

## **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 ordinance, official maps, or subdivision ordinances, to implement the objectives, policies, plans and programs containing in par. (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.

*66.1001 (1) Definitions. In this section:*

*(a) "Comprehensive Plan" means:*

- 1. For a county, a development plan that is prepared or amended under s. 59.69(2) or (3)*
- 2. For a city or village, or for a town that exercises village powers under s. 60.22 (3), a master plan that is adopted or amended under s. 62.23 (2) or (3)*
- 3. For a regional planning commission, a master plan that is adopted or amended under s. 66.0303 (8), (9) or (10)*

*(b) "Local governmental unit" means a city, village, town, county or regional planning commission that may adopt, prepare or amend a comprehensive plan.*

*(c) "Political subdivision" means a city, village, town, or county that may adopt, prepare, or amend a comprehensive plan.*

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 Whiting's actions meet the desires of the 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 local governmental unit may enact an ordinance under [par. \(c\)](#) unless the local governmental unit 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 local governmental unit 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 Whiting Comprehensive Planning process took place as part of a larger County-wide planning effort (see the Introduction section of this document). These concurrent and complimentary 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 May 7, 2003, the Whiting Village Board adopted the Portage County Comprehensive Plan Public

Participation Plan as a model for their process. Beginning in March 2003, the Whiting Plan Commission held the following meetings to discuss the different elements that make up their Comprehensive Plan:

- March 3, 2003
- April 7, 2003
- May 5, 2003
- August 8, 2003
- August 25, 2003
- October 7, 2003
- January 5, 2004
- February 2, 2004
- March 1, 2004
- May 3, 2004
- June 28, 2004
- August 2, 2004
- August 30, 2004

Each of these meetings was officially noticed and open to the public, as well as posted in the Stevens Point Journal newspaper. The Plan Commission recommended the Plan to the Village Board for consideration on August 30, 2004, with copies of this recommended draft made available for inspection at the Whiting Clerks Office, the Portage County Library (Main Branch in Stevens Point, and Plover Branch in the Village of Plover), and Portage County Planning and Zoning Department, as well as being posted for viewing on the Portage County Comprehensive Planning website. A public hearing was held before the Village Board and Plan Commission on October 12, 2004, and the Whiting Comprehensive Plan was officially adopted by unanimous vote at the October 12, 2004 Village 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:

*(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, including the following: Official mapping established or amended under [s. 62.23 \(6\)](#); Local subdivision regulation under [s. 236.45](#) or [236.46](#); County zoning ordinances enacted or amended under [s. 59.69](#); City or village zoning ordinances enacted or amended under [s. 62.23 \(7\)](#); Town zoning ordinances enacted or amended under [s. 60.61](#) or [60.62](#); Zoning of shorelands or wetlands in shorelands under [s. 59.692](#), [61.351](#) or [62.231](#).*

The Village currently utilizes the following ordinances to direct development within Whiting: zoning ordinance, building code, site plan review.

- Whiting Zoning Ordinance: first adopted in 1961, and last updated in the year 1986.
- The Building Code: The Wisconsin Uniform Dwelling Code was adopted in 1980.
- Site Plan Review: first adopted in 1996, and last updated in the year 1998.
- Subdivision Ordinance: first adopted in 1983.
- Post Road Overlay District: was adopted in 2001.

The Village 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 to accomplish this. The review period shall commence within 12 months of the initial adoption of the plan. Revision and final approval for the updated regulatory tools shall be completed within 36 months of initial plan adoption. For subsequent amendments or modifications to the Comprehensive Plan, the review of regulatory tools shall commence within 3 months of adoption, with revision and final approval to be completed within 18 months of plan adoption.

## **Section 9.3 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 Whiting Plan Commission and Village 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 Village of Whiting will need to undertake a complete update of this nine-chapter document and appendices by the year 2014. The Village may commence the update at any time prior to 2014 as Village conditions or needs change.

Smaller-scale amendments to portions of the Comprehensive Plan may also be considered by the Village Board at any time. The public should be notified of any proposed changes and allowed the opportunity to review and comment. The Village should consider residents' 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:

- Whiting Village Board
- Whiting Plan Commission
- Any Village resident
- Any person having title to land within the Village
- 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.

#### **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 Village 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 a regular or special meeting for compliance with the Comprehensive Plan. Upon conclusion of its review, the Plan Commission shall make a written recommendation to the Village Board for either approval or denial. This recommendation shall include finding of fact to justify the recommendation.
- c. The Village 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 Village 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 Village 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 Village 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 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 9.4 Monitoring/Formal review of the Plan**

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

In order to achieve this, the Village Plan Commission shall once each year (February meeting) place the performance of the Comprehensive Plan on the agenda for discussion and recommendation to the Village 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 resident attitudes toward different aspects of Village 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 9.3 and 9.1 above would commence.