

## **CHAPTER 9 Implementation Element**

66.1001(2)(i) Wis. Stat.:

Implementation element. A compilation of programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, or subdivision ordinances, to implement the objectives, policies, plans and programs contained in pars. (a) to (h). The element shall describe how each of the elements of the comprehensive plan will be integrated and made consistent with the other elements of the comprehensive plan, and shall include a mechanism to measure the local governmental unit's progress toward achieving all aspects of the comprehensive plan. The element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.

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 of Lanark'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 Department of Administration.*
- 4. The Regional Planning Commission in which the local governmental unit is located.*

5. *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. One copy of a comprehensive plan enacted or adopted under this paragraph shall be sent to 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.*

*(e) At least 30 days before the hearing described in par. (d) is held, a local governmental unit shall provide written notice to all of the following:*

- 1. An operator who has obtained, or made application for, a permit that is described under s.295.12(3)(d).*
- 2. A person who has registered a marketable nonmetallic mineral deposit under s.295.20.*
- 3. Any other property owner or leaseholder who has an interest in property pursuant to which the person may extract nonmetallic mineral resources, if the property owner or leaseholder requests in writing that the local governmental unit provide the property owner or leaseholder notice of the hearing described in par.(d).*

*(f) A political subdivision shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed ordinance, described under par.(c), that affects the allowable use of the property owned by the person. Annually, the political subdivision shall inform residents of the political subdivision that they may add their names to the list. The political subdivision may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the political subdivision's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. At least 30 days before the hearing described in par. (d) is held a political subdivision shall provide written notice, including a copy or summary of the proposed ordinance, to all such persons whose property, the allowable use of which, may be affected by the proposed ordinance.*

*The notice shall be by mail or in any reasonable form that is agreed to by the person and the political subdivision, including electronic mail, voice mail, or text message. The political subdivision may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person.*

As previously stated in this plan, the process to update the Town of Lanark 2005 Comprehensive Plan began in March 2018. The Lanark Plan Commission met monthly to conduct a chapter by chapter review and update of their Comprehensive Plan. Each of these meetings was open to the public and officially noticed, being posted on the Town website ([www.townoflanark.org](http://www.townoflanark.org)) as well as posted in three public places, and usually listed in Stevens Point Journal newspaper.

The Plan Commission recommended the updated Plan to the Town Board for consideration on August 8, 2019, with copies of the recommended draft made available for inspection at the Lanark Town Hall and the Portage County Planning and Zoning Department, as well as being posted for viewing on the Town website ([www.townoflanark.org](http://www.townoflanark.org)) and Portage County website ([www.co.portage.wi.us](http://www.co.portage.wi.us)). A public hearing was held before the Town Board on October 8, 2019. There were a handful of mapping revisions that were brought to light, and as a result, the Town Board sent the Plan back to the Plan Commission to work through the mapping revisions. On November 7, 2019, the Plan Commission recommended an updated Plan to the Town Board and the Town of Lanark 2019 Comprehensive Plan was officially adopted by unanimous vote at the November 12, 2019 Town Board meeting. (See Appendix G for Resolution and Ordinance)

## **Section 9.2 Comprehensive Plan Implementation**

Wisconsin State Statute 66.1001(3) establishes the ordinances that must be consistent with the comprehensive plan to include:

*66.1001(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 ordinances enacted or amended under s. 62.23 (6).*
- (h) Local subdivision ordinances enacted or amended 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) Shorelands or wetlands in shorelands zoning ordinances enacted or amended under s. 59.692, 61.351, 61.353, 62.231 or 62.233.*

The Town of Lanark came under Portage County Zoning jurisdiction in 1969 and Portage County still administers the Zoning Ordinance for the Town. The Town is also subject to the following County regulatory tools: Shoreland Zoning, Floodplain Zoning, Subdivision, Private Sewage System, Well Abandonment, Wireless Telecommunication Facility, and Nonmetallic Mining Reclamation Ordinances.

Periodically, the Town shall undertake a review of these regulatory tools for compatibility and consistency with the various goals, objectives and policies of the adopted Town Comprehensive Plan, and identify any sections of the documents that may need updating.

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 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 Lanark zoning map to coincide with adoption of this Plan update in order to reflect future land use map recommendations.
2. Review County regulatory tools (Zoning Ordinance, Subdivision Ordinance, etc.)
3. Review Comprehensive Plan Goals, Objectives, and Policies at the annual Town meetings.
4. Create a Comprehensive Plan text and map amendment application form.
5. Form policies for future road locations, extensions and connections, to guide the review of development plans and proposals.
6. Develop a process to work with owners of rental property to maintain safe and sanitary housing.
7. Develop a "Rural Living Manual."
8. Develop and maintain a Town Transportation Improvement Plan that is reviewed annually by the Town Board.
9. Develop a method for identification and storage of historic Town records.
10. Improve intergovernmental relationships. This process will be on-going and include:
  - a.) Maintain current list of school board members and administration for all three school districts and continue to invite district representatives to attend Town meetings to share information regarding each district.
  - b.) Regularly invite County Board supervisors to attend Town meetings.
  - c.) Meet with adjacent units of government on an annual basis to discuss intergovernmental issues.
  - d.) Maintain communication and interaction with County departments.
11. Maintain written road agreements with surrounding Towns.
12. Create Land Evaluation Site Assessment (LESA) ranking criteria
13. Consider the creation of a public nuisance ordinance.
14. Assess the recreational needs and issues within the Town. This process will be on-going.
15. Continue to monitor, identify, and publicize land preservation opportunities.
16. Coordinate with the Portage County Planning & Zoning Department to explore the possibility of using the lot averaging subdivision option within the town of Lanark.

### **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 authority of a 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.

The Portage County Board has the final decision-making authority regarding amendments to the Town zoning map, since the Town of Lanark 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 Lanark Town Board is granted the power to veto any zoning change made within the Town by the County Board.

The Town of Lanark will rely on the Portage County Zoning Ordinance and Town ordinances as the primary tools 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 Lanark  
Zoning / Land Use Plan Compatibility Table**

COMPREHENSIVE PLAN MAP CATEGORIES  <i>PORTAGE COUNTY ZONING DISTRICTS</i>	Enterprise Agriculture (L-1)	Intermediate Agriculture (L-2)	Limited Agriculture / Mixed Use (L-3)	Natural Areas - Limited	Natural Areas - Protected	Residential	Non-Metallic Mineral Extraction <sup>1</sup>	Commercial <sup>2</sup>	Institutional <sup>3</sup>
R1 – Rural and Urban Fringe						X			X
A1 – Exclusive Agriculture		X							
A20 – Primary Agriculture		X							
A2 – Agricultural Transition		X	X	X			X		X
A3 – Low Density Agriculture			X			X <sup>4</sup>			X
C1 – Neighborhood Commercial								X	X
C3 – Commercial								X	
CON – Conservancy					X				
RL – Rural Limited				X <sup>5</sup>	X <sup>5</sup>				

<sup>1</sup> All non-metallic extractions greater than 1acre are regulated by special exception.

<sup>2</sup> Requests for commercial uses will be considered on a case by case basis.

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

<sup>4</sup> Existing zoning will be allowed until future residential use occurs.

<sup>5</sup> Requires a minimum of 10 acres for new subdivisions.

## **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 Lanark 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 Lanark will need to undertake a complete update of this nine-chapter document and appendices by the year 2029. The Town may commence the update at any time prior to 2029 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 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:

- Lanark Town Board
- Lanark 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 Lanark 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 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. Public Hearing. 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, Amendment, and Denial. The Plan Commission shall establish a table entitled “History of Adoption, Amendment, and Denial of Comprehensive Plan Amendments” for the purpose of keeping records on Plan amendments. This table will be filed with the Town’s Comprehensive Plan.

### 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 Lanark Plan Commission must periodically review and amend the Plan to ensure that it remains relevant and reflects current Town values and priorities.

At least once every year, the Town Plan Commission Chair shall request 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 demand for development 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.