

## **CHAPTER 9      Implementation Element**

The Comprehensive Plan is intended to be used as the guide for future development decisions. Its real value, however, will be measured by the results it produces. To accomplish the goals, objectives, and policies of the plan, specific implementation measures must be taken to ensure the Town of Amherst's actions meet the desires of its Comprehensive Plan.

### **Section 9.1      Comprehensive Plan Adoption Procedures**

The Wisconsin State Statutes establish the manner in which a Comprehensive Plan must be adopted by a community:

**66.1001(4) Procedures for adopting Comprehensive Plans.** *A local governmental unit shall comply with all of the following before its Comprehensive Plan may take effect:*

*(a) The governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan. The written procedures shall provide for wide distribution of proposed, alternative or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments on the Plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments.*

*(b) The Plan Commission or other body of a local governmental unit that is authorized to prepare or amend a Comprehensive Plan may recommend the adoption or amendment of a Comprehensive Plan only by adopting a resolution by a majority vote of the entire commission. The vote shall be recorded in the official minutes of the Plan Commission or other body. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan. One copy of an adopted Comprehensive Plan, or of an amendment to such a Plan, shall be sent to all of the following:*

- 1. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.*
- 2. The Clerk of every local governmental unit that is adjacent to the local governmental unit that is the subject of the plan that is adopted or amended as described in [par. \(b\) \(intro.\)](#).*
- 3. The Wisconsin Land Council.*
- 4. After September 1, 2003, the Department of Administration.*
- 5. The Regional Planning Commission in which the local governmental unit is located.*
- 6. The public library that serves the area in which the local governmental unit is located.*

*(c) No Comprehensive Plan that is recommended for adoption or amendment under [par. \(b\)](#) may take effect until the political subdivision enacts an ordinance or the Regional Planning Commission adopts a resolution that adopts the plan or amendment. The political subdivision may not enact an ordinance or the Regional Planning Commission may not adopt a resolution under this paragraph unless the Comprehensive Plan contains all of the elements specified in [sub. \(2\)](#). An ordinance may be enacted or a resolution may be adopted under this paragraph only by a majority vote of the members-elect, as defined in [s. 59.001 \(2m\)](#), of the governing body. An ordinance that is enacted or a resolution that is adopted under this paragraph, and the plan to which it relates, shall be filed with at least all of the entities specified under [par. \(b\)](#).*

*(d) No political subdivision may enact an ordinance or no Regional Planning Commission may adopt a resolution under [par. \(c\)](#) unless the political subdivision or Regional Planning*

*Commission holds at least one public hearing at which the proposed ordinance is discussed. That hearing must be preceded by a class 1 notice under [ch. 985](#) that is published at least 30 days before the hearing is held. The political subdivision or Regional Planning Commission may also provide notice of the hearing by any other means it considers appropriate. The class 1 notice shall contain at least the following information:*

- 1. The date, time and place of the hearing.*
- 2. A summary, which may include a map, of the proposed Comprehensive Plan or amendment to such a Plan.*
- 3. The name of an individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.*
- 4. Information relating to where and when the proposed Comprehensive Plan or amendment to such a plan may be inspected before the hearing, and how a copy of the Plan or amendment may be obtained.*

As previously stated in this plan, the Town of Amherst Comprehensive Planning process took place as part of a larger County-wide planning effort (see the Introduction section of this document). These concurrent and complementary regional and local planning efforts began in June 2001. On July 25, 2001, the Portage County Comprehensive Planning Joint Steering Committee adopted the Portage County Comprehensive Plan Public Participation Plan. This extensive document detailed the many ways and opportunities that citizen input would be encouraged and facilitated throughout the formulation of the Comprehensive Plans across Portage County. On August 9, 2001, the Amherst Town Board adopted the Portage County Comprehensive Plan Public Participation Plan as a model for their process.

Beginning in January 2003, and lasting through April of 2005, the Amherst Plan Commission met regularly to discuss the different issues and elements that make up their Comprehensive Plan.

Each of these meetings was open to the public and officially noticed, being posted in five public places or listed in Stevens Point Journal newspaper. The Plan Commission recommended the Plan to the Town Board for consideration on May 5, 2005, with copies of this recommended draft made available for inspection at the Town Hall and Portage County Planning and Zoning offices, as well as being posted for viewing on the Portage County Comprehensive Planning website. A public hearing was held before the Town Board and Plan Commission on June 9, 2005, and the Town of Amherst Comprehensive Plan was officially adopted by unanimous vote at the June 9, 2005 Town Board meeting.

## **Section 9.2 Comprehensive Plan Implementation**

Wisconsin State Statute 66.1001(3) establishes the actions that must be based on the adopted comprehensive plan (2003 Wisconsin Act 233 revised the original list of items to meet the consistency requirement) to include:

*(3) **Actions, procedures that must be consistent with Comprehensive Plans.** Beginning on January 1, 2010, if a local governmental unit engages in any of the following actions, those actions shall be consistent with that local governmental unit's Comprehensive Plan:*

- (a) Official mapping established or amended under [s. 62.23 \(6\)](#).*
- (b) Local subdivision regulation under [s. 236.45](#) or [236.46](#).*
- (c) County zoning ordinances enacted or amended under [s. 59.59](#).*

- (d) City or Village zoning ordinances enacted or amended under [s. 62.23 \(7\)](#).
- (e) Town zoning ordinances enacted or amended under [s. 60.61](#) or [60.62](#).
- (f) Zoning of shorelands or wetlands in shorelands under [s. 59.692](#), [61.351](#) or [62.231](#).

The Town of Amherst came under Portage County Zoning jurisdiction in 1968 and Portage County still administers the Zoning Ordinance for the Town. The Town is also subject to the County's Shoreland and Floodplain Zoning, Subdivision, Private Sewage, Tower and Nonmetallic Mining Reclamation Ordinances.

The Town shall undertake a review of these regulatory tools for compatibility and consistency with the various goals, objectives and policies of the adopted Comprehensive Plan, and identify any sections of the documents that may need updating. The review period shall commence within 12 months of the initial adoption of the plan. The Town recommends revision and final approval for the updated regulatory tools to be completed within 24 months of the County Board adopting the Portage County Comprehensive Plan.

To ensure that this Plan will accomplish its intended goals, more steps will need to be taken beyond simply adopting this document. In general, the plan's effectiveness depends upon the commitment of Town and County officials, as well as local residents, to follow through with the policies, recommendations and action plan contained herein.

#### Action Plan:

Specific actions needed to preserve the Town's rural atmosphere, guide growth and otherwise successfully implement this Plan include:

1. Review the Town's Comprehensive Plan on an annual basis. Prepare a summary of plan Goals, Objectives, Policies, and possible additional action items for presentation at the annual Town meeting.
2. Create a Comprehensive Plan text and map amendment application form within six (6) months of plan adoption.
3. Work with County staff to amend the Zoning and/or Subdivision Ordinances to allow for housing quarters for farm laborers or additional family members. Initiate this process within 12 months of plan adoption.
4. Create a mobile home ordinance within 24 months of plan adoption.
5. Review and update the Town's Road Ordinance within 12 months of plan adoption.
6. Review the need for an official map and other ordinances (such as engine braking). This step will be on-going.
7. Review speed limits on Town roads and identify where changes are needed. This step will be on-going.
8. Maintain contact with railroad commissioner to enhance railroad safety within the Town. This process should be initiated within 12 months of plan adoption, but will be on-going.
9. Work with the County Parks Department to monitor the usage of recreation facilities and mitigate negative impacts to Lake Emily. This process should be initiated within 12 months of plan adoption but will be on-going.

10. Work with Emergency Management to continue monitoring the need for more protective and emergency services. This step will be on-going.
11. Designate an area at the Town hall where information can be obtained regarding Wisconsin's Right to Farm Law, Best Management Practices, and agricultural practices within the Town. This step should be initiated within three months of plan adoption; however, the provision of literature pertaining to the aforementioned will be on-going.
12. Meet with adjoining municipalities to promote uniform development standards along valued natural resources such as, the Tomorrow River and Bear Creek. This process should be initiated within 12 months of plan adoption but will be on-going.
13. Work with various organizations to help identify and protect cultural and historic resources within the Town. Initiate this process within 24 months of plan adoption.
14. Develop a process of meeting regularly with surrounding units of government to address issues of growth, land use, and service provision. This process should be initiated with 12 months of plan adoption.
15. Create and adopt a Town of Amherst Land Division Ordinance. This process should be initiated within six months of plan adoption.
16. Work with appropriate organizations to investigate the burial sites within the perimeters of the Portage County Poor Farm before development takes place in this area.
17. Prioritize the above action items within one (1) month of plan adoption.

### **Section 9.3 Relationship to Zoning**

While this Plan is intended to serve as a guide in updating the Town zoning map, it is advisory in that it does not have the same authority of zoning ordinance. However, the State's Comprehensive Planning law requires that *beginning on January 1, 2010, if a local governmental unit engages in any of the following actions, those actions shall be consistent with that local governmental unit's Comprehensive Plan.* One of those actions is zoning; therefore, the Town's zoning map will have to be consistent with the recommendations found in this Comprehensive Plan.

Since the Town of Amherst is under County zoning jurisdiction, the Portage County Board has the final decision-making authority regarding amendments to the Town zoning map. It is the County Board's established practice to seek the input of the Town Plan Commission, Town Board, interested residents/ landowners, and the Planning and Zoning Department when formulating decisions. However, under State law, the Amherst Town Board is granted the power to veto any zoning change made within the Town by the County Board.

The Town of Amherst will rely on the Portage County Zoning Ordinance as the primary tool for implementing their Comprehensive Plan. Both the Comprehensive Plan and the Zoning Ordinance use districts to separate incompatible uses and specify appropriate development densities. Each land use district identified by this Plan describes the community's expectations of what future development should consist of within specific areas. To implement those expectations, the Town must assign zoning districts that match the intent of their land use districts. Table 9.1 is provided to show appropriate zoning / land use district relationships.

**Table 9.1: Town Of Amherst Zoning / Land Use Plan Compatibility Table**

<div style="text-align: center;">                     COMPREHENSIVE PLAN                      MAP CATEGORIES   <i>PORTAGE COUNTY                      ZONING DISTRICTS</i> </div>	General Agriculture (L-2)	Limited Agriculture / Mixed Use (L-3)	Rural Residential	Natural Area - Protected	Non-metallic Mineral Extraction <sup>1</sup>	Commercial	Industrial <sup>2</sup>	Institutional <sup>3</sup>
R1 – Rural and Urban Fringe Residence			X					X
R2 – Single Family			X					
A1 – Exclusive Agriculture	X							
A20 - Primary Agriculture								
A2 – Agricultural Transition	X				X			X
A3 – Low Density Agriculture	X				X			X
A4 – General Agriculture	X	X	X		X			X
C1 – Neighborhood Commercial						X		X
C3 – Commercial						X		
C4 – Highway Commercial						X		
Industrial					X		X	
Conservancy				X				

<sup>1</sup> All non-metallic extractions greater than 30,000 sq. feet are regulated by special exception.

<sup>2</sup> All industrial uses are regulated by special exception.

<sup>3</sup> Most institutional uses are regulated by special exception. Requests for these uses should be directed to the County Zoning Administrator.

**Section 9.4 Integration, Amendment, and Update of Comprehensive Plan Elements**

**A. Integration**

The goals, objectives, and policies contained within the preceding eight elements (chapters) of this Comprehensive Plan, along with the accompanying inventory and analysis, have been thoroughly reviewed and approved by the Amherst Plan Commission and Town Board. Throughout the drafting and review process, great care was taken to include all issues and concerns from Board and Commission members, as well as from the community at large. Special attention was then given to making sure that the policies required to address the individual issues or concerns did not conflict, either with each other within the chapter, or between the different chapters. The future revision of any Comprehensive Plan goal, objective, or policy shall receive the same level of deliberation and analysis as the original Plan; special attention shall be given so that the new adopted language does not create conflicts within or between chapters.

**B. Plan Amendment and Update**

As cited at the beginning of this chapter, State Statute section 66.1001(2)(i), states that the Comprehensive Plan shall be updated no less than once every 10 years. To comply with this requirement, the Town of Amherst will need to undertake a complete update of this nine-chapter document and appendices by the year 2015. The Town may commence the update at any time prior to 2015 as Town conditions or needs change.

Smaller-scale amendments to portions of the Comprehensive Plan may also be considered by the Town Board at any time. The public shall be notified of any proposed changes and allowed the opportunity to review and comment. The Town should consider residents' opinion in evaluating a proposed change. The procedure for amendment and update will be the same as original Plan adoption outlined in Section 9.1 above.

#### 1. Amendment Initiation

The following may submit an application for a Comprehensive Plan amendment:

- Amherst Town Board
- Amherst Plan Commission
- Any Town resident \*\*
- Any person having title to land within the Town
- Any person having a contractual interest in land to be affected by a proposed amendment
- Any agent for the above

The applicant that proposes an amendment to the Future Land Use Map shall have the burden of proof to show that the proposed amendment is in the public interest and internally consistent with the remainder of the Plan.

\*\*Any Amherst resident may request for the Town Plan Commission to review future land use for a parcel of land (not owned by the resident making the request); and determine if it is in the Town's best interest to move forward with the request or deny it.

#### 2. Application and Review Procedure

The amendment process described in Section 9.1 shall also include the following steps:

- a. Submittal of Application. The applicant shall submit a complete application to the Town Clerk, along with any applicable application fees. A copy of the application shall be forwarded by the Clerk to each member of the Plan Commission.
- b. Application Review. The Plan Commission shall review the application at one of its regular or special meetings for compliance with the Comprehensive Plan. Upon conclusion of its review, the Plan Commission shall make a written recommendation to the Town Board for either approval or denial. This recommendation shall include finding of fact to justify the recommendation.
- c. The Town Board shall hold a public hearing on the request, per State Statute requirements. After reviewing the application, Plan Commission recommendation, and comments from the public hearing, the Town Board shall make a decision to deny the proposed amendment; approve the proposed amendment; or approve the amendment with revision(s) that it deems appropriate. Such revisions to the proposed amendment shall be limited in scope to those matters considered in the public hearing.
- d. Update History of Adoption and Amendment. The Plan Commission shall establish a table entitled "History of Adoption and Amendment" for the purpose of keeping records on Plan amendments.

### 3. Application Requirements

- a. An application submitted by a resident/landowner/agent to amend the Future Land Use Map shall include the following:
  - A scaled drawing of the subject property.
  - A legal description of each of the parcels in the subject property.
  - A map of existing land uses occurring on and around the subject property
  - A written description of the proposed change
  - A written statement outlining the reason(s) for the amendment
  - Other supporting information the Town or applicant deems appropriate.
- b. Other Amendments. For all other types of amendments, the application shall include the following:
  - A written description of the proposed change
  - A written statement outlining the reason(s) for the amendment
  - Other supporting information the Town or applicant deems appropriate.

### 4. Special Considerations for Plan Amendments

- a. Internal Consistency. Amendments shall be made so as to preserve the internal consistency of the entire Comprehensive Plan.
- b. Granting special privileges or placing limitations is not permitted. No amendment to change the Future Land Use Map shall contain special privileges or rights or any conditions, limitations, or requirements not applicable to all other lands in the district.
- c. The amendment shall not create an adverse impact on adjacent land/land uses.
- d. The amendment shall not create an adverse impact on public facilities and services.

## **Section 9.5 Monitoring/Formal Review of the Plan**

To assure that this Comprehensive Plan will continue to provide useful guidance regarding development within the Town, the Amherst Plan Commission must periodically review and amend the Plan to ensure that it remains relevant and reflects current Town values and priorities.

In order to achieve this, the Town Plan Commission Chair shall request, at least once every year, to place the performance of the Comprehensive Plan on the agenda of a regular or special Plan Commission meeting for discussion and recommendation to the Town Board. Discussion should include a review of the number and type of amendments approved throughout the previous year, as well as those that were denied. This information serves to gauge the adequacy of existing policies; multiple changes indicate policy areas in need of re-assessment. Other topics would include changes to either the development market or residents' attitudes and values toward different aspects of Town life. As a result of this discussion, the Plan Commission would recommend either no change to the Plan, or one or more specific changes that should be addressed. At this point the process detailed in Sections 9.1 and 9.4 above would commence.