

SECTION



**IMPLEMENTATION
RECOMMENDATIONS**

IMPLEMENTATION RECOMMENDATIONS

The previous sections of the Polk County Land Use Plan describe the nature of Polk County's current growth and development and the recommended general pattern of future development. However, the plan itself is only an advisory document and requires selected mechanisms to implement

the recommendations. The implementation section will review the recommendations of the plan, and provide implementation strategies that can be carried out to effect the desired change in the development pattern.

LIMITATIONS OF RECOMMENDATIONS

The implementation of any plan can be accomplished through the use of a number of different types of tools. Any number of variations of regulations, economic incentives or disincentives, technological solutions, capital expenditures, and information and education programs, can be used to accomplish the identified goals of the plan.

However, the selection and recommendation of implementation tools must also be tempered by reality. The decision to recommend a specific implementation tool must also be evaluated for its ability to be put into practice. In

other words, consideration must be given to the community's ability to politically, technically, and financially implement the tool, in addition to evaluating the tool's effectiveness to accomplish the desired outcome.

Through much public input and discussion, Polk County evaluated and considered a number of different implementation tools. In the end the County chose to eliminate some options due to the aforementioned political, technical or financial concerns. The following are some of the implementation considerations that the County will not pursue at this time.

PURCHASE OF DEVELOPMENT RIGHTS

Programs for the purchase of development rights in agricultural lands, or PDR programs, involve the use of public or private funding to acquire assumed development rights of privately held lands. Under a PDR program, a landowner sells the development rights attendant to a parcel of land at a fair market price established by an appraisal process. These rights are relinquished and are not to be transferred to another parcel of land. A qualified appraiser estimates the fair market value of the property with and without the development rights, and the difference between the two estimate is the value of the development rights, or the amount to be

paid to the landowner. Deed restrictions are commonly used to ensure that the lands concerned remain in agricultural or other open space use. Such restrictions are attached to the land, and remain in effect regardless of future sale or other transfer of the land.

Purchase of development rights provides assurance that the land will be permanently retained in open use. Landowners receive a potentially substantial cash payment, while retaining all other rights to the land, including the right to continue farming. The money paid to the landowner may be used for any purpose, such as debt

reduction, capital improvements to the farm, or retirement income. Lands included in a PDR program remain on the tax roll and continue to generate property taxes, but the lands are assessed at the value for agricultural use. Since the land remains in private ownership, the public sector does not incur any land management responsibilities.

General Recommendation

The value and potential of a purchase of development rights program to protect prime agricultural and/or natural resource land was recognized. However, due to the high cost that would be associated with implementing such a program, the County does not recommend establishing a purchase of development rights program at this time. Instead the County will consider working with private/public non-profit organizations which are involved in land preservation.

TRANSFER OF DEVELOPMENT RIGHTS

Transfer of development rights (TDR) techniques involve the transfer of assumed development rights from one parcel of land to another. TDR techniques have the effect of removing the development potential from one parcel and increasing the development intensity permitted on another. When the same owner holds the parcels, the development rights are, in effect, simply transferred from one parcel to the other. When the parcels are held by different landowners, the transfer of development rights will necessarily involve a sale of rights from one owner to another, at fair market value.

TDR techniques can be used to facilitate the transfer of residential development rights from "sending" parcels, which would remain in agricultural or other open space use, to "receiving" parcels, where additional

residential development would be accommodated. In this regard, TDR techniques can help to achieve the overall recommended rural residential density by concentrating, development in some areas, while maintaining other areas for continued farming or other open use.

General Recommendation

The implementation of a transfer of development rights program is technically complicated and requires a significant investment of time and staff resources. It would also require the County to effectively create the marketplace for residential development in the county, a very complicated and risky undertaking. Thus, the County chooses not to utilize a transfer of development rights program at this time.

RECOMMENDED IMPLEMENTATION TECHNIQUES

As was discussed in the previous section, some implementation techniques were deemed unsuitable for implementation in Polk County. However, there were other techniques that were evaluated as useful which the County believed should not be mandated, and still others that were

currently being utilized by the County but should be reevaluated as to their technical requirements. The following is a description of some of these techniques and the Plan's recommendation on their application in Polk County.

ZONING ORDINANCE

The most common implementation tool used by local governments to effect land use and development patterns is the zoning ordinance. Zoning ordinances commonly contain a number of different zoning districts, such as: single family, multi-family, commercial, industrial, agricultural, and conservancy. The zoning ordinance indicates specific uses that are permitted within each district and typically establishes minimum lot sizes, maximum building heights, and building setbacks for each district.

Generally zoning can dictate the development density (the number of units allowed per tract) of land uses through the use of either a gross density approach or a more traditional minimum lot size approach. Gross density specifies a standard for the number of units per acreage but allows more flexibility in the size of lots, usually specifying a minimum and maximum acreage. This approach is more flexible in managing development, but requires more administration. The more traditional zoning approach manages density by default through the establishment of a minimum lot size on

which a land use can occur. This is a more simplified approach that requires less administrative review on behalf of the county, and is the current method of zoning in Polk County.

General Recommendation

Like other communities, Polk County's most obvious implementation tool is the County's zoning ordinance. The Plan recommends that the county continue to utilize a minimum lot size standard as the basic approach to managing development density. However, alternative development patterns should be made available for those landowners and developers that are interested.

Thus, in order to manage the density of development to achieve the Plan's recommendations, it will be necessary to implement an increasingly larger minimum lot size concept as the basic standard for managing residential development. In addition, the ordinance will need to be revised to include an additional overlay district to allow for the use of conservation site design techniques.

LAND SUBDIVISION ORDINANCE

Land subdivision control ordinances are of particular importance to plan implementation since decisions concerning the subdivision of land are among the first official activities involving public policy as it applies to proposed development. Minimum requirements for subdivision plats are set forth in Chapter 236 of the Wisconsin Statutes. Cities, villages, towns, and counties are authorized under the Statutes to adopt subdivision control ordinances that are at least as restrictive as Chapter 236 to regulate the manner in

which land is subdivided and prepared for development. Villages and cities can extend the applicability of their ordinances into extraterritorial areas. Counties can adopt land division ordinances governing land divisions throughout their unincorporated area.

General Recommendation

Although there weren't many issues related to specific strategies for the use of the subdivision ordinance, the County should

review its land use regulations for subdivisions to ensure that they are consistent with the recommendations of the plan. Specifically, the County should ensure

that the varying minimum parcel sizes recommended for each of the planning areas (and revised zoning districts) can be accommodated.

CONSERVATION SITE DESIGN

Conservation site design is a technique that emphasizes the preservation of open space and natural resources. Conservation site design groups dwellings and dwelling lots on a certain portion of a tract of land in order to preserve the remainder of the tract as undeveloped "open space". Lots are smaller than in conventional large-lot developments, and are normally located in such a way as to preserve the sites' most desired physical attribute(s). In most cases development density (the number of units allowed per tract) does not exceed that which is otherwise permitted in the zoning district; however, communities can utilize incentives, such as density "bonuses", to encourage the use of conservation style development. Open spaces are usually restricted from further development through conservation easements that are controlled by the homeowner's association,

the local government, or a local conservation organization.

General Recommendation

The concept of conservation site design was considered by Polk County to be an effective option for accomplishing some of the goals and objectives of the plan. It is expected that it would be most beneficial in both the rural open space and transition areas. During public information meetings that were held throughout the County, this concept was generally well received by citizens attending the meetings. However, making this style of development mandatory was believed to be inflexible for landowners and developers. Thus, the County recommends making this technique optional, but would encourage the use of the concept through significant density bonus incentives.

AGRICULTURAL CONSERVATION EASEMENTS

Ownership of a piece of property may best be described as a "bundle of rights." These rights include the right to occupy, use, lease, sell, and develop the land. An easement involves the exchange of one or more of these rights from the landowner to someone who does not own the land. An easement permits the holder certain rights regarding the land for specified purposes while the ownership of the land remains with the private property owner.

More specifically, a conservation easement is a legal agreement voluntarily entered into between a property owner and a qualified conservation organization such as a land

trust or government agency. A conservation easement is designed to exclude certain activities on private land, such as commercial development or residential subdivisions. Its primary purpose is to conserve natural or man-made resources on the land.

The easement itself is typically described in terms of the resource it is designed to protect (e.g., agricultural, forest, historic, or open space easements). The easement is a legally binding covenant that is publicly recorded and runs with the property deed for a specified time or in perpetuity. It gives the holder the responsibility to monitor and

enforce the property restrictions imposed by the easement for as long as it is designed to run. An easement does not grant ownership nor does it absolve the property owner from traditional owner responsibilities, i.e. property taxes, upkeep, maintenance, or improvements.

An agricultural easement is a specific type of conservation easement, designed to protect land from development and insure that the use of the land will remain conducive to agriculture in the future. Agricultural easements are designed to meet the needs of the property owner. They may include provisions for limited development for buildings such as barns, and housing for children and grandchildren who wish to stay on the farm. They may exclude certain sections of the farm from the easement entirely. Other benefits of using agricultural easements to protect valued farmland includes voluntary involvement

based on the landowners discretion, flexibility in what land is included in the easement, land in easement still remains in private ownership, and potential reductions in income, estate and property taxes.

General Recommendation

The use of agricultural conservation easements has been in existence for many years. The concept is considered to be an effective option for landowners wanting to protect valued and prime agricultural lands. Since the implementation of conservation easements is voluntary based on the private landowners desires, the County recommends that the use of conservation easements be promoted through various information and education activities, especially in those areas of the county containing the highest concentrations of prime agricultural lands.

IMPLEMENTATION ACTIONS

As stated earlier in this section, the implementation recommendations provide the county with direction necessary to achieve the objectives of the plan. Implementation of the plan will depend on the ability of the County and it's staff to follow through on the activities necessary to employ the recommendations and the

willingness of local officials to use the plan as a guide when making development decisions.

The following is a description of the implementation actions grouped by implementation method.

ONGOING PLANNING

The need for planning does not stop with the completion of the plan. Based on the planning process, activities were identified that will require further evaluation and action by the County. Ongoing planning also includes regular plan monitoring and evaluation to ensure that the plan stays current with changing conditions. An outdated plan cannot serve the purpose for which it was originally intended if the

assumptions are no longer valid. Regular plan review and evaluation can lead to the determination that the plan needs updating.

Most of the ongoing planning program addresses the need for more information to develop specific implementation policies or programs.

ONGOING PLANNING IMPLEMENTATION ACTIVITIES POLK COUNTY LAND USE PLAN

Issue	Activity	Timeline
Plan Coordination with Other Units of Government	Develop a process to review, coordinate and integrate other local government plans, and encourage consistency with the County plan.	Ongoing
Coordination with Other County Plans	Review and monitor other plans that have been developed for Polk County and work to ensure their consistency with the land use plan. Such plans could include the Farmland Preservation Plan, Polk County Water Classification System, Land and Water Conservation Plan, Outdoor Recreation Plan, etc...	As Needed
Plan Monitoring and Evaluation	Review and evaluate the Plan's assumptions, recommendations and implementation strategies and report findings to the Zoning Committee.	Annually
Plan Update	Determine the need to update the plan based on the review and evaluation, and based on the new Smart Growth Legislation.	As Needed

ZONING ORDINANCE

As stated earlier, the zoning ordinance is the County's primary tool for implementing the land use and development policy. It is important for the County to produce an

ordinance that is consistent with the plan and compatible with other plans and regulatory tools.

**ZONING ORDINANCE IMPLEMENTATION ACTIVITIES
POLK COUNTY LAND USE PLAN**

Issue	Activity	Timeline
Urban Service Area Minimum Lot Size	Modify an existing zone or create a new zone to appropriately implement the recommended minimum lot size of the Urban Service Area.	Within 1 to 3 Years of Plan Adoption
Urban Transition Area Minimum Lot Size	Modify an existing zone or create a new zone to appropriately implement the recommended minimum lot size (1-acre) of the Urban Transition Area.	Within 1 to 3 Years of Plan Adoption
Rural Transition Area Minimum Lot Size	Modify an existing zone or create a new zone to appropriately implement the recommended minimum lot size or density (3-acres) of the Rural Transition Area.	Within 1 to 3 Years of Plan Adoption
Rural Open Space Minimum Lot Size	Modify an existing zone or create a new zone to appropriately implement the recommended minimum lot size (10-acres) of the Rural Open Space Area.	Within 1 to 3 Years of Plan Adoption
Agricultural Preservation One-Time Lot Split	Modify the existing A-2 (Exclusive Agricultural) District to allow for a one-time land division of up to 2-acres from a 40-acre parcel to accommodate farm-related residential development. Language should also include that the location of the lot should be directed to an area of the parcel that is the least suited for agricultural production.	Within 1 to 3 Years of Plan Adoption
Right-to-Farm	Establish a requirement to include right-to-farm language in the deeds of all new parcels created in the A-2 (Exclusive Agricultural) District.	Within 1 to 3 Years of Plan Adoption
Conservation Site Design	Establish an overlay district allowing for the appropriate design standards and density bonuses for the use of conservation site design techniques and use of common private sewage treatment systems in the Rural Open Space and Transition Areas.	Within 1 to 3 Years of Plan Adoption
Shoreland Area	Revise the Shoreland Ordinance to reflect the recommendations of the adopted Lakes Classification System and the Plan's Shoreland Area objectives.	Completed
Zoning District Boundary Amendments	Review and revise zoning district boundaries to reflect the policies and recommendations of the plan and the revised zoning ordinance.	Ongoing

SUBDIVISION ORDINANCE

The subdivision ordinance is an important tool for plan implementation because it regulates the layout and design of specific properties and developments. In order to accomplish the intended outcome, it is

necessary that the subdivision ordinance is consistent with the intentions of the plan and other regulatory and planning zoning ordinance and other regulatory tools.

**SUBDIVISION ORDINANCE IMPLEMENTATION ACTIVITIES
POLK COUNTY LAND USE PLAN**

Issue	Activity	Timeline
Subdivision Lot Design Standards	Review and revise the subdivision ordinance to accommodate the varying lots sizes recommended in the Plan and subsequently revised zoning ordinance.	Within 1 to 3 Years of Plan Adoption
Conservation Site Design	Review and revise, if necessary, the subdivision ordinance in order to enable the use of conservation site design methods of development and insure consistency with the zoning ordinance.	Within 1 to 3 Years of Plan Adoption

INTERGOVERNMENTAL COORDINATION

Polk County is primarily responsible for the implementation of the Land Use Plan. The county has countywide representation and can approach issues from an area-wide perspective. However, local and state government can also have an impact on plan implementation. Therefore, the cooperation of other units of government,

especially local governments, is necessary to achieve some of the goals and implement some of the policies of the plan. This section describes the kinds of cooperation the County will seek in its effort to implement the plan and avenues for intergovernmental coordination available to the county.

**INTERGOVERNMENTAL COORDINATION IMPLEMENTATION ACTIVITIES
POLK COUNTY LAND USE PLAN**

Issue	Activity	Timeline
Implementation of Planning Areas	Work closely with towns, villages and cities to apply the recommended planning area development concepts including Urban Service, Transition, Rural Open Space, and Agricultural Preservation areas.	Within 3 to 5 Years of Plan Adoption
Compact Development Pattern and Communities	Work with towns, villages and cities to promote a more compact development pattern by: <ul style="list-style-type: none"> • encouraging infill development in communities; • supporting higher residential densities closer to incorporated communities; and, • establishing a pattern of staged development and avoiding “leapfrog” development. 	Ongoing
Urban Service Area Lots Sizes	Work with incorporated communities and towns to establish an appropriate lot size for residential	Within 1 to 3 Years of Plan Adoption

	development located within Urban Service Areas.	
Consistency of Planning and Development Objectives	Work closely with towns, villages and cities to encourage them to develop policies and ordinances that are compatible with the County Plan.	Ongoing

INFORMATION AND EDUCATION

Continuous education on development and resource protection is essential to plan implementation. The County should

regularly inform the citizens and various stakeholders on the benefits of following the plan recommendations.

INFORMATION AND EDUCATION IMPLEMENTATION ACTIVITIES POLK COUNTY LAND USE PLAN

Issue	Activity	Timeline
Uniform Plan Implementation	Explain and promote the benefits of the Plan and encourage all towns to adopt County zoning.	Ongoing
Conservation Site Design	Provide information to developers and Realtors on the conservation site design concept.	Within 1 to 3 Years of Plan Adoption - and- Ongoing
Conservation Easements	Inform, educate and promote the use of agricultural conservation easements in those areas of the county having the highest concentration of prime agricultural land.	Ongoing

