

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 in the results it produces. To accomplish the goals, objectives, and policies of the plan, specific implementation measures must be taken to ensure the Town'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 Eau Pleine 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 January 31, 2002, the Eau Pleine Town Board adopted the Portage County Comprehensive Plan Public Participation Plan as a model for their process.

Beginning in January 2003, the Eau Pleine Plan Commission held the following public meetings to discuss the different elements that make up their Comprehensive Plan:

January 7, 2003	February 6, 2003	March 6, 2003
December 9, 2003	January 13, 2004	February 11, 2004
April 13, 2004	May 11, 2004	June 8, 2004
July 13, 2004	August 10, 2004	October 12, 2004
November 9, 2004	December 13, 2004	January 13, 2005
February 21, 2005	March 8, 2005	April 12, 2005

Each of these meetings was open to the public and officially noticed, being posted in three public places or listed in Stevens Point Journal newspaper. The Plan Commission recommended the Plan to the Town Board for consideration on April 12, 2005, with copies of this recommended draft made available for inspection at the Eau Pleine Town Hall, Charles White Library, 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 14, 2005, and the Town of Eau Pleine Comprehensive Plan was officially adopted at the July 13, 2005, 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:

(g) Official mapping established or amended under [s. 62.23 \(6\)](#).

(h) Local subdivision regulation under [s. 236.45](#) or [236.46](#).

(j) County zoning ordinances enacted or amended under s. 59.59.

(k) City or Village zoning ordinances enacted or amended under [s. 62.23 \(7\)](#).

(l) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.

(q) Zoning of shorelands or wetlands in shorelands under [s. 59.692](#), [61.351](#) or [62.231](#).

The Town of Eau Pleine 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, this plans 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. Update the Town of Eau Pleine zoning map by August 2005 to reflect land use recommendations.
2. Review Comprehensive Plan Goals, Objectives, and Policies at least every year.
3. Create a Comprehensive Plan text and map amendment application form by December 2005.
4. Update the Town Road Management Plan on an annual basis.
5. Submit Comprehensive Plan document and updated zoning map within six months of adopting the amended zoning map to the state Land Conservation Board to allow farmers to be eligible for tax credits under the Farmland Preservation Program.
6. Create and adopt a Town of Eau Pleine Driveway Ordinance by the end of 2005.
7. Create Land Evaluation Site Assessment (LESA) ranking criteria within 24 months of adopting this Comprehensive Plan.

Section 9.3 Relationship Between the Comprehensive Plan and Zoning

While this Comprehensive Plan is intended to serve as a guide in updating the Town zoning map, it is advisory and does not have the authority of zoning. However, the State's Comprehensive Planning law (S. 66.1001) 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.

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

The Town of Eau Pleine will rely on the Portage County Zoning Ordinance as the primary tool for implementing their Comprehensive Plan. The Comprehensive Plan and the Zoning Ordinance use categories and districts, respectively, to identify different uses and specify appropriate development densities. Each land use category 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 categories. Table 9.1 is provided to show appropriate zoning district / land use category relationships.

Table 9.1: Zoning / Comprehensive Plan Compatibility

TOWN OF EAU PLEINE

<p>COMPREHENSIVE PLAN MAP CATEGORIES</p> <p><i>PORTAGE COUNTY ZONING DISTRICTS</i></p>	Intermediate Agriculture (L-2)	Limited Agriculture / Mixed Use (L-3)	Natural Area - Limited	Natural Area – Protected	Residential – Medium Density	Commercial	Industrial
R1 – Rural and Urban Fringe					X		
R5 – Waterfront Residence					X¹		
A1 – Exclusive Agriculture	X	X					
A20 - Primary Agriculture	X	X					
A2 – Agricultural Transition	X	X					
A3 – Low Density Agriculture	X	X					
A4 – General Agriculture	X	X	X²				
C1 – Neighborhood Commercial						X³	
C3 – Commercial						X³	
C4 – Highway Commercial						X³	
Industrial							X³
Conservancy			X	X			

1. The use of the R5, Waterfront Residence District is intended to be used only for lands abutting navigable waters.
2. The intent of this category is to limit development for the purpose of natural resource protection. An allowance for one residence per 20-acre tract of land (with a 2-acre minimum lot size) is recommended.
3. The allowance for commercial and industrial zoning will be decided on a case-by-case basis, using the general development criteria found in the Land Use element, goals and policies in this plan, and Town and County Board recommendations.

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 Eau Pleine 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

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 Eau Pleine will need to undertake a complete update of this nine-chapter document and appendices by the year 2015. The Town may begin 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 resident's opinions 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:

- Eau Pleine Town Board
- Eau Pleine 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

**Any Eau Pleine 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.

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.

2. Application and Review Procedure

The adoption process described in Section 9.1 shall also include the following step for Plan amendments:

- 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 their review, 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 Eau Pleine 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.