

ELEMENT 9: IMPLEMENTATION

9.1 INTRODUCTION

The Implementation Element is the “how to” portion of the plan. It prescribes those actions necessary to make the goals a reality over the next 20 years. This is achieved through a series of specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances. Each proposed action is included as part of an objective that has been developed to support a broad goal for each of the Town of Frog Creek Comprehensive Plan elements. The concepts presented in this chapter will affect land use in the Town of Frog Creek for the next 20 years and beyond.

9.2 CONSISTENCY AND RELATIONSHIP BETWEEN ELEMENTS

This element is required to describe how each of the elements of the comprehensive plan will be integrated and made consistent with other elements of the plan. By coordinating and developing each element simultaneously, the process ensured that the development and review of each element is consistent with the others. Based on the analysis, there are no known inconsistencies or conflicts between plan elements. The goals, objectives, and in some cases the actions provided in this chapter are interrelated. In several instances, a single objective or action may apply to more than one element of the plan.

9.3 PLAN UPDATES AND REVISIONS

As is stipulated in Wisconsin's "Smart Growth" legislation, a comprehensive plan must be updated at least once every ten years. However, in order to ensure that this plan is an effective management tool, the Town of Frog Creek Planning Commission will review the plan goals, objectives, and actions annually to track those activities that have been completed and to add additional objectives and action-plans as needed to accomplish the stated goals.

The Town of Frog Creek should initiate its first major update of this plan by 2015. At this time, information from the 2010 census will be available to update tables, charts, graphs, and figures. This update will also involve a comprehensive review of the background information presented in each element. Furthermore, the town should coordinate with all partners identified in the *Intergovernmental Cooperation* element to understand any external changes that may impact the plan.

9.4 RESPONSIBILITIES

Implementation of the Town of Frog Creek Comprehensive Plan will be the primary responsibility of the **Town of Frog Creek Planning Commission and Town Board**. The Plan

Commission will use this plan when reviewing development and land use issues in the town and make formal recommendations to the Town and County Boards based upon the goals and objectives of the plan.

9.5 MEASURING PLAN PROGRESS

As part of the comprehensive planning process, a number of goals, objectives, and actions were developed that when implemented are intended to build stronger relationships and give direction to the town board and its residents. Many of the objectives and actions can be accomplished in the short term, while some will take longer to accomplish.

It is required to include a mechanism to measure the local governmental unit’s progress toward achieving all aspects of the comprehensive plan. The task of developing a measurement tool to gauge the outcome of this plan’s objectives and actions will be accomplished by the development of an implementation target for the identified actions. These targets will provide guidance to the plan commission and town board on when specific actions were to have been initiated. Based on the targets, the plan commission can then measure the progress of achieving implementation of the comprehensive plan.

9.6 PLAN RECOMMENDATIONS

- A. Request that Washburn County amend zoning ordinances and decision-making procedures to ensure consistency with the Town of Frog Creek Comprehensive Plan.
- B. Hold a periodic review of the comprehensive plan and revise the document as needed. Plan content should be reviewed for effectiveness and revised to meet the changing needs of the community.
- C. Continue to seek public involvement and input. Continue to monitor local issues and opportunities and incorporate these factors into the plan.
- D. Base all town land use decisions on the contents of the comprehensive plan.
- E. Make the Town of Frog Creek plan accessible to town residents and visitors. Post the current and future land use map and action plan in the town hall. Also, consider using local events to publicize the plan and educate citizens.

What follows is a list of the Town of Frog Creek’s goals, objectives, and actions as derived by the planning committee/commission in a table format. The goals of the plan are the “purpose or end” and they provide direction for community decisions. Objectives are statements that are measurable benchmarks the community works to achieve, and the actions are more specific statements that set preferred courses of action to carry out the objectives in the foreseeable future. Many actions identified are continuous or ongoing steps that do not have an implementation target date. These actions may involve the town board and/or the plan

commission. On an annual basis, the plan commission should monitor the plan’s overall objectives and actions in an effort to realize its accomplishments and identify areas where additional resources or actions are needed.

9.7 PLAN IMPLEMENTATION - GOALS, OBJECTIVES, AND ACTIONS TABLE

| HOUSING | | | |
|--|---|---|------------------|
| Goal: Encourage safe, affordable housing and neighborhoods. | | | |
| Objectives | Action-Plan | Key Groups for Implementation | Timeframe |
| 1. Support the provision of housing in the town to meet the needs of all incomes and age groups. | a. Research data to verify needs of community. | Plan Commission, Town Board | 2008 |
| | b. Investigate grant programs that allow for the funding of housing projects if needed. | Plan Commission | Ongoing |
| 2. Encourage high quality construction and maintenance standards. | a. Investigate the availability of federal and state housing reconstruction and renovation funding programs. | Plan Commission | Ongoing |
| | b. Maintain communications with the county to determine necessary levels of compliance required with regards to housing building codes. | Plan Commission, Town Board Washburn County Zoning Department | Ongoing |
| | c. Research the need for a town ordinance to enforce minimal housing standards. | Plan Commission | 2008 |
| 3. Encourage home siting in areas that will not result in undue hardships in servicing. | a. Consult future land use map for appropriate siting of new construction. | Plan Commission Town Board | Ongoing |

| TRANSPORTATION | | | |
|--|--|---|------------------|
| Goal: Provide a safe and efficient transportation system that meets the needs of our users. | | | |
| Objectives | Action-Plan | Key Groups for Implementation | Timeframe |
| 1. Maintain and require an interconnected road network. | a. Maintain communications with county for continued improvements to county roads. | Town Board Washburn County Highway Department | Ongoing |
| | b. Monitor the conditions of logging roads used in the town, and suggest conversations that will result in the proper maintenance of these roads. | Town Board Washburn County Forestry Department | Ongoing |
| | c. Continue PASER evaluations to determine need for improvements to town roads. | Town Board | Ongoing |
| | d. Research need for additional roads if development increases in the town. | Plan Commission Town Board | 2008 |
| 2. Support trail development for other modes of traffic. | a. Work with county and other groups to foster cooperation regarding the development of new trails for identified and preferred modes of recreational traffic. | Plan Commission Washburn County Forestry Department Department of Natural Resources | 2007 |
| | b. Research the need for ordinances to control the use of existing and new trails. | Plan Commission | 2007 |
| | c. Investigate the need or demand for hiking and biking trails. | Plan Commission | 2007 |

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| 3. Encourage future growth options in other types of transportation. | a. Cooperate with surrounding jurisdictions on the development of new transportation options in the future, such as rail, bus, etc. | Plan Commission Town Board | Ongoing |
| | b. Investigate the feasibility of constructing an airfield in the Town of Frog Creek. | Plan Commission | 2007 |

UTILITIES AND COMMUNITY FACILITIES

Goal: Provide utilities, facilities, and services that relate to resident expectations and a rural atmosphere.

| Objectives | Action-Plan | Key Groups for Implementation | Timeframe |
|--|--|--|------------------|
| 1. Promote the logical expansion of facilities to serve future development. | a. Ensure that proper infrastructure is available before development plans are approved in the town. | Plan Commission Town Board | Ongoing |
| 2. Review on an annual basis the solid waste/recycling agreement with the Town and Village of Minong. | a. Communicate with the two-county solid waste/recycling management authority (Recycling Control Commission) with regards to suggestions for improvements and/or changes in programming. | Plan Commission Town Board | Ongoing |
| a. Monitor the development of telecommunication potential in the area. | a. Ask that communication companies and agencies contact the town when new facilities or programs are being proposed. | Plan Commission Communication Companies | 2006 |
| 3. Continue the new construction of the town hall, and its associate use as a community center for the town. | | Town Board | 2005 |

| NATURAL RESOURCES | | | |
|--|--|--|------------------|
| Goal: Protect and preserve the town's important natural resources. | | | |
| Objectives | Action-Plan | Key Groups for Implementation | Timeframe |
| 1. Require mining operations of all types to satisfy community concerns before beginning operations. | a. Request that all such potential operations provide written plans to the town in advance of any permit hearings. | Town Board Plan Commission | Ongoing |
| | b. Research the need for a town ordinance or permit process for such operations. | Plan Commission | 2006 |
| 2. Encourage multiple-use trails. | a. Identify potential areas for new trails. | Plan Commission | 2007 |
| | b. Cooperate with other jurisdictions dealing with the establishment of new trails. | Plan Commission Surrounding Jurisdictions | 2007 |
| | c. Have available information or contacts for trail systems in the town. | Town Board Plan Commission Town Board | 2006 |
| 3. Encourage local and county cooperation. | a. Ask county to keep town apprised of decisions regarding county land within town borders. | Town Board Washburn County Forestry Department | Ongoing |
| | b. Make appropriate town-based comments or suggestions to county forest department during public hearings or comment periods affecting the town. | Town Board Plan Commission Washburn County Forestry Department | Ongoing |

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| <p>4. Have available information or contacts for surface water landowners regarding erosion control, shoreline requirements or other issues that may be important in protecting these resources.</p> | <p>a. Ensure that proper septic systems are in place to safeguard surface waters and groundwater in the town.</p> | <p>Plan Commission Town Board</p> | <p>2008</p> |
| <p>5. Preserve public hunting, fishing and recreational areas of the town.</p> | <p>a. Work with state and county land representatives to ensure that such public lands are kept clean and free of trash and other harmful items.</p> | <p>Town Board County and State Agencies</p> | <p>Ongoing</p> |

AGRICULTURAL RESOURCES

Goal: Preserve productive farmland.

| Objectives | Action-Plan | Key Groups for Implementation | Timeframe |
|--|---|--|-------------|
| <p>1. Support traditional farming.</p> | <p>a. Help provide resources to town farm owners who wish to continue their operations through cooperative efforts with UW-Extension or other appropriate agencies.</p> | <p>Town Board Plan Commission Appropriate Agencies</p> | <p>2008</p> |
| | <p>b. Consult with farm owners if future development in the town potentially impacts their farm operations.</p> | <p>Plan Commission Town Board</p> | <p>2009</p> |

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| 2. Encourage non-traditional farming. | a. Provide information to prospective alternative farming endeavors via contacts in UW-Extension or other pertinent organizations. | Plan Commission Appropriate Agencies | 2009 |
| | b. Encourage the development of organic farming where feasible | Plan Commission | 2010 |
| | c. Investigate the siting of a farmer's market area if local farm needs warrant such consideration. | Plan Commission | 2010 |
| CULTURAL RESOURCES | | | |
| Goal: Maintain and preserve the cultural and historical resources of Frog Creek. | | | |
| 1. Compose historic book on the development of Frog Creek. | a. Research community sources for information on possible historic book for the town. | Plan Commission | 2007 |
| 2. Identify cultural and historic sites. | a. Mark and keep an inventory of cultural and historic sites in the town. | Plan Commission | 2007 |
| | b. Research State of Wisconsin Historical Society for information on the town. | Plan Commission | 2007 |

| ECONOMIC DEVELOPMENT | | | |
|---|---|-------------------------------|----------|
| Goal: Allow for high quality economic development that serves town residents. | | | |
| 1. Encourage the development of craft mills. | | Plan Commission | Ongoing |
| 2. Encourage unique style industries or commercial enterprises that fit the town's natural environment. | a. Identify areas of the town where such development might be a fit. | Plan Commission | Ongoing |
| 3. Develop guidelines for businesses that will benefit and retain a rural-based environment. | a. Encourage the growth of home-based businesses within guidelines developed for a rural-based environment. | Plan Commission | Ongoing |
| INTERGOVERNMENTAL COOPERATION | | | |
| Goal: The town will continue to encourage cooperation with neighboring communities. | | | |
| 1. Continue contracting cooperatively for fire and ambulance services. | a. Maintain relations with surrounding jurisdictions for discussions regarding continued cooperative contracting. | Town Board Plan Commission | Ongoing |
| 2. Continue contracting cooperatively for waste disposal/recycling. | a. Continue to meet with the Minong Area Disposal Transfer Station committee to determine the best means of continued cooperation for solid waste management and recycling. | Town Board Plan Commission | Annually |
| 3. Continue contracting cooperatively for police protection. | a. Encourage cooperation with surrounding jurisdictions to acquire police protection for the town at the best possible price. | Town Board Plan Commission | 2006 |

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| 4. Endeavor to fairly resolve conflicts as they may occur in the future. | | Town Board | Ongoing |
| LAND USE | | | |
| Goal: Encourage community growth and development in an organized, efficient and environmentally sound manner. | | | |
| 1. Consult the town's future land use map when making decisions regarding future development activities. | a. Review the future land use plan throughout the twenty-year planning horizon to ensure it is kept up-to-date. | Plan Commission Town Board | Annually |
| 2. Research the possibility of town-based zoning. | a. Investigate the costs of implementing a zoning program at the town level | Plan Commission | 2008 |
| | b. Monitor upcoming county zoning decisions regarding the Town of Frog Creek to see if town concerns are being addressed, and whether its comprehensive plan is being consulted on town issues. | Plan Commission Town Board | Ongoing |
| 3. Recommend that new forestry and rural residential parcels be at least five acres in size. | | Plan Commission Town Board | Ongoing |
| 4. Insist that the town comprehensive plan be consulted when county, state and federal agencies or departments develop plans concerning land use in the town. | | Town Board | Ongoing |

9.8 FUTURE LAND USE MAP

The Future Land Use Map (FLUM) incorporates the realities, ideas, goals, and visions identified in Elements 1-9 and are depicted in Map 9.1. The map presents the town’s vision for growth and development over the next 20-year period. The town planning commission and town board will use it extensively when making land use recommendations and decisions.

In order for the FLUM to be an effective tool for local decision-making, it is important that the FLUM be regarded as general in nature and should not be used for site-specific decisions. It is for this reason that only general locations for various land uses are shown on the map. The Town of Frog Creek FLUM was built from the Existing Land Use Map, as the existing land use map represented the beginning point from which to build the future. As a result, areas that are not proposed for future development are represented by their existing land use in order to promote stability in the Town of Frog Creek. The FLUM has several areas delineated for future development and protection. The paragraphs below describe the key components of the Town of Frog Creek FLUM.

Future Land Use Categories

The Town of Frog Creek Future Land Use Plan delineates seven (7) **broad** categories of future land use. These categories are, in some cases, consistent with the existing land use classification and simply represent a continuation of the existing situation. In other cases, the future category may be different from existing use and/or zoning classification, representing a recommended shift in use. When and whether these areas should be rezoned to be consistent with the provisions of the Town of Frog Creek Comprehensive Plan is at discretion of the Washburn County Zoning Department.

Forestry Residential – The town recommends a minimum 5-acre lot size for all land identified as forestry residential on the future land use map.

Rural Residential - The town recommends a minimum 5-acre lot size for all land identified as rural residential on the future land use map.

Commercial – The town recommends that lot size for commercial development be based on the type of business being proposed.

Government/Institutional – The town is currently in the bidding process for the construction of a new town hall/community center. No other purchases of land for town use are anticipated in the near future.

Industrial – The town recommends that lot size for industrial development be dependent on the type of industry being proposed.

Forestry – Certain remote areas of the town have been given this designation due to their very limited development potential, and the town’s reluctance at this time to develop any types of infrastructure in these areas.

County/State Lands – The town wishes to promote continued cooperation with state and county agencies and departments particularly as it regards forest management in the town.

9.9 PLAN IMPLEMENTATION POLICIES AND PROGRAMS

Town and county ordinances will need to be created or amended in order to ensure that the goals and objectives of the community are realized. The Town of Frog Creek has previously adopted the Washburn County Zoning Ordinance, with zoning districts and associated requirements being administered by the county. The Town of Frog Creek retains the ability to adopt and enforce its own zoning, although this action would require County Board approval. The town has indicated an interest in researching this option in the future.

The town may develop local ordinances to further the objectives of the plan and maintain local control. The following is a list of programs and strategies that the town could implement or utilize in order to achieve plan goals and objectives, in conjunction with the relevant town and county ordinances.

As part of the overall comprehensive planning process, the identification of issues and desires of citizens and property owners of the town assisted in developing a future land use scenario covering a 20-year planning horizon. The future land use map is intended to assist the town in directing land use activities to areas best suited for such development and is based on background data, future projections, local issues and opportunities, natural resource constraints, and public input.

The goals, objectives, and actions of the comprehensive plan include specific statements or references to promoting the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial, and industrial structures. In implementing the comprehensive plan, redevelopment of land versus new development of greenfields is encouraged, where applicable.

Purchase of Development Rights Program (PDR)

This technique is currently in use in some southern counties of Wisconsin and elsewhere in the United States and has proven to be effective for preserving farmland in areas adjacent to cities. The purchase of development rights is a *voluntary* protection technique that compensates the landowner for limiting future development on their land. The programs are primarily used for retention of agricultural lands, but the concept can be applied to all types of land use scenarios. Under a PDR program, an entity such as a town, county, or private conservation organization purchases the development rights to a designated piece of property. The land remains in private ownership, and the landowner retains all the other rights and responsibilities associated with the property.

Transfer of Development Rights (TDR) Program

The TDR program is a non-regulatory (voluntary) approach that allows the right to develop property to be transferred from one parcel (or zoning district) to another. Under a TDR program, development rights to parcel of land are transferred from a “sending area” to another parcel

referred to as the “receiving area”. Sending areas are typically those areas where development is discouraged or limited, and receiving areas are areas where growth and development are encouraged. Under some TDR programs, local government awards development rights to each parcel of developable land in the community or in selected districts on the basis of the land's acreage or value. Landowners can then sell the development rights on the open market. The TDR program has been widely implemented at the local level due to the fact that it requires no major financial contribution by local government.

Benefits of the TDR program include:

- ▶ The public benefits from the conservation easements, which protect and preserve sensitive natural features and wildlife habitat.
- ▶ Owners of sending area properties receive economic compensation for their properties where development would normally be precluded due to sensitive natural features or zoning restrictions.
- ▶ Owners of receiving area properties can increase their development density, accommodating a greater number of uses or tenants.
- ▶ Little financial contribution on behalf of local government.

Acquisition

This type of land preservation tool involves the direct purchase of land for the purposes of preservation and protection. This tool should be used in cases where other protective mechanisms fail to meet objectives and/or in cases of high-priority acquisition lands. Acquisition efforts should be coordinated with other local, state, and national acquisition initiatives (lake associations, environmental groups, USFS, WDNR, etc.)

Conservation Easements

When a landowner sells their development rights, a legal document known as a conservation easement is drafted. The easement restricts the use of the land to agricultural use, open space, or other desired use in perpetuity. A conservation easement permanently limits residential, commercial, or industrial development to protect its natural attributes or agricultural value. The conservation easement becomes a part of the landowner's deed and remains on the deed even if the land is sold or passed through inheritance thereby ensuring the development will not occur on the property.

The conservation easement does not automatically allow public access to the land; the land remains in the hands of the owner, as only the right to develop it has been purchased. All remaining rights of property ownership remain with the landowner including the right to transfer ownership, swap, deed, or sell the land. A purchase of development rights program works to ensure that incompatible development will not take place; the PDR becomes a part of the deed and keeps the land in its agricultural or natural state in perpetuity. An effective purchase of development rights program requires initial financial support and on-going administration.

Additionally, the program requires a county review board to assess the lands of landowners requesting entry of their parcel into the PDR program.

Land Trusts

Land trusts are non-profit voluntary organizations that work with landowners to use a variety of tools to help them protect their land. Such organizations are formed with the purpose of protecting open space, scenic views, wildlife, etc. and they use a variety of techniques to raise money for operating expenses and the acquisition of easements. Land trusts also provide adequate monitoring and stewardship. In the United States, land trusts can hold conservation easements, which means that the organization has the right to enforce the restrictions placed on the land.

LESA Farmland Preservation Tool

LESA is an acronym for Land Evaluation and Site Assessment, a program that assists in the evaluation of land based on its suitability for agricultural use and value for non-farm uses. This system, developed by the Soil Conservation Service in 1981, has been routinely adopted and implemented for use by local government throughout the nation. The system involves a two-part process, the land evaluation component (LE) and site assessment component (SA). The LE portion involves assessment of soil conditions as they relate to the production of food and fiber products. Site assessment typically involves an analysis of the non-soil variables which effect the property's use such as municipal services available, adjacent land uses, development suitability, compatibility with land use plans, and distance from populated areas (expansion areas). A point system is often used in order to quantify the variables of the LE and SA components. Points are assessed based on whether or not the property meets the guidelines of the community and then totaled to achieve a composite score. A threshold score then determines whether or not the property would be an appropriate residential development area or whether the land should remain in agricultural use.

| Land Protection Tool | Pro | Con |
|---------------------------------------|--|--|
| Donated Conservation Easements | <p>Permanently protects land from development pressures.</p> <p>Landowners may receive income, estate, and property tax benefits.</p> <p>No or low cost to local unit of government.</p> <p>Land remains in private ownership and on the tax rolls.</p> | <p>Tax incentives may not provide enough compensation for many landowners</p> <p>Little local government control over which areas are protected.</p> |
| Purchase of Development Rights | <p>Permanently protects land from development pressures.</p> <p>Landowner is paid to protect their land.</p> <p>Landowners may receive estate and property tax benefits.</p> <p>Local government can target locations effectively.</p> <p>Land remains in private ownership and on the tax rolls.</p> | <p>Can be costly for local unit of government.</p> |
| Transfer of Development Rights | <p>Permanently protects land from development pressures.</p> <p>Landowner is paid to protect their land.</p> <p>Landowners may receive estate and property tax benefits.</p> <p>Local government can target locations effectively.</p> <p>Low cost to local unit of government.</p> <p>Utilizes free market mechanisms.</p> <p>Land remains in private ownership and on tax roll</p> | <p>Can be complex to manage</p> <p>Receiving area must be willing to accept higher densities.</p> |

Conservation Design Subdivisions

The conservation design subdivision concept is an alternative development design to the conventional residential subdivision. Conventionally designed subdivisions are typically characterized by land divided into house lots and streets, with minimal (if any) open space. Usually, the remaining open space lands consist of the undevelopable portion of the subdivision (steep slopes, wetlands, floodplain, etc.). The conventional subdivision lacks communal open space, community woodlands, or other open areas where people can meet and interact.

The purpose of a conservation design subdivision is to provide opportunity for development while maintaining open space characteristics, encouraging interaction among residents through site design, and protection of habitat and environmental features. A typical conservation design subdivision contains the same number of lots that would be permitted under a conventional design. The lots are typically smaller than conventional lots and are designed for single-family homes reminiscent of traditional neighborhoods found in small towns throughout America.

The compact design of a conservation subdivision allows for the creation of permanent open space (typically 50 percent or more of the buildable area). This undeveloped land typically serves as community open space land and provides recreational, aesthetic, and social benefits to subdivision residents.

The conservation design subdivision has proven economic, environmental, and social advantages over conventionally designed subdivisions¹ including:

Economic Advantages

- ▶ Lower infrastructure and design (engineering) costs
- ▶ Attractiveness of lots for home development
- ▶ Reduction in demand for public parklands

Environmental Advantages

- ▶ Protection of conservation areas and upland buffers (which would normally be developed)
- ▶ Reduced runoff due to less impervious surface cover
- ▶ Improved water filtration due to presence of vegetation and buffers
- ▶ Opportunities for non-conventional septic system design

Social Advantages

- ▶ Opportunities for interaction among residents (common open space)
- ▶ Pedestrian friendly
- ▶ Greater opportunity for community activities

Best Management Practices (BMP)

Best management practices describe voluntary procedures and activities aimed at protection of natural resources. BMPs are described in detail in the Wisconsin Department of Natural Resources publications titled "Wisconsin Construction Site Best Management Practice Handbook", and "Wisconsin's Forestry Best Management Practices for Water Quality". Shoreland. Storm water management BMPs are likely to play a growing role in the county as citizens work together to reduce runoff and non-point pollution in lakes. The Wisconsin Storm Water Manual produced by the DNR and UW Extension provides a comprehensive source and reference for infiltration basins, vegetated runoff swales, and other practices that can reduce runoff volume. BMPs are a set of specific actions that landowners can take to help protect and preserve water quality. Detailed information on the use and implementation of shoreland BMPs is available from the University of Wisconsin Extension (UW-EX), Washburn County Land and Water Resource Management and the Wisconsin DNR.

¹ Randall Arendt, *Conservation Design for Subdivisions*, (Island Press, Washington D.C., 1996), pp 3-16.

9.10 ADDITIONAL PLAN IMPLEMENTATION TOOLS

The following is a partial list and description of additional plan implementation tools available to local government to assist in achieving the goals and objectives of a land use plan.

Special Plans

Special plans may arise through the planning process to address other specific issues. These plans often supplement the master plan and are important implementation tools. Some examples might include a downtown design plan, neighborhood plans or waterfront development plans.

Eminent Domain

Eminent domain allows government to take private land for public purposes, even if the owner does not consent, as long as the government compensates the landowner for their loss. The legislature has delegated the power of eminent domain to local government for specific purposes.

Annexation/Incorporation

Cities and villages have the power to annex lands within their extraterritorial boundaries. The power to extend municipal boundaries into adjacent unincorporated land allows a community to control development on its periphery, therefore, minimizing land use conflicts. As an alternative to annexation, an unincorporated area may incorporate as a city or village, provided the unincorporated area meets certain statutory criteria.

Subdivision Regulations

Subdivision regulations are used by the county and state to ensure that the division of land is done in such a way as to not negatively impact the public. The current subdivision regulations follow the state minimum guidelines and are only enacted when a landowner seeks to create 5 or more lots within five years, each under 1.5 acres in size.

Counties and towns have the option of creating their own subdivision ordinances to better manage growth and development. For example, towns can have land division ordinances that specifically address lot sizes and layouts for new lots larger than the state's 1.5-acre cutoff. Such local ordinances could better address issues of storm water runoff management, private on-site wastewater system locations, and access to buildings for emergency vehicles.

Enacting and enforcing a subdivision ordinance can be done through the town board and planning commission and does not require the creation of a new administrative office. A model subdivision ordinance for towns is available from the Wisconsin Towns Association. Other models are available from UW Extension and the Wisconsin Chapter of the American Planning Association.

Building Codes

Municipalities may choose to enact building codes as part of their ordinances. Building codes are sets of regulations that set standards for the construction and maintenance of buildings in a community, which ensures that these buildings are safe. The codes are usually concerned with maintaining buildings in order to keep them from becoming dilapidated and/or rundown.

Moratoria

Then enactment of a moratorium temporarily stops all development in a specified area in order to plan for growth. This includes identifying and protecting sensitive lands and other community resources. Local units of government can enact this tool.

General Zoning

Zoning is a tool that gives governmental bodies the power to intervene in the lives of private citizens for the protection of public health, safety, and welfare. Zoning separates conflicting land uses and ensures that development is directed in certain areas that can accommodate that particular land use. Several different types of specialized zoning exist.

- **Floodplain Zoning** - Floodplain zoning ordinances are required by Wisconsin law and pertain to cities, villages, and towns. The Wisconsin DNR specifies minimum standards for development in floodplains, but local ordinances may be more restrictive than these rules.
- **Shoreland Zoning** - Wisconsin law requires that counties adopt zoning regulations in shoreline areas that are within 1,000 feet of a navigable lake, pond, or flowage or 300 feet of a navigable stream or the landward side of the floodplain, whichever distance is greater. Minimum standards for shoreland zoning ordinances are specified in rules developed by the Wisconsin DNR, while local standards may be more restrictive than these rules.
- **Exclusive Agricultural Zoning** - Municipalities may adopt exclusive agricultural zoning for farmland under the Farmland Preservation Program. For farmers to be eligible for income tax credits, they must meet standards that require a minimum parcel size of 35 acres limit the use of the land to those that are agriculturally related. The ordinance must comply with the county farmland preservation plan.
- **Extraterritorial Zoning** - Any city or village that has a plan commission may exercise extraterritorial zoning power in the unincorporated areas surrounding the city or village. The extraterritorial zoning power may be exercised in the unincorporated areas located within 3 miles of the corporate limits of a first, second, or third class city, or within 1 ½ miles of a fourth class city or village.
- **Performance Zoning** - Performance zoning uses performance standards to regulate development. Performance standards are zoning controls that regulate the effects or impacts of a proposed development, instead of separating uses into various zones. The standards often relate to a sites development capability. For example, in agricultural areas, performance zoning could be used to limit development on prime agricultural soils and allow development on lower quality soils.
- **Bonus and Incentive Zoning** - Bonus or incentive zoning allows local governments to grant a bonus, usually in the form of density or the size of the development, in exchange for amenities such as parks or walking paths for example.

- **Overlay Zoning** - Overlay zones are designed to protect important resources and sensitive areas. The underlying zoning regulates the type of uses permitted, while the overlay zone imposes specific requirements to provide additional protection.
- **Mixed-Use Zoning** - Mixed-use zoning is an effective way to enhance existing urban and suburban areas and encourage infill development. Mixed-use zoning recognizes the existing mixture and encourages its continuance and may offer an alternative to struggling with nonconforming use complexities.
- **Inclusionary Zoning** - Inclusionary zoning provides incentives to developers to provide affordable housing as part of a proposed development project. For example, in exchange for higher density, a developer would have to build a specified number of low and moderate income dwelling units.

Planned Unit Developments (PUDs)

Planned Unit Developments (PUDs) are planned and built developments that create a variety of compatible land uses. These developments vary in densities and are subject to more flexible setbacks, design, and open space requirements than are afforded by traditional or general zoning.

Reserved Life Estates

This is a tool in which a landowner has the opportunity to sell or donate his or her land to a conservation organization but is able to continue living and managing the property until they are no longer living.

9.11 FISCAL TOOLS

Capital Improvement Program (CIP)

Capital Improvement Programs are a fiscal tool that can help communities plan for the timing and location of community facilities and utilities (such as municipal sewer and water service, parks or schools). CIPs ensure that proper budgets are allocated for future developments or improvements to community infrastructure.

Impact Fees

Impact fees are financial contributions imposed on new developments to help pay for capital improvements needed to serve the development. Local governments can impose impact fees to finance highways, other transportation facilities, storm water facilities, solid waste and recycling facilities, fire and police facilities etc.

Tax Increment Financing (TIF)

Cities and villages may designate tax increment financing districts to finance public improvements through the property taxes generated on future increases in the value of taxable properties in the district. Under TIF, the overlying taxing jurisdictions do not receive any tax revenues based on the increase in property valuation in a district until all improvement costs are paid. In this way, the TIF district assures that all taxing jurisdictions benefiting from development pay a share of the costs.

9.12 HOW TO USE THE PLAN

The Town of Frog Creek Comprehensive Plan is intended to help guide growth and development decisions within the town. The plan is an expression of the town's wishes and desires and provides a series of actions for assisting the community in attaining its goals. The comprehensive plan is not an inflexible or static set of rules. The objectives and actions are intended to allow flexibility in light of new information or opportunities. The plan is not an attempt to predict the future; it is an attempt to record the fundamental community values and philosophy that citizens of Frog Creek share and to use them as benchmarks in future decisions concerning growth, development, and community improvement. The plan guides considerations regarding not only land use but also addresses community issues such as housing, transportation and economic development.

This document should be utilized by the town Planning Commission, Town Board, and citizens to assist in reviewing all proposals pertaining to growth and development. Proposals should be examined to determine whether they are consistent with community wishes and desires, as expressed in the plan. A thorough review of the plan is necessary with particular attention given to the goals and objectives. Where the impact of a proposed development is minimal, the evaluation may simply be a determination of whether or not the plan provides relevant direction and whether the requested action is in conformance with the plan. Development proposals with significant potential impacts will require a more detailed analysis in order to determine consistency.

9.13 CONCLUSION

The Comprehensive Plan for the Town of Frog Creek is intended to be a dynamic, evolving document. Periodic revision and update of the plan will ensure that it is accurate and consistent with the wishes and desires the community. Plan recommendations in this document provide the basis for evaluation of development proposals, and give the community a means for achieving their community vision. The specific action statements are meant to serve as the mechanisms for achieving the goals and objectives, which were defined throughout the planning process. Ultimately the success of the planning process will be measured by the future quality of life experienced by both residents and visitors.