



Credit: Washington County

## 13.1 INTRODUCTION

The Implementation Element is the last of the nine elements of a comprehensive plan required by Section 66.1001 of the *Wisconsin Statutes*. Section 66.1001(2)(i) of the *Statutes* requires that this element include a compilation of programs, in a specified sequence, to implement the recommendations set forth in the preceding elements. The *Statute* also requires this element to:

- Identify proposed changes to applicable zoning ordinances, subdivision ordinances, and official maps.
- Describe how each of the other eight elements of the comprehensive plan will be integrated and made consistent with other elements of the plan.
- Include a mechanism to measure the County's progress towards achieving the recommendations of the plan.
- Include a process for amending and updating the plan. The *Statutes* require that a comprehensive plan be updated no less than once every 10 years.

Section 66.1001(4) of the *Statutes* sets forth the required procedure for adoption or amendment of a comprehensive plan, which includes:

- Adoption of a written public participation plan designed to foster public participation in the development of a comprehensive plan or a plan amendment.
- Approval of a recommended plan by a resolution approved by a majority of the full membership of the plan commission (for city, village, and town plans) or the appropriate committee of the County Board (for county plans). The Land Use and Planning Committee of the Washington County Board oversees land use planning activities in Washington County.

- Distribution of the draft plan for review and comment to:<sup>105</sup>
  - Every governmental body located in whole or in part within the County
  - The clerk of all adjacent County and local governments
  - The Wisconsin Department of Administration
  - SEWRPC
  - All public libraries in the County
  - The parties listed above must also be provided with a copy of the adopted comprehensive plan
- Adoption of the plan by an ordinance adopted by a majority of the full membership of the County Board. Adoption of the plan by the County Board must be preceded by at least one public hearing. A Class 1 notice of the hearing must be published at least 30 days before the hearing. Written notice must also be provided to people who have applied for or been issued a permit for a nonmetallic mining reclamation plan, registered a nonmetallic mining site under Chapter NR 135 of the *Wisconsin Administrative Code*, or to owners or leaseholders of lands with nonmetallic resources who have requested notice of the hearing in writing. Other property owners who submitted a written request must also be notified of the hearing. The County is required to maintain a list of people who submit a request to receive notice of plan amendments affecting the allowable use of their property and to inform other property owners in the County on an annual basis that they can be added to this list.

## 13.2 PLAN REVIEW AND ADOPTION

For any planning process, it is good practice to hold public informational meetings and hearings on recommended plans before their adoption. Such actions provide an additional opportunity to acquaint residents and landowners with the recommended plan and to solicit public reactions to the plan recommendations. The plan should then be modified to reflect any pertinent new information and to incorporate any sound and desirable new ideas advanced at these meetings. Accordingly, a public informational meeting for the County comprehensive plan update was held on January 23, 2019. A public hearing was held before the Land Use and Planning Committee on February 25, 2019. The County provided public notice of the hearing in accordance with the requirements of the comprehensive planning law, and distributed the draft plan report to all of the parties specified in the law. On February 25, 2019, the Land Use and Planning Committee recommended adoption of the plan to the County Board. The resolution recommending County Board adoption of the plan is included in Appendix I.

An important step in plan implementation is the formal adoption of the recommended plan by the County Board. Upon such adoption, the plan becomes the official guide to be used by County officials and staff in making development or redevelopment decisions. The plan should serve as the basis on which all development proposals, such as shoreland/floodplain zoning requests, subdivision plats, and certified survey maps, are reviewed. Only those zoning actions or land divisions that are consistent with the plan should be approved. The Washington County Board adopted this comprehensive plan on April 10, 2019. A copy of the adopting ordinance is included in Appendix J.

A public participation plan for development of the first edition of this comprehensive plan was prepared in 2004, and adopted by the County Board on September 14, 2004. A summary of the public participation plan is included in Appendix A of the first edition. A public participation plan (PPP) for comprehensive plan amendments and updates was adopted by the County Board on January 12, 2010. The PPP for plan amendments is discussed further in Chapter 1 and presented in Appendix A.

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<sup>105</sup> *The Wisconsin Department of Administration has stated that both draft and adopted plan reports may be distributed in digital format, provided a paper copy of the report is available for review at each public library in the County and at the County Public Agency Center.*

### 13.3 PLAN AMENDMENT PROCEDURE

Although the land use plan map (Map 12.1) is often the focal point of comprehensive plans, plan amendments may include changes to the text or any of the maps included in this report. Text amendments may include:

- Changing, adding, or modifying a goal, objective, policy, or program in response to changing conditions or new information.
- Adding or changing the land use plan categories in the Land Use Element to provide for a category of development that is not incorporated into the current set of categories.
- Updating inventory information.

In addition to text amendments, the land use plan map may be amended to change the designation, and therefore the allowable uses, on a parcel, or parcels, of land. Other maps in the plan may be amended or updated to reflect updated information, such as updated floodplain mapping or inventories of natural resources or community facilities.

#### Procedure for Amending the Comprehensive Plan

A plan amendment may be initiated by the County Board, a County Board committee, a City Common Council, a Village Board, or a Town Board. Because primary authority for regulating land use development in Washington County outside shoreland areas rests with cities, villages, and towns through implementation of local zoning ordinances, land owners wishing to amend the County land use plan designation for their property must request that the common council or village or town board submit the amendment request to the County. The proposed amendment may also require an amendment to the city, village, or town comprehensive plan. The mayor, village president, or town chair should submit a written request to amend the County plan to the Washington County Department of Planning and Parks, together with a copy of the local ordinance approving the plan amendment.

Because Section 59.69 of the *Statutes* requires that city and village plans for areas within city or village boundaries be incorporated into the county plan without change, plan amendments requested by a city or village that affect only the area within the city or village will be automatically incorporated into the County plan without a formal approval process by the Land Use and Planning Committee. County Planning and Parks Department staff will include a list of plan amendments requested by cities and villages in the implementation report described in Section 13.7.

The State comprehensive planning law requires that the County use the same procedures required by Section 66.1001(4) of the *Statutes* to initially adopt this plan when amending or updating the plan. The following procedure will be used to review amendments requested by a Town or initiated by the County Board or a County Board committee per the PPP for plan amendments.

1. An application for a plan amendment will be submitted to the Planning and Parks Department. The Planning and Parks Department will review the proposed amendment and prepare a written recommendation for review by the Land Use and Planning Committee.
2. If the proposed amendment is a change to a town land use plan map, the Department will provide a copy of the proposed amendment to SEWRPC for a review and recommendation regarding whether the proposed amendment is in substantial agreement with the regional land use plan, in accordance with County Board 2004 Resolution 35. SEWRPC will provide its recommendation to the Planning and Parks Department for attachment to the staff report to the Land Use and Planning Committee.
3. The Planning and Parks Department will send a copy of the proposed plan amendment and its staff report to all adjacent local governments and the other parties listed in Section 66.1001 (4)(b) of the *Statutes*, and to nonmetallic mine operators and other people listed in Section 66.1001 (4)(e) of the *Statutes*. These governments and individuals should have at least 30 days to review and comment on the proposed plan amendment.

4. The Land Use and Planning Committee will schedule a public hearing on the proposed amendment and direct the publishing of a Class 1 notice, with such notice published at least 30 days before the public hearing and containing the information required under Section 66.1001(4)(d) of the *Statutes*. The Land Use and Planning Committee may, at its discretion, hold a public informational meeting prior to scheduling a public hearing on the amendment.
5. The Land Use and Planning Committee will review the Department's recommendation and take public comment at the public hearing. Following the hearing, or at a subsequent Committee meeting, the Committee will make a recommendation to the County Board in the form of a resolution approved by a majority vote of the full membership of the Committee.
6. The County Board will consider the proposed amendment, together with supporting information and the recommendation of the Land Use and Planning Committee, and approve or deny an ordinance adopting the plan amendment. In accordance with Section 66.1001(4)(c) of the *Statutes*, adoption must be by a majority vote of all the members-elect.
7. Following County Board action, the Planning and Parks Department will send a copy of the adopting ordinance and the plan amendment to those parties listed in Sections 66.1001(4)(b) and (e) of the *Statutes*.
8. The Planning and Parks Department staff will update the digital version of the County land use plan map annually, and post the map on the County website.
9. The Planning and Parks Department staff will work cooperatively with local governments to obtain amendments to local plans to ensure that the County has current local plan information.

#### **13.4 RECOMMENDED PROGRAMS**

As previously noted, the comprehensive planning law requires the Implementation Element to include a compilation of programs, in a specified sequence, to implement the recommendations set forth in the Recommendations Element (Chapter 12). An implementation timeframe has been identified for plan programs, as set forth in the Recommendations Element, to meet this requirement. The timeframe for implementation may be current, five-year, or long-term. Many recommended programs should be conducted on an on-going (continuous) or a periodic basis (for example, plans such as the Land and Water Resource Management Plan should be updated every five years). Any new programs recommended in this plan update must be individually reviewed and approved by the appropriate County Board liaison committee and the County Board of Supervisors through the annual budget process prior to implementation.

#### **13.5 CONSISTENCY BETWEEN THE COUNTY COMPREHENSIVE PLAN AND COUNTY ORDINANCES**

Section 66.1001(3) of the *Statutes* requires that the following ordinances be consistent with a unit of government's comprehensive plan by January 1, 2010:

- Official mapping established or amended under Section 62.23(6) of the *Statutes*
- County or local subdivision regulations under Section 236.45 or 236.46 of the *Statutes*
- County zoning ordinances enacted or amended under Section 59.69 of the *Statutes*
- City or village zoning ordinances enacted or amended under Section 62.23(7) of the *Statutes*
- Town zoning ordinances enacted or amended under Section 60.61 or 60.62 of the *Statutes*
- Zoning of shorelands or wetlands in shorelands under Section 59.692 (for counties), 61.351 (for villages), or 62.231 (for cities) of the *Statutes*

In 2010, the Wisconsin Legislature amended the comprehensive planning law to include the following definition: “Consistent with” means furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan” (Section 66.1001 (am)).

Washington County has adopted a land division ordinance (Chapter 24 of the *Washington County Code of Ordinances*) under Section 236.45 of the *Statutes*, and a shoreland, wetland, and floodplain zoning ordinance (Chapter 23 of the *Washington County Code of Ordinances*) under Section 59.692 of the *Statutes*. Certain programs in the plan will likely require amendments to these ordinances to achieve consistency between the plan and the ordinances. Other programs affecting these ordinances are also identified.

- The following programs will likely require amendments to the land division or shoreland, wetland, and floodplain ordinances to implement. Washington County officials and staff should carefully review existing ordinance language and ordinance administration policies, and draft appropriate ordinance amendments:
  - **Program:** Continue to update the Washington County Shoreland, Wetland, and Floodplain Zoning Ordinance as needed to maintain eligibility to participate in the National Flood Insurance Program
  - **Program:** Continue to review and update related *County Ordinances* based on current case law and public engagement
- The following programs recommend continued enforcement of the County land division or shoreland, wetland, and floodplain ordinances (no changes needed to existing ordinances):
  - **Program:** Continue to enforce the County subdivision and shoreland zoning ordinances to direct development away from areas that are covered by soils with severe limitations for the use concerned
  - **Program:** Continue to enforce requirements in the County land division ordinance (Chapter 24 of the *County Code of Ordinances*) relating to adequate wastewater disposal for new homes
  - **Program:** Continue to enforce requirements relating to land suitability and layout through administration of the County land division ordinance
  - **Program:** Continue to enforce requirements relating to development in floodplains through administration of the County shoreland, wetland, and floodplain ordinance (Chapter 23 of the *County Code of Ordinances*) to help protect County residents from flooding hazards
  - **Program:** Continue to administer and enforce the Washington County Shoreland, Wetland, and Floodplain Zoning Ordinance

## 13.6 CONSISTENCY AMONG PLAN ELEMENTS

The comprehensive planning law requires that the Implementation Element “describe how each of the elements of the comprehensive plan shall be integrated and made consistent with the other elements of the plan.” All elements of this comprehensive plan were prepared simultaneously by County and SEWRPC staff with great care given to ensure internal consistency among the various elements. All element chapters were reviewed by the Multi-Jurisdictional Comprehensive Planning Advisory Committee. There are no known inconsistencies among plan elements.

## 13.7 PROGRESS IN IMPLEMENTING THE PLAN

### Report on Plan Implementation

The Washington County Planning and Parks Department will prepare a report every five years for the Land Use and Planning Committee and County Board reporting on plan implementation activities and progress in implementing the plan during the previous five years. The report will summarize how the comprehensive plan was used to direct policy decisions by County officials and staff and whether circumstances have changed that have necessitated amendments to the plan. Planning and Parks Department staff should consult with

other County departments to obtain input regarding how their activities relate to the recommendations of the County plan.

To obtain such input from other County departments, it is also recommended that the Planning and Parks Department convene a meeting of the Technical Workgroup (TW) to obtain and incorporate input from other County departments and appropriate County liaison committees into the report.

The report should include the following information:

- Use of the Plan to Guide County Activities
- Amendments Made to the Plan
- Use of the Comprehensive Planning Dispute Resolution Procedure
- Recommendations for Changes to Plan Goals, Objectives, Policies, and Programs or other information in the plan that are not serving their intended purpose

Any changes or updates should follow the formal process for plan amendments.

#### **Maintenance of Inventory Data**

The Planning and Parks Department will post and maintain the inventory data compiled as part of the comprehensive planning process on the County website in an accessible format. County staff, in cooperation with SEWRPC where appropriate, will update inventory data on a periodic basis.

#### **Comprehensive Update of the Plan**

At least once every ten years, the plan should be reviewed and updated using a formal process, under the guidance of the Multi-Jurisdictional Comprehensive Planning Advisory Committee (MJAC).