County.

- ◆ Continue to seek grants and financial assistance from the Wisconsin Department of Natural Resources and other state and federal agencies for the land use related projects that assist in implementing plan recommendations.
- ◆ Continue to explore tools for improving the efficiency and effectiveness of the zoning and development review process.
- ◆ Continue to provide information and educational material through the county Zoning, UW-Extension, Forestry, and any other applicable department or agency on sound land use planning and resource protection.
- ◆ Maintain the accuracy of County mapping and inventory databases related to planning, zoning, and natural resources. The data will save future dollars for County plan updates, plan development for Towns who do not have plans, grant applications, and planning and zoning administration.

12.2 Preferred Land Uses and Zoning Coordination

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 regulation is 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 (see Appendix C).

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, as discussed in detail in sections 11.6 and 12.3 of this plan.

In terms of using zoning to help implement the plans, the following text has been discussed in detail in section 11.6, County Land Use Plan Integration. However, the assumption cannot be made that implementation strategy as defined in this Chapter will be executed as designed. Therefore, all the options must be discussed to allow for a complete assessment of potential actions. In the case of integrating preferred land use classifications with zoning districts, where the permitted and conditional use list from a preferred land use classification (see Appendix C) 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. This process was utilized in the integration process discussed in section 11.6 and as displayed in section 12.3, Recommended Ordinance Revisions.
- ◆ If the permitted and conditional use comparison between preferred land uses and zoning districts 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. Utilizing a subdivision control ordinance is a common technique to regulate density.
- ◆ 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. A majority of the town issues will be resolved if the County adopts the proposed additional zoning districts as recommended in section 12.3. However, other potential uses will arise that will need to be assessed in accordance with the options stated above. Consistency of such land use programs and actions, which was a major concern of the County during the planning process, are also a requirement of the current planning law, statute 66.1001.

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. That was exactly the intent of the local plan integration process and reason the County proposed additional zoning districts as discussed in the following.

12.3 Recommended Ordinance Revisions

Vilas County General Zoning Ordinance

Under Wisconsin Statutes, counties and local units of government are authorized to adopt "zoning" ordinances. Zoning will continue to be a primary tool for implementing the *Vilas County Year 2020 Comprehensive Land Use Plan*. The County Plan should guide zoning ordinance provisions including district descriptions, preferred densities, permitted uses, conditional uses, and the official zoning map. The preference of the County and participating local Towns (those who have not adopted their own respective zoning code) is that administration of general zoning through county regulation continues. Advantages related to continued county administration include:

1. Towns 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 if town zoning is created under the umbrella of County general zoning.
3. Property owners and the development community are familiar with administration of zoning rules by the county and the process is more efficient.

The main disadvantage for a Town that is under County general zoning is the Town may not be able to achieve all of the "desired future conditions" specified in the plan. The County and Towns addressed most of the major integration issues during plan development. However, if the County does not modify the existing zoning code, as recommended, the potential exists that Towns will be forced to develop Town specific land division ordinances and/or their own zoning ordinances to implement the plan recommendations as set forth in their own local comprehensive land use plans. Vilas County has several existing examples of local zoning, as St. Germain, Lac du Flambeau, Manitowish Waters, and Presque Isle have adopted and administer their own general zoning codes.

Proposed Additional Zoning Districts

In accordance with the local preferred land use integration process that took place over the summer of 2003 (see Appendix D), Vilas County worked with the Towns and local officials to develop proposed new county zoning districts to help implement County and Town plans in accordance with plan recommendations. The process allowed for assessment of the existing zoning districts and their applicability to the adopted plan recommendations and preferred land

uses. An integration process was established that involved representatives from Towns (delegates and alternates), the Land Use Planning Committee, Zoning Committee, and key County staff. The consensus building process recommended four additional zoning districts be added to the Vilas County Shoreland Zoning and General Zoning Ordinance. Descriptions of the four proposed zoning districts are as follows, with the proposed permitted and conditional uses in Table 12-1.

Lakeshore Residential/Resort District

Purpose: The Lakeshore Residential/Resort District is created to provide for areas around lakeshores and other riparian areas with primarily low-density residential use, but with some mixing of low-density tourism and vacation lodging. Such lodging uses are conditional in order to minimize/address the potential impacts to neighboring residential uses. The uses include resorts with no contiguous dwelling units, tourist rental cottages and houses, and bed & breakfast establishments. Land use and density is subject to and consistent with existing shoreland provisions within the Vilas County Shoreland Zoning and General Zoning Ordinance. The district is primarily intended for parcels located within 300 feet of the ordinary high water mark.

Lakeshore Recreation District

Purpose: The Lakeshore Recreation District is created to provide for areas of mixed uses including single and multi-family residences, and shoreland-related recreational uses. This district is designed to be more restrictive than the existing Recreation Zoning District in types of proposed uses, and more intensive (less restrictive) than the proposed Lakeshore Residential/Resort District. Land use and density is subject to and consistent with existing shoreland provisions within the Vilas County Shoreland Zoning and General Zoning Ordinance. The district is primarily intended for parcels located within 300 feet of the ordinary high water mark.

Wooded Residential District

Purpose: The Wooded Residential District is intended primarily for single and multi-family residential uses on standard size lots (1.5 acres), but with some additional uses allowed for mini-storage, building and trade contractors, professional offices and limited others that could be compatible as conditional uses. The conditions that could apply to any commercial uses could directly relate to the intensity of the proposed use, as the intent of this proposed zoning district is primarily for residential uses. However, the occurrence of this type of preferred use (within the Town Land Use Plans) being located along roads suggests that some mixing of residential and less-intensive commercial uses should occur due to road access the existing mixed development pattern.

Rural Mixed Use District

Purpose: The Rural Mixed Use District is created to provide areas for low density single and multi-family residential uses on larger lots (five acre minimum), but with some mixed uses as conditional uses to reduce incompatibility. Examples of mixed uses that may be expected to occur in this district are eating and drinking establishments, retail sales, building and trade contractors, heavy equipment storage, and sales, service and repair. The intensity of some uses would be greater than the proposed Wooded Residential District.

Table 12-1
Proposed Permitted and Conditional Uses for
Local Preferred Land Uses
"Proposals for New Zoning Districts" WORKSHEET - 9/5/03

On the table below is a list of the Permitted ("P") or Conditional ("C") Uses proposed for each new zoning district option.

Definitions: A permitted use would be denied in that area only if required general regulations (subdivision, sanitary, etc.) or overlay district regulations (shoreland, floodplain, etc.) prohibit the proposed development.

Conditional uses, also known as special exceptions, these uses are discretionary so a conditional use permit may be granted or denied. Special standards or other modifications (conditions) may be imposed on the permit to custom tailor the proposed development in the designated area to meet the land use objectives.

Uses:

		Lakeshore Residential/Resort	Lakeshore Recreation	Wooded Residential	Rural Residential - eliminated	Rural Mixed Use	Highway Commercial - Eliminated	Forest Management - Eliminated
1	Agricultural, animal husbandry					P		
2	Forestry, Foresty Products	P	P	P		P		
3	Farms			P				
4	Hobby farms			P		P		
5	Single family detached dwellings	P	P	P		P		
6	One non-rental guest house	P	P	P		P		
7	Individual mobile homes	P	P	P		P		
8	Home occupations	P	P	P		P		
9	Mobile home parks							
10	Parks, playgrounds	P	P	P		P		
11	Golf courses	C	C	C		P		
12	Resorts	P	P	C		P		
13	Multiple family dwelling units		P	C		P		
14	Dwelling units on second stories	C	P	P		P		
15	Apartments, townhouses, & condominiums for rent	C	P	C		P		
16	Community living facilities	C	C	C		C		
17	Bed & Breakfast establishments	P	P	P		P		
18	Boarding houses and other types of groups lodging	C	C	C		C		
19	Private club houses (over 1,000 sq. ft.)	C	C	C		C		
20	Motels		P					
21	Hotels		P					
22	Roadside stands for farm produce		P	P		P		
23	Eating and drinking establishments		P	C		P		
24	Commercial marinas		C					
25	Campgrounds		P					
26	Auto and RV sales							
27	Auto body shops							
28	Auto service stations							
29	Retail sales and service		P			C		
30	Airports and landing fields							
31	Gun clubs and shooting ranges							
32	Quarries and mines					C		
33	Objectionable emission of odor, dust, fumes, smoke and noise					C		
34	Recycling business							
35	Essential services	P	P	P		P		
36	Financial services							
37	Warehousing							
38	Wholesaling							
39	Building & trade contractors			C		P		
40	Heavy equipment storage yards					C		
41	Health care facilities							
42	Indoor recreation establishments	C	C	C		C		
43	Mini storage buildings			C		C		
44	Professional offices		C	P		P		
45	Sales, service and repair					C		
46	Snowmobile sales and service							
47	Drive-in theaters							
48	Outdoor amusement facilities		C			C		
49	Commercial kennels					C		
50	Utility facilities	C	C	C		C		
51	Public and semi-public uses	C	P	C		C		
52	Manufacturing & Industrial							
53	Motor freight transportation terminals							
54	Septage disposal sites							
55	Salvage and junk yards							
56	Riding stables					C		
57	Planned Residential Unit Development	C	C	C		C		
58	Planned Cluster-Commercial Development							
	Others							
	Density Standards (acres/new unsewered back lot)	L.C.	L.C.	1.5		5		

(Note: an 80% rule for single lot splits was recommended in this district - ex. a 9-acre parcel could be split into one lot at 80% of the minimum lot size or 4 acres and one full five-acre lot.)

The recommendation to add the districts was developed through the Land Use Planning Committee and addresses a majority of preferred land use implementation issues identified in the adopted local comprehensive land use plans.

Adoption of this plan by the Land Use Planning Committee and County Board would only endorse the integration process and the associated plan recommendations as set forth in this document. The ordinance amendment procedures and public hearing process as identified in the Vilas County Shoreland Zoning and General Zoning Ordinance would need to be followed to actually implement the recommended ordinance modifications.

Additional Potential Zoning District Modifications

- ◆ The Land Use Planning Committee recommended that the existing Forestry district be reviewed and modified and that other voluntary programs (managed forest law contracts, conservation easements, etc.) be utilized for this land use. The recommendation came through the evaluation of forestry zoning and the potential need for an additional Forest Management district.
- ◆ The Land Use Planning Committee recommended rather than create a separate Highway Commercial District, the existing General Business District be modified to include manufacturing and heavy equipment storage as conditional uses and roadside stands as permitted uses. The recommendation came through the evaluation of commercial development along highways and the adequacy of existing zoning in managing business development.

Additional Options if the Vilas County General Zoning Ordinance is not Amended

Option 1. Develop unique town zoning as an appendix to the Vilas County zoning ordinance. Under this option, a 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 2. Establish a town/local zoning ordinance. A town could draft their own zoning ordinance. For these towns, currently under County general zoning, 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 or with other towns for zoning administration and enforcement.

Shoreland Zoning

Vilas County implemented a lakes classification system Shoreland Zoning Ordinance which affects all the surface water and shoreland use and development in the county. All

local plans have adopted the recommendations as their standards, and some towns have exceeded the minimum regulations with greater restrictions. It is recommended the county consult with local officials (and their associated preferred land use plans) if considering modifications to the shoreland ordinance as changes to the existing standards may affect town plans.

Vilas County Subdivision Control Ordinance

The Vilas County Subdivision Control Ordinance regulates the conditions of how land is to be divided. The impact of land division (subdivision) regulations is permanent. Once land is divided into lots and roads are laid out, development patterns are generally set. Subdivision control ordinances often give a community its only opportunity to review the proposed development design and assess the potential impact prior to development. Vilas County's Subdivision Control Ordinance works in conjunction with Section 236 of the Wisconsin Statutes. The County's Subdivision Ordinance is a primary implementation tool and works in conjunction with zoning ordinance regulations. The zoning ordinance regulates the type (use) of development that takes place on a parcel and the subdivision ordinance regulates how the parcel is created and made ready for development.

An additional benefit of a subdivision ordinance is that it can help implement the land use plan. A basis of the approval of a land division is its conformance or consistency with a local land use plan via lot size and/or density provisions as set forth in the preferred land use classifications of adopted comprehensive land use plans. A land division ordinance may be the most effective method to implement proposed lot sizes and density that may differ from the zoning district minimum standards in which the land use occurs.

The County Subdivision Control Ordinance applies to all unincorporated areas of the county. All of the local plans have recommendations to consider adopting a locally regulated land division ordinance to drive consistency of lot sizes and density when lands are divided. Towns can adopt (as St. Germain and Manitowish Waters have) their own subdivision ordinances without County approval. In order to exercise this power a town needs to have four things: a. village powers, b. a land use plan-stating goals and objectives, c. planning committee/commission, d. an ordinance. If there is a conflict between a county and town land division ordinance, the proposed subdivision must comply with the most restrictive standard (Wisc. Stat. 236.13 (4)). The uses available to a property are still a zoning function and will need to work in combination with zoning and subdivision control.

Due to the differences in some of the local plan recommendations, the county may see an increase in the use of local land division regulations by towns to assist in local plan implementation. In concert, the County's existing ordinance should be updated with provisions to assist with plan implementation, develop consistency between plans and implementing ordinances, and to support the county's parcel-level data and GIS development.

The following ordinance modifications are recommended:

1. Amend the County Subdivision Ordinance by adding language to ensure that new divisions of land are consistent with the Town and County plans relative to lot size. The

administrative responsibility of lot size conformance to the plan should be with the Town in which the land division occurs. The consistency requirement will be a primary step in coordinating plans and implementing ordinances. The modification to the County ordinance will not burden the County review process and help the Towns and the County with plan implementation.

2. Consider mandating all land divisions 40 acres and less to require a Plat of Survey or Certified Survey Map. In essence, the intent is to redefine a lot from a parcel of 5 acres or less as it is defined now to a parcel of 40 acres or less. The 40-acre provision is a number used to demonstrate a point. The county is investing significant dollars in land records modernization and creation of parcel level data yet the subdivision control ordinance that helps support and utilize that investment only addresses a land division of 5 acres or less in area. The proposed ordinance modification would be consistent with planning, zoning, and land records activities.

Cluster Development

Cluster development is a development technique which provides options for how land could be developed. The concept applies to both residential and commercial applications, and would allow for growth and development opportunity while at the same time addressing associated concerns such as development character and open space. Cluster development 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 could be a viable alternative to the typical development pattern that is seen throughout the county.

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 worthy of preservation, managed forest land, or productive agricultural areas. This type of development encourages the creation of smaller lots rather than scattering large lots throughout the development area.

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.

A focus group discussion on residential and commercial cluster development in Vilas County was conducted on January 9, 2002, as part of the Vilas County comprehensive land use planning process. The purpose of the focus group was to generate some initial suggestions and alternatives for residential and commercial cluster development in Vilas County. Participants included representatives from the construction industry, surveying, transportation, utilities, lake association, local and county government officials, and others.

Residential Cluster Development

Residential cluster developments, also known as planned residential unit development or conservation subdivisions, are viable and common elsewhere based on examples discussed by the Cluster Development Focus Group participants. Local cluster developments do exist in the Vilas County area however, including Timber Ridge in Arbor Vitae, Pine Island, and Lac du Lune. There are provisions for cluster developments, called planned residential unit development within the Vilas County Subdivision Control Ordinance, but such development is not currently permitted within the Vilas County General Zoning Ordinance. There are no incentives in current ordinances to encourage cluster development. All the local plans have identified cluster development options as part of the integrated implementation strategy.

The Rural Cluster Development Guide (Southeast Wisconsin Regional Planning Commission, 1996) identifies that to achieve the goal of cluster development, a density bonus is recommended to further encourage cluster developments as an option over conventional development. Experiences in other parts of the country have 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 25% in order for cluster development to become attractive to a developer (SWRPC, 1996).

Participants of the Vilas County Cluster Development Focus Group felt that there needed to be incentives for the developer to do cluster development in Vilas County. Factors that may make residential cluster development less viable in the marketplace include many people move to the area to get away from other people (meaning smaller lots and development proximity), the large amount of public lands which provide large open spaces, and lack of exposure to the concept. There are also many 5-acre and smaller lots already subdivided and available now. However, the benefits of cluster development discussed included less costs for installation and service of gas and electric utilities, sewer, water, and telecommunication lines. Road construction and maintenance would cost less, as would providing other services such as fire, EMTs, police and school busing. Other benefits include better protecting the natural environment for lakes, wildlife habitat and for common open space areas. Social benefits include enjoying living close to neighbors, and could include minimizing such outdoor maintenance as mowing lawns and snowplowing as people get older. In addition, cluster development can be marketed as an exclusive, private development, or it can be designed to provide for more affordable housing. Demographic trends with a high proportion of elderly, retirement population also tends to make developments with low maintenance more attractive. Clustered private sanitary systems are now permitted which can also reduce the amount of land area needed for each lot or structure.

Assessing cluster development as an option, calculations on numbers and sizes of lots for conventional versus cluster development were reviewed with and without a 25% density bonus

Table 12-2 Cluster Development Scenario Minimum Lot Size of 1.5 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	20	20	20	20	20	20	20
Total Lots	13	13	16	13	16	13	16
Max. Lot Size*	65,340 s.f. 1.5 acres	32,670 s.f. .75 acres	27,225 s.f. .625 acre	26,570 s.f. .61 acre	21,780 s.f. .5 acre	16,750 s.f. .38 acre	13,610 s.f. .31 acre
Total Acres Developed	20	10	10	15.8	8	5	5
Total Acres Open Space	0	10	10	24.2	12	15	15

O.S. = Open Space

D.B. = Density Bonus

*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.

Minimum overall parcel size to achieve at least 10 acres of forest space = 20 acres

Table 12-3 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	N/A	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.

Minimum overall parcel size to achieve at least 10 acres of forest space = 20 acres.

(see Tables 12-2 and 12-3). Lot sizes changed significantly depending on how much open space was reserved (50%- 75%). Calculations included 5-acre minimum zoning standards and 1.5-acre standards for the conventional development. Initial density would be based on the number of buildable lots on a parcel. Any density bonus would be calculated from the initial density allocated to the parcel. Site design becomes very important, especially for smaller lots. 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.

Appendix B presents graphic examples of how cluster developments could be implemented. Examples include typical cluster development scenarios and how cluster development could work with an applied density bonus. The outcome of conventional subdivisions is also portrayed. The county subdivision and zoning ordinance, in combination, should be the tools used to approve and regulate cluster development.

Commercial Cluster Development

Commercial cluster development, similar to residential cluster concepts, is an alternative development strategy to conventional strip commercial development along a highway. Commercial buildings are clustered with shared parking and a single access road off the highway. Land between commercial clusters would provide for scenic open space and other natural resource amenities. Commercial cluster development also often occurs at road intersections. Examples of commercial cluster development can be found in Appendix B.

Limiting the number of driveway access points to highways is one mechanism that encourages commercial cluster development. Along state highways, access control is recommended to limit the number of driveways resulting in more turning traffic and more accidents. Access allowed to each individual lot leads to lower speed limits, decreased road capacity for thru-traffic, and increased congestion. Eventually traffic issues lead to expensive rerouting of roads to less-congested areas, eating up more landscape. On state highways, access may be limited to no more than one access for every 500-1000 feet in rural areas, and 200-300 feet in more urbanized areas. Internal roads are encouraged that access adjacent town roads rather than the highway.

Highway setbacks of 50 feet or 110 feet from the centerline (whichever is greater) is often used to allow a sufficient highway corridor width in the event the traffic capacity of the road needs to be increased at some point. Those rules go into effect when a lot is subdivided or consolidated with other parcels, which presents problems for property owners. Costs to taxpayers, however, will be minimized by not having to remove septic systems, buy buildings or relocate businesses.

County highways do not currently have any access requirements. Some local communities are considering limiting subdivision access to county highways. Allowing for higher density commercial development with smaller lot sizes by major highways is suggested, especially where public sewer and water are available. A density bonus could be provided similar to what was discussed with residential cluster development.

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 that 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 should be involved in the management of cluster sanitary systems in these situations to ensure proper maintenance of the system.

The following is an example that 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 reports back to the towns the maintenance needs of each sanitary system. The towns, in turn, contact the residents of the respective subdivisions and identify the maintenance that should be completed on the system. The residents of the subdivision are 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 County is involved in the monitoring of these systems. Therefore, the management of numerous cluster sanitary systems are a concern the County should be prepared to address prior to permitting cluster developments in which cluster sanitary systems would be required. In addition, the County 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.

Cluster Development Recommendations:

1. Add enabling language to the Vilas County General Zoning Ordinance that allows for cluster development as a development option. The additional language would not require the use of cluster development, just authorize the ability to use it as specified under Vilas County code. The Vilas County Subdivision Ordinance authorizes cluster development, but the zoning code does not.
2. Per number 1 above, and in accordance with the Alternative Development Scenarios developed during the County planning process, utilize an overlay zoning district to allow for residential or commercial cluster development, but only in the areas specified under the district.
3. Per number 1 above and the discussion included in this section, assess the density bonus provisions of the cluster development option and apply minimum standards to the county regulations as developed and endorsed through Cluster Development Focus Group recommendations and Alternative Development Scenarios as follows:
 - A. Encourage residential cluster development to be developed with a minimum project size of 20 acres, including 10 acres protected as conservation/open space. The proposed ordinance provisions should include a density bonus up to 25% as an incentive.

- B. Encourage a clustered commercial option in the subdivision and general zoning ordinances with up to 25 percent density bonus to promote shared highway access, frontage roads, and parking.
4. Assess county highway access restrictions in concert with the commercial cluster development option to facilitate coordinated access and enhance the viability of commercial clusters.
 5. Residential cluster development should be allowed as a conditional use within any zoning district that allows single family residential housing.
 6. Commercial cluster development should be allowed as a conditional use within any zoning district that allows commercial businesses.

12.4 Plan Amendment Process

The Vilas County Year 2020 Comprehensive Land Use Plan reflects several years of work by the county and its participating local governments. The plan is long-range in design and any amendments should be carefully considered for their cumulative effect.

Future amendments to the Town plans should also consider consistency with current state Comprehensive Planning statutes. The 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. In view of anticipated growth and development of the county, provisions need to be made for the periodic review and reevaluation of the plan to ensure that it continues to reflect the changing conditions of the County. Therefore it is recommended that the implementation status be reviewed annually and the plan be updated and revised as appropriate every five years or as deemed necessary. According to Comprehensive Planning statutes, the plan must be updated every ten years.
2. The County 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 Vilas County Year 2020 Comprehensive

Land Use Plan and any other applicable local plans and policies.

- ◆ Amendment of the Vilas County Year 2020 Comprehensive Land Use Plan requires an amendment by the Vilas County Board of Supervisors. Such amendments can be adopted at any time upon submittal of an amendment resolution and recommendation of the Vilas County Land Use Planning or Zoning Committee, and public hearings and public notices as required by state statutes. Amendments can be initiated by the local units of government, Vilas County staff, the Vilas County Land Use Planning or Zoning Committee, or the Vilas County Board of Supervisors.

Amendment Process

- ◆ The amendment should be accompanied by a resolution from the Vilas County Land Use Planning or Zoning Committee requesting a Vilas County Year 2020 Comprehensive Land Use Plan ordinance amendment.
 - ◆ The Vilas County Land Use Planning or Zoning Committee must hold a public hearing on the amendment and upon approval, submit the amendment to the County Board of Supervisors for its review, approval, and adoption.
3. Update the Vilas County Year 2020 Comprehensive Land Use Plan by January 1, 2010, if necessary to meet the provisions of the Wisconsin state Comprehensive Planning statutes.

12.5 Additional Implementation Options

This section provides a summary of the alternative development scenario recommendations that were developed during the County planning process. This section also provides a quick reference to programs, concepts and various federal, state and local conservation programs that 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 county.

Alternative Development Scenario Recommendations

Five alternative development scenarios were created for the Land Use Planning Committee by Foth & Van Dyke and Vilas County staff based on the input from the Focus Groups and other local plan input to examine alternative planning and development concepts for Vilas County. The intent of the alternative development scenarios was to review the potential development impact of certain issues based on current regulations, development trends, and local plan recommendations. After review and input from the Land Use Planning Committee, the alternatives were refined and background maps and data were rendered to display the concepts. The alternatives were developed as illustrated in Appendix B. Concepts were developed for residential and commercial cluster development, areas available for manufacturing/industrial uses, potential assessment areas for sanitary services, and areas available for multi-family housing. The following recommendations were developed relative to the different scenarios. Cluster development was previously discussed in section 12.3.

Light Industrial Development

Summary of the issue: Economic development opportunities in Vilas County come in many forms. For Vilas County, much of the economic base is centered around the tourism industry and other natural resource-based businesses. The lake-rich area is also attractive for seasonal/recreational homes, and serves as a major retirement area. Assessment of those economic components provides an important historical perspective on current land use patterns, and provides insight on why the county does not have a large base of manufacturing and light industrial uses.

Economic diversification has been a focus of many local comprehensive land use plans. Many communities desire to not only have the recreation and natural resource component of the local economy, but also that of higher wage earning jobs that can support local residents and families and help with off-setting the tax burden that is squarely placed on residential property. There are very limited existing business/industrial parks in Vilas County. Many areas allow for light industrial and manufacturing uses, but do not have all the tools they need such as dedicated light industrial lands, sewer and water services, roads, etc. that could support these uses. Through the local planning processes, residents and landowners indicated they do not want to see large smokestacks and heavy industrial uses in the northwoods; rather the uses should be environmentally considerate and should have associated development controls such as site development plans and siting standards to maintain the quality of the environment while affording economic development. The following items were evaluated and recommended as potential initiators to implement the development scenario.

1. Vilas County should assist communities in developing light industrial/business parks.
2. A countywide Economic Development Corporation should be organized to promote light industrial/business recruitment and expansion with funding provided from Vilas County and each municipality.
3. Technology-based businesses should be encouraged through tax, land, building and/or infrastructure incentives.
4. Direct acquisition of land by local communities and subsequent installation of road access, sewer and water, utility and other services should be considered as it can promote business and light industrial development.

Sanitary Service Assessments

Summary of the issue: In Vilas County, wastewater is either treated by public sanitary sewer systems or by private, on-site septic systems. According to the 2000 census, approximately 25.5% of county residents are provided with sanitary sewer, and 74.5% have private on-site waste disposal systems. There are five (5) sanitary districts within the county, including the City of Eagle River, and partial areas within the towns of Phelps, Land O' Lakes, Lac du Flambeau, and Arbor Vitae. In addition to the areas with developed sanitary districts, the county has six (6) additional areas of concentrated development within existing community centers that could possibly support sanitary services if the need was identified. There are also many highly developed lakeshore areas that may need to be assessed long-term for their needs for sanitary sewer services. With most of the development being on-water in Vilas County, water quality and natural resource based planning is of primary importance to the long-term natural ecosystem health and to the maintenance of property value.

The corresponding map displays the areas discussed above. Vilas County recognizes that a decision to develop a sanitary sewer system is strictly a local decision. However, there are many parameters that a community can use to assess the viability of developing a public system. The county could assist in providing planning assistance through identifying how the community could proceed and under what parameters and conditions they could be successful. The following items were evaluated and recommended as potential initiators to implement the development scenario.

1. High-density community centers should be evaluated for costs and benefits as potential areas for public sanitary services.
2. Highly developed private shorelines should be evaluated for costs and benefits as potential areas for public sanitary services.

Multi-Family Housing Alternatives

Summary of the issue: Proper planning for growth and development in Vilas County requires an understanding of the housing needs of all economic segments of the community. Conditions and demands of the residential housing market combined with anticipated development trends are essential in planning for impacts related to population and housing growth. Housing costs are typically the largest family expenditures for residents of Vilas County. A condition related to the housing market in Vilas County is the issue of affordable housing and multi-family development. Planning can address potential impacts of development related to adverse affects on property values while maintaining environmental quality.

According to the 2000 Census, a large majority of the housing stock in Vilas County is single family residences (19,928 or 90%). An additional 5% (1,197) are single family mobile homes. There are 306 housing units in duplexes (1.4%) and about 541 housing units (2.4%) in multi-family housing with three or more units per structure.

The opportunity for developing additional duplexes and multi-family housing is determined by a combination of the comprehensive land use plans and zoning ordinances that regulate uses in the local communities. As represented by the corresponding map, a majority of the private lands in Vilas County allow for some type of multi-family development. The following items were evaluated and recommended as potential initiators to implement the development scenario.

1. The county plan should recommend that Vilas County assess the availability of affordable/multi-family **owner-occupied** housing.
2. Vilas County should provide funding assistance and other incentives to encourage development of affordable multi-family **rental** housing.

Development Design Guidelines

Design guidelines 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. Many towns in Vilas County find the character and aesthetic issues associated with development along the major transportation corridors to be a primary concern. 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.

While most design guidelines are expected to be implemented where desired at the local level, at a minimum, Vilas County should consider amending the zoning and subdivision ordinances to include site plan review as part of the cluster development approval process. Applicants for cluster developments should be required to submit site plans showing the following:

1. Location of existing buildings
2. Proposed location of additional structures
3. Locations of existing and proposed driveways and access points to public roads
4. Location of septic system

The county should keep the focus on how does the access onto public roads affect traffic flow and traffic safety. Standards could be developed for landscaping/screening, signage, parking, lighting, and building design, along with any other areas deemed appropriate or necessary, but will be better served by housing those regulations at the local level in accordance with local initiatives. The level of site plan review will vary among local governments reflecting the different goals and policies of development. Where the town site plan review regulations are more restrictive than Vilas County, the county could refer the applicant to the respective town for town approvals.

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.

Conservation Programs

A variety of conservation programs and opportunities are described in the Vilas County Land and Water Resource Management Plan (August 2000). Tax incentives such as the Managed Forest Law, direct acquisitions for shoreland restoration, habitat improvements, partnering with land trusts for securing conservation easements or land acquisition, and many other programs exist to encourage landowners to adopt conservation practices. The Land and Water Resources Management Plan should continue to be updated regularly and referred to as an aid when the County is making land use decisions.

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 in the conservation 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 conservation. Land trusts can provide direct assistance to landowners in land acquisitions, resource management and considerable tax benefits. A land trust operates through landowner property donation, outright purchase of land or through securing conservation easements.