

# Town of Fox Lake

## Year 2030 Comprehensive Plan

### Recommendations Report

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# 1. Issues and Opportunities

## 1.1 Forward

The *Town of Fox Lake Year 2030 Recommendations Report* will guide future development of the Town of Fox Lake for the next 25 years. This document should be used in coordination with the *Town of Fox Lake Inventory and Trends Report*. These two documents together will meet the requirements of Wisconsin’s comprehensive planning law, Wisconsin Statutes 66.1001.

The *Town of Fox Lake Year 2030 Recommendations Report* positions the community to guide future land development in a way that preserves the character of the community, protects natural resources, enhances economic and housing opportunities, and provides for efficient service delivery. More specifically, this document recommends how lands within the community should be used. The plan recommendations in this document are based on public input and involvement. Community goals, objectives, and policies are also based on and consistent with the recommendations. The recommendations should be used for development decisions in the community.

At the town’s first regional meeting, members of the plan commission and citizens made a list of and ranked those issues and opportunities they felt were important in the community. The following issues and opportunities (listed in priority order from most to least important) were used to help form the goals, objectives, and policies in the recommendations report. These issues and opportunities are also addressed throughout the plan.

- ◆ Preserve the water quality of the town’s lakes
- ◆ Protect town land from annexation
- ◆ Preserve existing agricultural operations
- ◆ Preserve the town’s rural setting
- ◆ Protect wetlands
- ◆ Establish town zoning (vs. no zoning or County zoning)
- ◆ Encourage tourism by providing additional lake access
- ◆ Pursue reforestation and prairie restoration
- ◆ Maintain improved fishery and water quality
- ◆ Maintain the physical appearance of the town
- ◆ Address agricultural runoff into lakes
- ◆ Growth will increase need for police protection

## 1.2 Demographic Trends Summary

The most recent estimate of total population in the Town of Fox Lake was 2,625 as of January 1, 2005. The estimate of “resident” or “non-inmate” population in the town was 1,288 persons

while the remaining 1,337 persons were resident inmates of the Fox Lake Correctional Institution. The 2,625 estimate in 2005 represents a 9.3% increase in population from the 2000 Census count of 2,402 persons, and a 36.1% increase from the 1990 Census count of 1,928.

Historically, the rate of growth in the Town of Fox Lake has been greater than that experienced by the adjoining towns of Trenton and Westford, as well as, the county overall. Population growth experienced in the Town of Fox Lake during the 1990's was more than double the rate of growth for Dodge County (12.2%) and the State of Wisconsin (9.6%) during the same period.

As is the trend throughout Wisconsin and the United States, the "baby-boomer" generation is transitioning into retirement age and this shifting age structure is anticipated to continue throughout the 20-year planning period.

Since 2000, the year the minimum security component of the Fox Lake Correctional Institution was opened, the inmate population has remained relatively constant ranging from 1,370 inmates in 2001 to 1,337 in 2005. Inmate population at the Fox Lake Correctional Institution is expected to remain relatively constant over the next 10 years given no planned increases in inmate capacity.

Details regarding population and other demographics for residents in the Town of Fox Lake are provided in the *Town of Fox Lake Inventory and Trends Report*.

### 1.3 Demographic Forecasts Summary

Population forecasts completed by the Wisconsin Department of Administration (DOA) project that the town will have a total population of 3,992 persons by the year 2025, an increase of approximately 66% from the year 2000 population count of 2,402. Of that total, a "resident" population of 1,984 is forecast for the Year 2025, an increase of 841 persons or 73.5% from the Year 2000 "household" estimate of 1,143 persons.

An alternative population forecast based on historical (annual) building permit activity for new dwellings and average household size during the period 1994 to 2003 projects that the town will have a total population of 3,128 persons by the Year 2030, an increase of 30% from the Year 2000 count of 2,402. Of that total, a "resident" population of 1,869 is forecast for the Year 2030, an increase of 726 persons or 30% from the Year 2000.

Overall, the town should anticipate an annual increase of 25 to 35 "resident" ("non-inmate") population per year through the Year 2030.

## 1.4 Smart Growth Local Comprehensive Planning Goals

Wisconsin’s comprehensive planning law (smart growth) established 14 local comprehensive planning goals to guide state land use actions and local planning efforts. Specifically, local units of government and state agencies are encouraged to design their programs, policies, infrastructure, and investments to strike a balance between their individual missions and the local comprehensive planning goals. The following 14 local comprehensive planning goals were considered throughout the planning process.

1. *Promote the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial, and industrial structures.*
2. *Encourage neighborhood designs that support a range of transportation choices.*
3. *Protect natural areas, including wetlands, wildlife habitats, lakes and woodlands, open spaces, and groundwater resources.*
4. *Protect economically productive areas, including farmland and forests.*
5. *Encourage land uses, densities, and regulations that promote efficient development patterns and relatively low municipal, state government, and utility costs.*
6. *Preserve cultural, historic, and archaeological sites.*
7. *Encourage coordination and cooperation among nearby units of government.*
8. *Build community identity by revitalizing main streets and enforcing design standards.*
9. *Provide an adequate supply of affordable housing for all income levels throughout each community.*
10. *Provide adequate infrastructure and public services and a supply of developable land to meet existing and future market demand for residential, commercial, and industrial uses.*
11. *Promote the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional, and local levels.*
12. *Balance individual property rights with community interests and goals.*
13. *Plan and develop land uses that create or preserve varied and unique urban and rural communities.*

14. *Provide an integrated, efficient, and economical transportation system that provides mobility, convenience, and safety and meets the needs of all citizens including transit-dependent and disabled.*

## 1.5 Town of Fox Lake Comprehensive Plan Goals

As part of the planning process, the Town of Fox Lake generated the following goals to guide the process. Community goals are broad, value-based statements expressing public preferences for the long term (20 years or more).

### **Issues and Opportunities**

Goal: Identify and promote appropriate development opportunities while maintaining the Town of Fox Lake's rural, agricultural, and natural resources.

### **Housing**

Goal: Provide for planned and orderly housing development consistent with the availability of adequate facilities and services.

### **Transportation**

Goal: Promote and maintain a safe, convenient, and accessible transportation network that meets the varied needs of town residents.

### **Utilities and Community Facilities**

Goal: Ensure modern and adequate utilities and community facilities are provided for residential, agricultural, and commercial uses in an efficient and cost-effective manner.

### **Agriculture, Natural and Cultural Resources**

Goal: Maintain, preserve, and enhance the town's agricultural, natural, and cultural resources.

Goal: Maintain & preserve the integrity and viability of agriculture and preserve Fox Lake's rural character.

### **Economic Development**

Goal: Pursue compatible economic development opportunities that would complement the existing Town of Fox Lake environment.

Goal: Allow for and encourage commercial and industrial development within designated areas.

## **Intergovernmental Cooperation**

Goal: Strive for mutually beneficial relationships with state, county, bordering municipalities, and applicable agencies.

## **Land Use**

Goal: Preserve and maintain the area's rural and recreational character while allowing for planned and controlled development opportunities.

Goal: Preserve and enhance the rural and agricultural characteristics of the Town of Fox Lake by providing for planned and orderly growth consistent with the community's desires and concerns.

## **Implementation**

Goal: Promote consistency between plan recommendations, ordinances, and other land use regulations.

### 1.6 Issues and Opportunities Goals and Objectives

Wisconsin Statutes 66.1001 requires a statement of overall goals and associated objectives of the local governmental unit to guide future development and redevelopment of the local governmental unit over a 20-year planning period. The following are the goals and objectives developed by the Town of Fox Lake.

***Goal: Identify and promote appropriate development opportunities while maintaining the Town of Fox Lake's rural, agricultural, and natural resources.***

#### ***Objectives***

1. Preserve the town's natural resources.
2. Preserve existing agricultural land and operations.
3. Preserve the town's rural character and appearance.
4. Utilize the town's comprehensive plan as a tool to guide town decision making.
5. Create opportunities for citizen participation throughout all stages of plan development.

## 1.7 Issues and Opportunities Policies and Recommendations

Policies and recommendations build on goals and objectives by providing more focused responses and actions to the goals and objectives. Policies and recommendations become the tools that the community should use to aid in making land use decisions. Policies that direct action using the words “will” or “shall” are advised to be mandatory and regulatory aspects of the implementation of the comprehensive plan. In contrast, those policies that direct action using the word “should” are advisory and intended to serve as a guide.

### **Policies and Recommendations**

1. The comprehensive plan shall be utilized as a tool to guide town decision-making in accordance with state statutes.
2. The Town Plan Commission should establish a development review process that objectively examines the type, location, and quality of the proposed development, and potential long-term impacts on the town.
3. The comprehensive plan shall be updated to maintain consistency with state comprehensive planning requirements.
4. Innovative planning or related land use initiatives or ideas will be given full consideration for use within the community.
5. All future town policies, ordinances, programs, and actions will be developed and implemented in a manner that is consistent and accommodating to the goals and objectives identified within the comprehensive plan.
6. Adequate funding and staffing shall be maintained to properly administer community programs (i.e. permits, land use controls, etc.).
7. The current rural nature of the Town should be maintained to the maximum extent possible, particularly by having single family residences as the primary source of housing.

## 1.8 Issues and Opportunities Programs

The following programs are currently utilized by the community or are available for use by the community to implement the goals, objectives, policies, and recommendations identified.

### AB608, Wisconsin Act 233 – Clarification of Smart Growth Law

This bill was signed into law in April 2004. This new law reduces the number of programs or actions with which a comprehensive plan must be consistent. Under the new legislation, the only

actions which must be consistent with a comprehensive plan are official mapping, local subdivision regulation, and zoning ordinances, including zoning of shorelands or wetlands in shorelands. The bill also reiterates that a Regional Planning Commission's comprehensive plan is only advisory in its applicability to a political subdivision (a city, Town, town, or county), and a political subdivision's comprehensive plan.

Wisconsin Department of Administration, Demographic Services Center

The Demographic Services Center primary responsibility is to develop annual total population estimates for all Wisconsin towns, Towns, and cities. It also makes annual estimates of the voting age population for all municipalities and total population estimates for Zip Code Areas. In addition, the Demographic Services Center develops population projections by age and sex for the counties, population projections of total population for all municipalities, and estimates of total housing units and households for all counties. For further information on the Service Center contact the WDOA or visit its web-site at [www.doa.state.wi.us](http://www.doa.state.wi.us).

Wisconsin Department of Administration, Division of Intergovernmental Relations

The Division of Intergovernmental Relations coordinates and provides information with regard to Wisconsin's comprehensive planning statute. The division also administers the grant program that assists local governments in developing comprehensive plans. For further information on the division and their programs contact the WDOA or visit their web-site at [www.doa.state.wi.us](http://www.doa.state.wi.us). Their website contains a variety of information including fact sheets, grant information, model ordinances, guides for developing the elements of comprehensive plans, and links to a variety of other sources of information for comprehensive planning.

## 2. Housing

Housing is very important for Wisconsin and its communities. Typically, the cost of housing is the single largest expenditure for most Wisconsin residents. For homeowners, their home is likely to be their largest, single investment and most valuable asset. Housing also plays a critical role in state and local economies. Housing stock in a community may be its largest asset. The construction industry and other occupations that support housing are a major portion of the economy. Residential development is also a major source of revenue for local communities in the form of property taxes. Beyond the financial aspects of housing, there are also social effects that are not so easily measured. People develop a sense a pride in their homes, which in turn creates a sense of community and a likely increase in participation in community activities.

Wisconsin’s comprehensive planning law requires that a comprehensive plan include a housing element. The comprehensive planning process necessitates that each community analyze the impact of the local, state, and federal policies and regulations on the development of various types of housing. The analysis is intended to take into account the current and projected housing needs in the community. The analysis should result in policies that provide opportunities for the development of the types and amounts of housing expected to be needed over a 20-year planning horizon.

### 2.1 Housing Characteristics and Trends Summary

In 2000, the Town of Fox Lake had 897 total housing units, a 2.4% increase from 1990. The majority of housing units in the Town are single-family structures (85%). Approximately 46% of these housing units were “owner-occupied” while 7% were “renter-occupied”. A significant number of housing units (417 units or 48%) qualified as being “vacant” due to the fact that 389 of these units (93%) are occupied on only a seasonal basis.

The median year in which structures were built in the Town was 1957 while the majority of housing units, 54%, were built prior to 1960. The median value of housing units was \$145,000 in 2000, significantly higher than the overall median value of \$105,800 for Dodge County.

Details regarding housing in the Town of Fox Lake are provided in the *Town of Fox Lake Inventory and Trends Report*.

### 2.2 Housing Unit Forecasts Summary

Housing unit forecasts can be used as a guide to estimate additional land required to accommodate future residential development, as well as to prepare for future demands growth may have on public facilities and services. Two housing unit forecasts were created for the

Town. A linear forecast based on historical (annual) housing unit data forecasts that the Town will add only 63 new dwelling units (an increase of 7%) from 2000 to 2030.

An alternative projection based on historical (annual) building permit activity for new housing during the period 1994 to 2003 was also used to project housing unit growth in the Town. Assuming that housing units will increase at the same or similar rate as has occurred in the last 10 years, the Town is forecast to add 306 new housing units (an increase of 34%) from 2000 to 2030. Overall, the Town should anticipate an average annual increase of 10 new housing units per year through the Year 2030.

### 2.3 Housing for All Income Levels

Traditionally, most rural towns and small cities have a high percentage of single-family homes, with few other housing types available. Larger communities generally can support and provide a greater variety of housing types, particularly for different income levels. Every community in Dodge County should assess if the cost of housing in the community matches the ability of residents to pay for it. This is the fundamental question to answer when determining housing affordability and the ability to provide a variety of housing types for various income levels.

Although there are many ways to answer this question, the Department of Housing and Urban Development (HUD) offers a common technique, which involves comparing income to housing costs. According to HUD, housing is considered affordable when it costs no more than 30% of total household income (including utilities). Per HUD standards, people should have the choice of having decent and safe housing for no more than 30% of their household income.

### 2.4 Housing for All Age Groups and Persons with Special Needs

As the general population ages, affordability, security, accessibility, proximity to services, transportation, and medical facilities will all become increasingly important. Many of these issues are already important to those with disabilities or other special needs. As new residents move into the area and the population ages, other types of housing must be considered to meet all resident needs. This is particularly true in communities where a large proportion of the population has been long-time residents, where there is a desire for these residents to remain in the area during their retirement years.

The age structure of Dodge County and the Town of Fox Lake is shifting to older age groups. In the Town of Fox Lake, the majority of the population was in the 35 to 44 age group in 2000. It is anticipated that there will be a shift to the next and older age group for the majority of the population during the planning period requiring the community to further assess its ability of providing housing for all age groups and persons with special needs.

## 2.5 Promoting Availability of Land for Development/Redevelopment of Low-Income and Moderate-Income Housing

Promoting the availability of underdeveloped or underused land is one way to meet the needs of low and moderate income individuals. The community needs to ensure there is an adequate supply of land that is planned or zoned for housing at higher density or for multi-family housing should demand warrant the need for such housing in the future. The community should also use this plan in coordination with developed policies, goals, and objectives to promote the availability of such housing if a need is present.

## 2.6 Maintaining and Rehabilitating the Existing Housing Stock

The maintenance and rehabilitation of the existing housing stock within the community is one of the most effective ways to ensure safe and generally affordable housing while not sacrificing land to development. Over the course of the planning period, the community should continually monitor local housing stock characteristics including, but not limited to, price, aesthetics, safety, cleanliness, and overall suitability with community character. The monitoring process will become important to ensure that steps are taken to preserve the current housing supply before allowing for new development, which has far greater impacts on community resources.

## 2.7 Housing Goals and Objectives

The following are the goals and objectives developed by the Town of Fox Lake regarding housing.

***Goal: Provide for planned and orderly housing development consistent with the availability of adequate facilities and services.***

### ***Objectives***

1. Promote single-family homes as the preferred type of housing.
2. Reduce conflicts between residential and agricultural uses.
3. Protect productive agricultural and sensitive environmental areas from residential development.
4. Limit multi-family development in the town to designated areas located within the sanitary district.
5. Allow limited non-farm residential development outside of the sanitary sewer district and in agricultural areas at an overall density not to exceed one (1) dwelling unit per (35) thirty-five acres.

## 2.8 Housing Policies and Recommendations

Policies and recommendations build on goals and objectives by providing more focused responses and actions to the goals and objectives. Policies and recommendations become the tools that the community should use to aid in making land use decisions. Policies that direct action using the words “will” or “shall” are advised to be mandatory and regulatory aspects of the implementation of the comprehensive plan. In contrast, those policies that direct action using the word “should” are advisory and intended to serve as a guide.

### **Policies and Recommendations**

1. Zoning, subdivision and other land development regulations shall be developed and adopted to ensure that multi-family residential structures, i.e. structures containing more than two dwelling units, are limited to those areas within the sanitary district and designed to minimize negative impacts on existing single-family and other residential development.
2. New single-family housing that is allowed outside of the sanitary sewer area should not be located in areas with prime agricultural soils actively used for agricultural uses and activities, and, not in designated environmental corridors and conservancy areas to minimize the impacts to natural vegetation, preserves quality farmland, reduces farmland fragmentation, preserves drainage patterns and does not block potential road extensions.
3. New development will not be approved on lands prone to flooding or in wetland areas.
4. Decisions regarding lot size recommendations and local land use controls and fees shall be made in consideration of impacts to affordable housing.
5. Conservation design or “cluster” development regulations will be created as a way of minimizing residential development impacts on the town’s agricultural and natural resources while accommodating residential development and open space.
6. The town will prohibit major land divisions (defined as 5 or more lots) outside of the Fox Lake Inland Lake Protection and Rehabilitation Sanitary District.
7. The town will promote residential development in the sanitary district with reduced lot sizes and as the capacity of the sanitary district allows.
8. New housing in rural areas should be placed on the landscape in a fashion that reduces the impacts to natural vegetation, preserves quality farmland, reduces farmland fragmentation and potential nuisance-related conflicts, preserves drainage patterns and does not block potential road extensions.

9. New development should be stringently regulated or not approved on lands that are designated as floodplain, wetlands, or environmental corridors.
10. Infill development and new development shall be encouraged within areas served by sanitary sewer.

## 2.9 Housing Programs

The following programs are currently utilized by the community or are available for use by the community to implement the goals, objectives, policies, and recommendations identified.

### Community Development Block Grant (CDBG) – Housing Program

The Wisconsin Community Development Block Grant (CDBG) program for housing, administered by the Wisconsin Department of Commerce, provides grants to general purpose units of local government for housing programs which principally benefit low- and moderate-income (LMI) households. The CDBG program is a federally funded program through the Department of Housing and Urban Development's Small Cities CDBG Program. CDBG funds can be used for various housing and neighborhood revitalization activities including housing rehabilitation, acquisition, relocation, demolition of dilapidated structures, and handicap accessibility improvements. The maximum grant to an applicant is \$500,000. Approximately 15 communities are awarded funds yearly in Wisconsin. For more information on this program contact the Wisconsin Department of Commerce, Bureau of Housing.

### Wisconsin Housing and Economic Development Authority (WHEDA)

The Wisconsin Housing and Economic Development Authority serves Wisconsin residents and communities by working with others to provide creative financing resources and information to stimulate and preserve affordable housing, small business, and agribusiness. Visit the web-page at [www.wheda.com](http://www.wheda.com) for further information.

### Community Options Program (COP)

Community Options helps people who need long term care to stay in their own homes and communities. Its purpose is to provide cost-effective alternatives to expensive care in institutions and nursing homes. Elderly people and people with serious long-term disabilities receive funds and assistance to find services they are not able to get through other programs. Contact the Wisconsin Department of Health and Family Services for further information.

# 3. Transportation

Broadly speaking, a transportation system can be defined as any means used to move people and/or products. A community relies on its transportation system daily to transport people and goods effectively and efficiently. It should also have the ability to link the community to neighboring communities and beyond. Additionally, the system should be able to accommodate a variety of transportation modes.

Roads and highways account for the majority of a transportation system and are probably the most common paths, however, are not the only component. Therefore rail lines, waterways, airways, and trails are all additional opportunities that contribute to the entire transportation system. Taken together, these individual transportation options create a community's transportation system.

## 3.1 Existing Transportation Facilities and Trends Summary

The Town of Fox Lake transportation system is comprised primarily of state highways, county trunk highways, and town roads (see Appendix Map 3-1). The state highways in the town are STH 33, STH 68, and STH 73 which are all functionally classified as "minor arterials". These highways are the primary roads through the town and accommodate the greatest volume of traffic; ranging from an average of 2,300 daily vehicles (ADT) on STH 68 to 5,300 ADT on STH 33. County Highways in the town include CTH A, AA, AW, C, F, and P.

The town does have an active rail line operated by the Wisconsin & Southern Railroad Company (WSOR) that runs through the southernmost portion of the town north of Beaver Dam Lake.

The Town of Fox Lake does not contain an airport. The closest general airport is the Dodge County Airport located near the City of Juneau approximately 10 miles southeast from the town.

There is not a designated walking or biking trail in the town. The Wild Goose State Trail is the nearest trail facility in Dodge County and is located approximately ten miles east of the town.

The PASER program is used by the town to help plan for local improvements and to prioritize projects.

Details regarding transportation facilities in the Town of Fox Lake are provided in the *Town of Fox Lake Inventory and Trends Report*.

## 3.2 Planned Transportation Improvements

There are State and County transportation plans that affect the Town of Fox Lake's highway system. Dodge County uses a Capital Improvement Program (CIP) to prioritize the allocation of

financial resources for various projects over a five year time frame. Currently, there are no transportation projects scheduled in the County CIP.

State and regional transportation improvements in the Town of Fox Lake are the responsibility of the Wisconsin Department of Transportation (WisDOT). WisDOT's 2004-2009 Highway Improvement Program includes two sections of State highways in the Town that will be improved, including: (1) replace existing deteriorated pavement on STH 33 from STH 73 to the city of Fox Lake in 2006; and (2) reconditioning of the pavement on STH 73 from the Village of Randolph to STH 33 in 2006.

The town will continue to use its PASER program to plan transportation improvements for locally maintained roads.

### 3.3 Highway Access Management

Access management has been defined by the WDOT as “the process that provides (or manages) access to land development, while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity, and speed.” This process is achieved through managing the design and location of driveways, median openings, and points of access to the state highway system. The level of highway access control is based on the importance of the highway to regional and statewide travel as determined through a functional classification system.

Highway access management will become increasingly important in the Town of Fox Lake as the community grows. It is anticipated that traffic volumes on STH 33, STH 68 and CTH A county highways will increase over the planning period. Increase traffic on these highways will be due primarily to non-local or “through” traffic (i.e. traffic going to/from destinations outside of the town). An increase in truck traffic is expected to occur along these highways as a direct result from the new commercial and industrial development occurring on the north side of the City of Beaver Dam, including the 1.2 million square foot Wal-Mart Distribution Center expected to be completed in 2005-06. Consequently, the number and location of future points of access onto these state and county highways will need to be planned and coordinated with the WDOT and County Highway Department. Local development design will also need to consider access requirements. In areas where this may be an issue in the future, the town should coordinate with the Wisconsin Department of Transportation and County Highway Department as early in the development process as possible.

In terms of local roads, access management is a significant issue as town roads are also a community asset that will need to be protected and managed like any other community facility. The Town of Fox Lake will need to consider road intersection and private driveway access requirements as part of their zoning and subdivision regulations.

### 3.4 Coordination with Existing Transportation Plans

The Town of Fox Lake comprehensive plan has been prepared in light of other applicable state, regional, county, and local plans regarding transportation. Except for the transportation element of the Dodge County Land Use Plan (discussed below), this plan is currently consistent with the other existing transportation plans, including: the Wisconsin State Highway System Plan and Corridors 2020 Plan, Translink 21 Multi-modal Transportation Plan, Wisconsin Bicycle Transportation Plan 2020, and the Dodge County Bikeway & Pedestrian Plan. If the town's transportation system changes over time or as new state or county transportation plans are updated or revised, the town should periodically review its comprehensive plan for continued consistency.

As noted above, the Fox Lake comprehensive plan is not entirely consistent with an existing Dodge County plan. The Future Transportation Map in the current Dodge County Land Use Plan (adopted in 1999) presents a proposed realignment of STH 33 and a portion of STH 68 that would be constructed as a "by-pass" and truck route around the south side of the City of Fox Lake and through portions of the Town. This proposed by pass would eliminate much of the traffic traveling downtown due to the convergence of two state highways (STH 33 and STH 68) and three county highways (CTH A, CTH C, and CTH P) within the City of Fox Lake. This same by-pass also appears in the City of Fox Lake Comprehensive Plan (adopted in 2002).

While the concept of constructing a by-pass around the City of Fox Lake may be desirable from the standpoint of eliminating the potential negative impact of heavy truck and other non-local traffic in the downtown Fox Lake area, the impact of this by-pass in the proposed alignment (or any other alignment) on the Town of Fox Lake has not been considered nor assessed by either local government as part of their respective planning efforts. According to the WDOT, this proposed by-pass has not been the subject of any study authorized by WDOT nor does not appear in any transportation plan or transportation improvement program adopted by the state. Consequently, the Town of Fox Lake has decided to not include this (or any other) by-pass in their comprehensive plan until such time as the town, the City of Fox Lake, and WDOT have conducted a cooperative effort to study the need, alternative alignment(s), and potential impacts of a by-pass on the Town of Fox Lake as well as the city.

### 3.5 Incorporation of State, Regional, and Other Transportation Plans

All applicable components of the various state, regional, county and local transportation plans have been considered and, to the extent deemed appropriate, have been incorporated in the development of the *Town of Fox Lake Year 2030 Comprehensive Plan* as well as the *Dodge County Year 2030 Comprehensive Plan*.

### 3.6 Transportation Goals and Objectives

The following are the goals and objectives developed by the Town of Fox Lake regarding transportation.

***Goal: Promote and maintain a safe, convenient, and accessible transportation network that meets the varied needs of town residents.***

#### ***Objectives***

1. Maintain a well-designed road network that will meet the needs of town residents and will minimize disruptions to agriculture and open space.
2. Continue quality maintenance of roads.
3. Consider bicycle and pedestrian safety needs when new roads are proposed or when major roadway improvements are made.
4. Coordinate town planning efforts with the state, county and adjacent municipalities.
5. Continue the use of the PASER evaluation rating system for town road maintenance and project budgeting purposes.
6. Develop a long-term transportation plan which prioritizes town road improvement projects.
7. When reviewing development proposals, consider future road connections, setbacks, access points, and other traffic impacts that the proposal may have on the existing transportation network.
8. Cooperate with the Wisconsin Department of Transportation, Dodge County, and the City of Fox Lake in assessing the need for, alignment, and potential impacts from construction of an east-west “by-pass” of STH 33 (and related STH 68 and CTH A highway extensions or realignments) south of the City of Fox Lake.
9. Discourage the creation of new parcels having direct, private driveway access to STH 33 and STH 68.

### 3.7 Transportation Policies and Recommendations

Policies and recommendations build on goals and objectives by providing more focused responses and actions to the goals and objectives. Policies and recommendations become the tools that the community should use to aid in making land use decisions. Policies that direct

action using the words “will” or “shall” are advised to be mandatory and regulatory aspects of the implementation of the comprehensive plan. In contrast, those policies that direct action using the word “should” are advisory and intended to serve as a guide.

### **Policies and Recommendations**

1. Bicycle and pedestrian safety needs should be considered when new roads are proposed, or when major roadway improvements are made by doing site reviews of these projects, and consider widening roadways to accommodate safe zones for bicycles and pedestrians.
2. The town should increase the use of the PASER evaluation rating system for road maintenance and project budgeting purposes by using PASER manuals, software, and guidelines.
3. When reviewing development proposals, the town may require the submittal of an area development plan in order to consider future road connections, setbacks, access points, and other traffic impacts that the proposal may have on the existing transportation network.
4. The construction and modification of driveways shall be reviewed to ensure adequate emergency vehicle access, to maintain safe travel on town roads, to maintain safe entrance onto town roads, and to prevent damage to town roads caused by drainage impacts.
5. The existing road network and public facilities/services will be utilized to accommodate new development to the maximum extent possible.
6. Actively pursue all available funding, especially federal and state sources, for needed transportation improvements.
7. Proper ditch location, grading practices and shape will be pursued to ensure runoff is adequately given an outlet.
8. Work cooperatively with the Wisconsin Department of Transportation, Dodge County, and the City of Fox Lake in assessing the need for, alignment, and potential impacts from construction of an east-west “by-pass” of STH 33 (and related STH 68 and CTH A highway extensions or realignments) south of the City of Fox Lake.
9. Adopt road access and driveway regulations that prohibit and/or discourage the creation of new parcels having direct, private driveway access to STH 33 and STH 68.

### 3.8 Transportation Programs

The following programs are currently utilized by the community or are available for use by the community to implement the goals, objectives, policies, and recommendations identified.

#### Local Roads Improvement Program (LRIP)

Established in 1991, the Local Roads Improvement Program (LRIP) assists local governments in improving seriously deteriorating county highways, town roads, and city and town streets. A reimbursement program, LRIP pays up to 50% of total eligible costs with local governments providing the balance. The program has three basic components: County Highway Improvement (CHIP); Town Road Improvement (TRIP); and Municipal Street Improvement (MSIP). Three additional discretionary programs (CHIP-D, TRIP-D and MSIP-D) allow municipalities to apply for additional funds for high-cost road projects. For more information contact the WDOT.

#### Pavement Surface Evaluation and Rating (PASER)

PASER is a simple method of rating asphalt and concrete roads on a scale of 1 to 10 and gravel roads on a scale of 1 to 5, based on visual inspection. PASER manuals and a video explain how and why roads deteriorate, and describe proper repair and replacement techniques. PASER ratings can be put into PASERWARE pavement management software. PASERWARE helps to inventory roads and keep track of their PASER ratings and maintenance histories. It also helps to prioritize road maintenance and improvement needs, calculate project costs, evaluate the consequences of alternative budgets and project selection strategies, and communicate those consequences to the public and local officials. Both PASER and PASERWARE are available from the University of Wisconsin's Transportation Information Center at no charge.

#### Incidental Improvements

Bicycle and pedestrian projects are broadly eligible for funding from most of the major federal-aid programs. One of the most cost-effective ways of accommodating bicycle and pedestrian accommodations is to incorporate them as part of larger reconstruction, new construction and some repaving projects. Generally, the same source of funding can be used for the bicycle and pedestrian accommodation as is used for the larger highway improvement, if the bike/ped accommodation is "incidental" in scope and cost to the overall project. Overall, most bicycle and pedestrian accommodations within the state are made as incidental improvements. For more information contact the Wisconsin Department of Transportation.

#### Transportation Economic Assistance (TEA) Program

The Transportation Economic Assistance program provides 50% state grants to governing bodies, private businesses, and consortiums for road, rail, harbor and airport projects that help attract employers to Wisconsin, or encourage business and industry to remain and expand in the state. Grants of up to \$1 million are available for transportation improvements that are essential for an economic development project. It must be scheduled to begin within three years, have the local government's endorsement, and benefit the public. For more information about this program, contact the Wisconsin Department of Transportation, Division of Transportation Investment Management.

## 4. Utilities and Community Facilities

Addressing community service needs is becoming even more challenging for local governments. In this age of budget deficits and shrinking revenues, municipal governments are constantly looking for ways to provide needed and expected services with fewer resources. In order to facilitate wise decisions and policies, it is valuable to estimate the future utility and community facility needs of the community.

Not only do service provisions need to meet resident demands, the type and cost of community facilities and services affect property values and taxes and contribute to many aspects of the quality of life within a community. Quality of life is further attributed to local features such as parks, schools, utilities, and protective services. These services require substantial investment supported by local tax bases or user fees. The level of service is generally influenced by the users' ability or interest in paying for the service.

This element includes a summary of existing facilities and services and details future needs for services and facilities. Goals, objectives, policies, recommendations, and programs are also provided.

### 4.1 Existing Utilities and Community Facilities Summary

Community facilities in the town include the town hall and administrative building, home to the Fox Lake Police Department, Fox Lake Municipal Court, town garage, drop-off waste and recycling center, and Fox Lake Inland Lake and Rehabilitation District. The town is a part of the Fox Lake Fire Association and the Randolph Fire Association that provide fire protection and emergency medical services to the town. The town contracts with Badger Disposal for solid waste and recycling services. Centurytel provides telephone service, Alliant Energy provides both natural gas and electric service to the town. There are no public water supply facilities that serve the town. The town is served by four (4) school districts, including: Beaver Dam School District, Markesan School District, Randolph School District, and the Waupun School District.

Portions of the Beaver Dam and Fox Lake Fishery Areas are located within the town and are available for public use and lake access. Other park areas in the town include three lake access/boat launch locations: one each on Lake Emily, Fox Lake, and Beaver Dam Lake.

The Fox Lake Inland Lake Protection and Rehabilitation District owns and operates a sanitary sewer, i.e. wastewater, treatment facility under the direction of the Fox Lake Wastewater Control Commission.

Details regarding the utilities and community facilities available in the Town of Fox Lake are provided in the *Town of Fox Lake Inventory and Trends Report*.

## 4.2 Expansion or Rehabilitation of Existing Utilities and Community Facilities Timetable

Wisconsin's comprehensive planning statutes require that the utilities and community facilities element of the comprehensive plan identify the need for the expansion, construction, or rehabilitation of existing utilities and facilities.

The Town of Fox Lake has identified that the following utilities and facilities will need expansion, construction, or rehabilitation over the planning period. Projects are identified as short-term (1-5 years) and long-term (6-20 years).

### **Public Buildings and Administrative Facilities and Services**

#### Short Term

- ◆ None.

#### Long Term

- ◆ Construct Town Garage on Town Hall property.

### **Police Services**

#### Short Term

- ◆ Establish 24-hour police protection throughout town.

#### Long Term

- ◆ None.

### **Fire Protection and EMT/Rescue Services**

#### Short Term

- ◆ None.

#### Long Term

- ◆ None.

### **Libraries, Cemeteries, and Other Quasi Public Facilities**

#### Short Term

- ◆ None.

#### Long Term

- ◆ None.

## **Parks and Recreation**

### Short Term

- ◆ None.

### Long Term

- ◆ Purchase environmentally sensitive land for conservancy purposes.

## **Solid Waste and Recycling**

### Short Term

- ◆ None.

### Long Term

- ◆ None.

## **Sanitary Sewer Service**

### Short Term

- ◆ None.

### Long Term

- ◆ Reconstruct/rebuild sanitary sewer plant and expand capacity to service more residential customers.

## **Private Onsite Wastewater Treatment Systems (POWTS)**

### Short Term

- ◆ None.

### Long Term

- ◆ None.

## **Public Water**

### Short Term

- ◆ None.

### Long Term

- ◆

## **Stormwater Management**

### Short Term

- ◆ Prepare stormwater management ordinance and plan for town.

Long Term

- ◆ None.

**Health Care and Child Care Facilities**

Short Term

- ◆ None.

Long Term

- ◆ None.

**Local Roads and Bridges**

Short Term

- ◆ None.

Long Term

- ◆ None.

**Additional Facilities, Programs, or Operations**

Short Term

- ◆ None.

Long Term

- ◆ None.

4.3 Future Needs for Government Services

While the previous section detailed infrastructure needs the community will deal with during the planning period, there are also service level needs that may arise in the community. For example, additional police or fire service, need for a building inspector, or additional park and recreation services.

- ◆ The town may need additional administrative assistance. As the community grows along with an increase in the demand for services, maintaining cost-effective and efficient services may require the assistance of additional staff. In particular, the town may need to increase the level of staff assistance to support the requirements and activities of the town's plan commission as the town pursues their own town-administered zoning and subdivision regulations. The level and process of reviewing development proposals and zoning-related permits and administrative functions will need to be coordinated between

the plan commission, town board, and town clerk. In addition, the town will continue to rely on community volunteers to serve on local committees and boards and pursue town priorities.

#### 4.4 Utilities and Community Facilities Goals and Objectives

The following are the goals and objectives developed by the Town of Fox Lake regarding utilities and community facilities.

***Goal: Ensure modern and adequate utilities and community facilities are provided for residential, agricultural, and commercial uses in an efficient and cost-effective manner.***

##### ***Objectives***

1. Maintain public facilities and services to keep up with existing and anticipated population growth.
2. Evaluate impacts to community facilities and services when reviewing development proposals.
3. Ensure that police, fire, and emergency services are appropriate to meet existing and future demands of the town.
4. Promote proper disposal of wastewater to ensure the protection of public health and to protect the quality of ground and surface water.
5. Develop and/or require storm water management plans and erosion control measures and efforts to protect the town's surface and ground water resources.
6. Increase cooperation in the planning and coordination of utility improvements and expansions with other agencies and jurisdictions in order to efficiently serve local and regional growth.
7. Increase coordination with the School District in order to allow them to anticipate future growth and provide adequate and appropriate facilities.
8. Work with Dodge County and the City of Fox Lake to provide a variety of recreational opportunities.
9. Develop a Town Land Division Ordinance that will give the Town the ability to collect a park fee and/or other impact fee(s) to enhance outdoor recreation , lake access, and natural resource preservation and conservation opportunities.

## 4.5 Utilities and Community Facilities Policies and Recommendations

Policies and recommendations build on goals and objectives by providing more focused responses and actions to the goals and objectives. Policies and recommendations become the tools that the community should use to aid in making land use decisions. Policies that direct action using the words “will” or “shall” are advised to be mandatory and regulatory aspects of the implementation of the comprehensive plan. In contrast, those policies that direct action using the word “should” are advisory and intended to serve as a guide.

### **Policies and Recommendations**

1. The town will increase cooperation in the planning and coordination of services and utilities with other agencies and jurisdictions by increasing communication efforts in order to efficiently serve local and regional growth.
2. Development should be directed onto land located within and/or served by the sanitary district to maximize capacity of the utility.
3. The town should ensure that police, fire, and emergency services are appropriate to meet existing and future demands by doing an annual review of such services to determine if they are being provided efficiently, and by providing adequate funding.
4. Stormwater management plans should be included as part of the plans submitted for review for all development proposals.
5. All park facilities shall be in compliance with the American Disabilities Act.
6. Telecommunication towers and related facilities shall utilize existing buildings and other non-tower structures whenever possible. New towers and related facilities shall be designed to be as safe and unobtrusive as possible.
7. The town should cooperate with the Dodge County Zoning and Sanitation Department (confirm) to ensure proper disposal of wastewater to ensure the protection of public health and to protect the quality of ground and surface water by notifying the department of any “non-permitted” construction, or other activities that may result in improper disposal of wastewater.
8. Planned utilities, service facilities and roads shall be designed to limit the impact to environmental corridors, natural features and working farmland.
9. The town shall encourage shared use and development of all public facilities including parks, libraries, schools and community meeting facilities.

10. The town shall require the placement of new utility systems within the existing right-of-way whenever possible.
11. The town shall work with the Sanitary District to coordinate expansion of the district to accommodate development in the designated areas.
12. All unsewered development shall be designed to protect the immediate groundwater supply through the proper placement and operation of private wells and on-site wastewater treatment systems or hook-up to a public wastewater collection and treatment system.
13. The town shall address stormwater management as a requirement of all development proposal reviews.
14. New development shall use best management practices for construction site erosion control.
15. Stormwater runoff as the result of development shall not be discharged into wetlands and closed depressions, except for those associated with approved stormwater management structures.
16. The Town should cooperate in the planning and coordination of utilities with the City of Fox Lake and the Village of Randolph through continued communication in order to efficiently serve local development.
17. Work cooperatively with the City of Fox Lake and the Fox Lake Inland Lake Protection and Rehabilitation District to assess expanding the boundaries of the sanitary district and upgrading the treatment technology of the wastewater treatment facility as necessary.

Additional recommendations regarding specific utilities and community facilities are presented in Section 4.2 of this chapter.

#### 4.6 Utilities and Community Facilities Programs

The following programs are currently utilized by the community or are available for use by the community to implement the goals, objectives, policies, and recommendations identified.

##### Community Development Block Grant for Public Facilities (CDBG-PF)

The Wisconsin CDBG Public Facilities Program is designed to assist economically distressed smaller communities with public facility improvements. Eligible activities include, but are not limited to, publicly-owned utility system improvements, streets and sidewalk improvements, development of community centers. Federal grant funds are available annually. The maximum

grant for any single applicant is \$750,000. Grants are only available up to the amount that is adequately justified and documented with engineering or vendor estimates. For more information on this program contact the Wisconsin Department of Commerce, Division of Community Development.

Community Development Block Grant Public Facilities for Economic Development (CDBG-PFED)

The CDBG Public Facilities for Economic Development Program helps underwrite the cost of municipal infrastructure necessary for business development that retains or creates employment opportunities. Eligible activities are improvements to public facilities such as water systems, sewerage systems, and roads that are owned by a general or special purpose unit of government, and which will principally benefit businesses, and which as a result will induce businesses to create jobs and invest in the community. The Wisconsin Department of Commerce, Bureau of Community Finance should be contacted for further information.

Public Service Commission of Wisconsin

The Public Service Commission of Wisconsin (PSC) is an independent regulatory agency dedicated to serving the public interest. The agency is responsible for the regulation of Wisconsin public utilities, including those that are municipally-owned. The Public Service Commission of Wisconsin is divided into several divisions and offers consumer information and technical assistance. The PSC can continue to provide the town with information and assistance in dealing with wind energy facility development in the area.

## 5. Agriculture, Natural, and Cultural Resources

The natural resources of a community offer a clean and abundant supply of groundwater and surface water, assure safe air to breathe, and provide a natural landscape of terrestrial and aquatic habitats such as forest, prairies, and wetlands. Natural resources include the parks, trails, scenic areas, and other outdoor places people rely on for recreation. Natural resources are essential to a vibrant economy – measured in tourism revenues, enhanced property values, sustainable agriculture and wood products, low cost raw materials (such as sand, gravel, and stone), available water for manufacturing processes, etc.

There are many state and some federal regulations designated to protect Wisconsin’s natural resources. Some state laws, including those for floodplains, shorelands, and wetlands, establish minimum use and protection standards that must be adopted and administered by local governments. But not all natural resources are protected by state law. Local governments throughout the state have the flexibility to plan for and develop their own local ordinances to deal with the unique land use issues/conflicts in their communities and to protect the natural resources they value most.

Development must be carefully adjusted to coincide with the ability of the agricultural, natural, and cultural resource base to support the various forms of urban and rural development. This balance must be maintained to prevent the deterioration of that underlying and sustaining base, because these resources make each community unique. These features promote civic pride and often create a sense of place.

The remainder of this element will provide a summary of features in the community and identify trends that are occurring. Goals, objectives, policies, recommendations, and programs are also provided.

### 5.1 Agricultural, Natural, and Cultural Resources Summary

The Town of Fox Lake has abundant agricultural and natural resources. Overall, 93% of the land in the Town of Fox Lake is either water (17%), woodlands (3%), wetlands (18%) or land that is used for agriculture (55%). Over 90% of the soil in the town is considered “prime agricultural soils”; there are 13 active dairy farms in the town; and over 2,544 acres of land is registered in the state’s Farmland Preservation Program.

The Town of Fox Lake is located in the Upper Rock River basin and contains an abundance of surface water features, including three (3) lakes totaling over 4,063 acres: Beaver Dam Lake, Fox Lake, and Lake Emily. There are numerous intermittent streams and small “unnamed” creeks in addition to the four (4) named creeks in the town: Alto Creek, Cambra Creek, Drew Creek, and Mill Creek.

Details regarding agricultural, natural, and cultural resources in the Town of Fox Lake are provided in the *Town of Fox Lake Inventory and Trends Report*.

## 5.2 Agricultural Analysis

According to the 2002 Census of Agriculture, the number of farms in Dodge County has decreased by 6% since 1997 while the average size of farms has increased by 4%. These trends are typical of many counties in Wisconsin. It is important to note that while these trends are occurring at the county level, some communities in the county have experienced little farmland loss and others have experienced more significant decreases. The characteristics unique to each community attribute in different ways to the overall agriculture industry of Dodge County.

It is anticipated that the number of farms and total amount of land used for agricultural purposes will continue to decline as the pressure to convert farmland to other uses continues to increase throughout Dodge County. In 2002, a total of 77 active farms were counted in the Fox Lake area with only 13 active dairy farms (down from 19 in 1997 and 31 in 1989). The size of the average farm will show moderate increases and the number of large “commercial” type farming will increase, especially dairy. Interest in specialty farming will also increase. In addition, rapidly increasing land prices fuel the non-farm competition for land and development. About 2,544 acres of land is currently enrolled in the state’s Farmland Preservation Program, which accounts for 19% of all agricultural lands in the town. The town’s goals, objectives and policies for farmland preservation and rural development (discussed in chapters eight and nine) will have play an important role in determining the amount of agricultural land that will be sustained into the future.

## 5.3 Natural Resources Analysis

The natural resources found in Dodge County contribute to the overall quality of life of residents and are a major influence on why some choose to live in the county. Forests, wetlands, wildlife areas, lakes, rivers, streams as well as many other features contribute to the natural resource base of the county. Many of these features cross municipal boundaries and require an integrated system of management and protection. Each community in the county can therefore influence not only its own natural resource base, but that of its neighbors or even the region.

The most significant natural resource in the town is surface water. Almost 17% of the total area in the town is surface water, including: Lake Emily (268 acres), Fox Lake (2,625 acres), and Beaver Dam Lake (1,170 acres are in the town out of a total of 6,542 acres). In addition, almost 18% of the total land area in the town is covered by wetlands; including portions within the Fox Lake and Beaver Dam Fishery Areas.

Protection of the town's surface and groundwater resources is a primary goal of the town and an important component of this plan. As will the protection of the remaining woodlands in the town (679 acres or 3% of the total land area) as the use-value assessment program for agricultural lands has shifted higher valuations from agricultural land to non-agricultural land, including woodland and wetland areas. Not only will woodland areas be in prime demand for housing sites, the price of woodland and wetland acreage has increased at rates higher than any other land category in Dodge County (and is anticipated to continue that trend).

#### 5.4 Cultural Resources Analysis

Dodge County is home to 29 historic sites that are listed on the state or national historic register. Dodge County is also home to nearly 3,800 sites that are listed on the Wisconsin Architecture & History Inventory and are considered sites that illustrate Wisconsin's or Dodge County's unique history. Cultural resources do not only include those features officially listed as historic or of local importance, but include features such as museums, libraries, historic homes, and simply features or characteristics that are unique to a community. The only site in the town that is listed on the state register is Indian Point.

#### 5.5 Animal Waste Management

Because agriculture is so prevalent in Dodge County, one of the most significant potential groundwater contamination sources is animal waste. Both storage and spreading of animal waste can contaminate groundwater if not done properly.

Animal waste storage facilities currently in use may range from manure pits dug 50 years ago to newly engineered and installed storage structures. The Dodge County Land Conservation Department administers the Dodge County Manure Storage Ordinance. This ordinance was adopted in June of 1997, and requires anyone who is planning to build a new manure storage system, or anyone who is planning to modify an existing manure storage system in Dodge County to obtain a permit from the Dodge County Land Conservation Department, and to do this construction work in compliance with construction standards. A nutrient management plan is also required for the first year.

The State of Wisconsin also regulates livestock operations with 1,000 animal units or more and those livestock operations with less than 1,000 animal units that have discharges that significantly affect water quality. Animal waste contains chlorides, nitrogen, and phosphorus, among other pollutants. The WDNR has recently codified statewide performance standards for agricultural operations of various types and sizes. These performance standards include:

- ◆ manure management prohibitions
- ◆ nutrient management
- ◆ manure storage

- ◆ soil loss from riparian fields

Implementation of the standards and prohibitions will occur primarily through the counties, although the department will be the main implementation authority for permitted facilities.

## 5.6 Agricultural, Natural, and Cultural Resources Goals and Objectives

The following are the goals and objectives developed by the Town of Fox Lake regarding agricultural, natural, and cultural resources.

***Goal 1: Maintain, preserve, and enhance the town’s agricultural, natural, and cultural resources.***

### ***Objectives***

1. Direct growth away from environmentally sensitive areas, such as wetlands and floodplains.
2. Preserve productive farm land for continued agricultural use.
3. Encourage woodlands management, reforestation and wetland and prairie restoration.
4. Identify sources of potential ground water contamination and require or promote corrective practices to eliminate possible contamination.
5. Address concerns about agricultural and residential run-off into the town’s lakes.
6. Develop town regulations and/or coordinate with appropriate state and county agencies in the administration and enforcement of existing regulations to protect the town from the negative impact and effects associated with the land spreading of animal waste, municipal, industrial, and household wastewater, sludge, ash, or other waste.
7. Develop town regulations and/or coordinate with appropriate state and county agencies in the regulation of the size, location, and negative impacts associated with animal confinement facilities and operations in the town.

***Goal 2: Maintain & preserve the integrity and viability of agriculture and preserve Fox Lake’s rural character.***

### ***Objectives***

1. Encourage enrollment and participation in the State’s Farmland Preservation Program or tax incentive programs.

2. Limit the number of new non-farm residences outside of the sanitary district to not exceed a density of one (1) home per thirty-five (35) acres.
3. Direct new non-farm development to the least productive soils or other areas that minimizes potential impacts to and reduces conflicts with existing farm operations and other agricultural uses whenever possible.

## 5.7 Agricultural, Natural, and Cultural Resources Policies and Recommendations

Policies and recommendations build on goals and objectives by providing more focused responses and actions to the goals and objectives. Policies and recommendations become the tools that the community should use to aid in making land use decisions. Policies that direct action using the words “will” or “shall” are advised to be mandatory and regulatory aspects of the implementation of the comprehensive plan. In contrast, those policies that direct action using the word “should” are advisory and intended to serve as a guide.

### **Policies and Recommendations**

1. Zoning, subdivision and other land use regulations shall be designed to protect surface and groundwater resources.
2. New non-farm residential development in areas not served by central water/sewer systems should be directed away from existing agricultural operations on large tracts of undeveloped land and directed toward those areas that have existing non-farm development.
3. New non-farm residential development not served by central water/sewer should only be allowed in areas if such development is subject to a “nuisance disclaimer”, stringent deed restrictions or other mutual agreement intended to protect the “right-to-farm” of existing and future agricultural operations.
4. New development proposals shall be evaluated for potential impacts to wetlands, floodplains, lakes, rivers, streams, & woodlands. New development should be strongly discouraged or prohibited on the most productive agricultural land, floodplains, wetlands, and environmental corridors.
5. Manure storage facilities shall be sited as far away from neighboring residents, wetlands, floodplains, lakes, streams, and groundwater recharge areas.

6. The town will consider implementing and enforce a prime agricultural zoning district to apply to agricultural preservation areas in accordance with the state Farmland Preservation Program.
7. The conversion and fragmentation of designated environmental corridors by new development, roads, and utilities shall be minimized to the extent practical.
8. A town zoning ordinance should be developed that establishes allowable density and development standards for agricultural areas in the town.

## 5.8 Agricultural, Natural, and Cultural Resources Programs

The following programs are currently utilized by the community or are available for use by the community to implement the goals, objectives, policies, and recommendations identified.

### Wisconsin Act 307 – Notification to Nonmetallic Resource Owners

This Act amends portions of the Wisconsin Comprehensive Planning Law to increase communication and notification of local planning with owners of nonmetallic mineral sites. Public participation procedures must now include written procedures describing the methods the local government will use to distribute proposed, alternative, or amended elements of a plan to owners of property, or to persons who have a leasehold interest in property, which may extract nonmetallic mineral resources on the property. This is only required if the comprehensive plan changes the allowable use or intensity of use of the given property. Wisconsin Act 307 also added provisions to the Comprehensive Planning Law detailing that prior to a public hearing written notice shall be provided to property owners or operators with an interest in nonmetallic mineral resources.

### Wisconsin Historical Society, Office of Preservation Planning (OPP)

Whether you need information concerning state or federal laws and regulations that may be applicable in your case, whether you need information on grassroots strategies for preserving and protecting historic properties, or whether you need information on how you may protect and preserve your own historic property the Office of Preservation Planning of the Wisconsin Historical Society can assist.

### Wisconsin Farmland Preservation Program

The purpose of the program is to help preserve farmland through local planning and zoning, promote soil and water conservation, and provides tax relief to participating farmers. Farmers qualify if their land is zoned or if they sign an agreement to use their land exclusively for agricultural purposes. Landowner must own 35 acres or more, and produce gross farm profits of \$6,000 in the previous year. Public access is not required. Contact: County Land Conservation Department, Wisconsin Department of Agriculture, or Dodge County Planning and Development Department.

### Conservation Reserve Program (CRP)

Purpose is to reduce erosion, increase wildlife habitat, improve water quality, and increase forest land. Landowner sets aside cropland with annual rental payments based on amount bid.

Practices include tree planting, grass cover, small wetland restoration, prairie and oak savannah restoration, and others. Eligibility varies by soil type and crop history. Land is accepted into program if bid qualifies. Continuous sign up open for buffers, waterways and environmental practices. Periodic sign ups announced throughout the year for other practices. Ten year or 15 year contract if planting hardwood trees is required and it is transferable with change in ownership. Public access not required. Contact: USDA Natural Resources Conservation Service or Farm Service Agency, or County Land Conservation Department.

### Wisconsin Glacial Habitat Program

This program focuses on establishing a patchwork of restored wetlands and grasslands in combination with croplands to provide all of the elements necessary for the life cycle of waterfowl, wild pheasants and non-game songbirds. The goals of the program are to establish 38,600 acres of permanent grassland nesting cover and restore 11,000 acres of wetlands within Columbia, Dodge, Fond du Lac and Winnebago Counties. In order to achieve these goals, the DNR is purchasing, as well as securing perpetual easements, on properties ranging in size from 10 acres up to a few hundred acres. Only those properties purchased by the state become public property and are open to public hunting.

## 6. Economic Development

Economic development planning is the process by which a community organizes, analyzes, plans, and then applies its energies to the tasks of improving the economic well-being and quality of life for those in the community. This can be done by addressing issues such as enhancing a community's competitiveness, establishing industrial policy, encouraging sustainable development, creating jobs, increasing wages and enhancing worker training, and improving overall quality of life. All of these issues affect residents within a community and are addressed directly or indirectly in the comprehensive plan.

The reason to plan for economic development is straight-forward - economic development helps pay the bills. It requires working together to maintain a strong economy by creating and retaining desirable jobs, which provide a good standard of living for individuals. Increased personal income and wealth increases the tax base, so a community, county, or state can provide the level of services residents expect. A balanced, healthy economy is essential for community well-being. Economic development expenditures are a community investment. They leverage new growth and redevelopment to improve the area. Influencing and investing in the process of economic development allows community members to determine future direction and guide appropriate types of development according to their values.

Successful plans for economic development acknowledge the importance of:

- 1) Knowing your region's economic function in the global economy
- 2) Creating a skilled and educated workforce
- 3) Investing in an infrastructure for innovation
- 4) Creating a great quality of life
- 5) Fostering an innovative business climate
- 6) Increased use of technology to increase government efficiency
- 7) Taking regional governance and collaboration seriously

This section provides a summary of economic characteristics of the Town of Fox Lake, provides further detail about future economic development, and identifies goals, objectives, policies, recommendations, and programs with regard to economic development.

### 6.1 Economic Development Summary and Trends

Of the approximately 600 town residents employed in 2000, most were employed in the manufacturing sector (25.6%) followed by those employed in the educational, health, and social services sector (17.0%). Of those employed, about 7% reported that they worked at home while 53% reported that they commute at least 20 minutes or more to their place of employment. Employees in the town had a mean travel time to work of 24.6 minutes compared to the county's mean travel time of 20.8 minutes. The median household income in the Town for 2000 was

\$52,721, significantly higher than the county's median of \$45,190, and higher than the state's median income of \$43,791.

Details regarding economic conditions and development in the Town of Fox Lake are provided in the *Town of Fox Lake Inventory and Trends Report*.

## 6.2 Agriculture Industry Analysis

Agriculture is an important economic force in Dodge County which includes hundreds of family owned farms, related businesses, and industries that provide equipment, services, and other products farmers need to process, market, and deliver food and fiber to customers. Dodge County consistently ranks among the top five producers in the state for corn used for silage and grain, winter wheat, sweet corn, peas, soybeans, hogs and pigs, cattle and calves, and milk and cheese production. Agriculture provides jobs for approximately 9,500 Dodge County residents and accounts for \$1.41 billion in economic activity. Every community in the county is economically influenced by the agriculture industry and will likely continue to be for many years in the future.

In 1992, there was 14,440 acres of agricultural land and 643 acres of residential land in the town according to the Wisconsin Department of Revenue, Bureau of Property Tax. In 2002, there was 12,263 acres of agricultural land and 736 acres of residential land. The town lost 2,177 acres of land classified as agricultural over the 10 year period, or 15 percent. The amount of residential land increased by 93 acres or 14.4 percent.

The number of dairy farms is constantly decreasing throughout the State of Wisconsin. Many dairy farmers are seeking other ways to make a living. In 2003 there were 13 active dairy farms in the Town of Fox Lake, which was a 31.5 percent decrease in the number of active dairy farms since 1997. This decrease is similar to the 27.8 percent decrease of dairy farms in Dodge County during the same time frame.

## 6.3 Employment Forecast

An important feature of determining the economic health and future of Dodge County and its communities is to determine the amounts and types of jobs currently available as well as to make predictions. Dodge County has unique economic features as well as similarities to the region in which it is located. The county not only has ties locally, but statewide and nationwide. Trends that occur in the United State or internationally affect the State of Wisconsin and eventually trickle down to local level economies.

In November of 2003, the Wisconsin Department of Workforce Development (WDWD) released a report titled *Wisconsin Projections 2000-2010: Employment in Industries and Occupations*,

which examined jobs in over 70 industries and 750 occupations. Many of the projections and estimates provided in the report will affect local and/or Dodge County economies.

Overall, the number of jobs in Wisconsin is expected to grow by 9.6%. While employment in Wisconsin's manufacturing sector has shrunk in the past few years, this sector is anticipated to gain back some of the jobs lost since 2000. The manufacturing industries projected to add the most jobs are lumber and wood products, furniture and fixtures, and food and kindred products. The manufacturing industries expected to lose the most jobs are industrial machinery and equipment, primary metal, and electronic and other electrical equipment.

The services sector will be the job growth leader, spurred on by the aging of Wisconsin's population, technological innovations in health services and computer services, and continued outsourcing of business functions. Over 70% of the new jobs in the services sector will be in health, business, educational, or social services. Another sector expected to add numerous jobs is retail trade. This increase is expected due to population and tourism growth, and the likelihood that people will continue to prepare fewer meals at home.

#### 6.4 Desired Business and Industry

Similar to most communities in Dodge County, the Town of Fox Lake would welcome most economic opportunities that do not: (1) significantly alter or sacrifice the town's rural character; (2) require a disproportionate level of community facilities or services; (3) negatively impact the town's natural resources, particularly the lakes and wetlands; and (4) complement the existing agricultural and tourist-oriented economy in the town.

The categories or particular types of new businesses and industries that are desired by the community are generally described in the goals, objectives, and policies. Typically, the supply of goods and services provided in a community is based on the demand created within and around that community. The Town of Fox Lake will need to establish a review procedure that establishes the appropriate context for evaluating whether new commercial and industrial development opportunities are in the town's best interests. As an example, a proposed commercial use may bring new jobs and provide additional tax revenue. However, that same proposal may create a significant increase in sewer flows and consume a disproportionate amount of available service capacity, or, may result in a significant amount of run-off that may impact the surface water resources in the town. Consequently, the costs and benefits associated with such an opportunity should be evaluated before any action is taken.

#### 6.5 Strengths and Weaknesses

A determination of the strengths and weaknesses of Dodge County and the Town of Fox Lake and its economy provide the basic planning steps for future economic development. Strengths should continue to be promoted and new development which fits well with these features should

be encouraged. Weaknesses should be improved or further analyzed and new development which displays aspects similar to identified weaknesses should be discouraged. The economic strengths and weaknesses of the Town of Fox Lake are as follows:

### **Strengths**

- ◆ Good transportation access (highway and railroad accessibility)
- ◆ Small town quality of life
- ◆ Relatively lower cost of living
- ◆ Sanitary District can provide sewer services to help attract new development
- ◆ Relative location and accessibility to Beaver Dam, Waupun, the Fox Valley and Madison
- ◆ Affordable housing opportunities nearby in City of Fox Lake
- ◆ Strong established agricultural base
- ◆ Large amount of productive agricultural land
- ◆ Numerous and valuable natural resources and outdoor recreation opportunities

### **Weaknesses**

- ◆ Over dependence on the manufacturing sectors of the economy
- ◆ The wastewater treatment plant is shared with the City of Fox Lake and needs to be updated in accordance with new effluent standards
- ◆ The town does not have its own water system to attract new commercial or industrial users who require the services
- ◆ Limited revenue and financing options to support economic development
- ◆ Lack of private and public partnership for promoting economic development
- ◆ Decline in the agricultural industry
- ◆ Land available for economic growth in City of Fox Lake

## **6.6 Sites for Business and Industrial Development**

Sites for business and industrial development within the Town of Fox Lake are detailed on the Future Land Use Map located in the Appendix.

## **6.7 Economic Development Goals and Objectives**

The following are the goals and objectives developed by the Town of Fox Lake regarding economic development.

***Goal: Pursue compatible economic development opportunities that would complement the existing Town of Fox Lake environment.***

### ***Objectives***

1. Promote opportunities for year-round recreational activities and tourism-related businesses.
2. Accommodate and promote local and home-based businesses that do not significantly or negatively impact the areas in which such businesses are located.
3. Identify and utilize opportunities for town involvement in discussions with potential commercial and industrial development.
4. Support efforts that promote and maintain agriculture as a major component of the local economy.
5. Support and allow tourism-related activities and commercial uses and business operations that support tourism; particularly around the lakes.

### ***Goal 2: Allow for and encourage commercial and industrial development within designated areas.***

### ***Objectives***

1. Designate areas adjacent to or within the town sanitary district for future commercial and industrial development and land uses.
2. Carefully evaluate and manage any potential future proposals for commercial development outside of the Town sanitary district to ensure that the Town's best interests would be reasonably served and that prime agricultural land would be adequately preserved.

## **6.8 Economic Development Policies and Recommendations**

Policies and recommendations build on goals and objectives by providing more focused responses and actions to the goals and objectives. Policies and recommendations become the tools that the community should use to aid in making land use decisions. Policies that direct action using the words “will” or “shall” are advised to be mandatory and regulatory aspects of the implementation of the comprehensive plan. In contrast, those policies that direct action using the word “should” are advisory and intended to serve as a guide.

### **Policies and Recommendations**

1. Future commercial and industrial development should be located in and/or directed toward areas within which adequate public facilities and services already exist, are programmed for expansion, or will be provided concurrent with development.

2. Future economic development should strive to include export businesses that produce goods and services within the community but are sold primarily to outside markets.
3. Economic development programs and incentives should strive to focus on development and businesses that include higher quality buildings and facilities, as well as, provide greater job opportunities with relatively high wages.
4. The retention and expansion of existing businesses should be supported through facility improvements and the implementation of increased technology.
5. The town should support efforts to maintain agriculture and tourism as important components of the local economy.
6. Commercial and industrial development shall be directed to designated areas consistent with the Preferred Land Use Plan Map and associated policies and recommendations.
7. Future business and industrial development in the town shall be reviewed for potential financial, service and visual impacts to surrounding landowners.
8. New commercial or industrial development should be reviewed by the town in accordance with site plan requirements and development standards. The standards and requirements should be included in the town's zoning ordinance.

## 6.9 Economic Development Programs

The following programs are currently utilized by the community or are available for use by the community to implement the goals, objectives, policies, and recommendations identified.

### University of Wisconsin Extension – Dodge County

The purpose of the Community Resource Development Program (CRD), within the Dodge County UW-Extension, is to strengthen the ability of citizens, community and business leaders, and local government officials to identify and resolve crucial community needs and issues in three broad, interrelated areas--communities, natural resources, and economic development. For more information about Extension services visit [www.uwex.edu/ces/cty/dodge](http://www.uwex.edu/ces/cty/dodge).

### Dodge County Economic Development Revolving Loan Program

The Dodge County Planning and Development Department operates a revolving loan program for local businesses and industry. The Revolving Loan Fund program provides low-interest loans for proposed projects that will create new jobs, help businesses maintain or expand existing operations, and advance the county's economic development goals and objectives. The Fund is intended to provide financial incentive for business and industries to invest in their own growth by providing "leverage". The funds, therefore, are meant to serve an important, secondary role

to the private financing available. For further information contact the Dodge County Planning and Development Department.

#### Dodge County Business Retention Program

The Dodge County Planning and Development Department assists businesses in obtaining grant funding for business expansion and development. Activities that the grant money may be spent on include: feasibility studies, market research, attorney and accountant fees, business planning, engineering studies, developing training programs, and other required services.

#### Wisconsin Agricultural Development Zone Program

An Agricultural Development Zone has been established in five south central Wisconsin counties, including Dodge County. Agricultural related businesses are eligible for tax credits that can be applied against their state income tax liability. These credits are based on the number of new jobs that you create, the wage level, and the benefit package that you offer. Businesses may also be eligible for a 3% capital investment credit for real and personal property and a credit equal to 50% of your eligible environmental remediation costs.

#### Community Development Block Grant for Economic Development (CDBG-ED)

The CDBG-ED program was designed to assist businesses that will invest private funds and create jobs as they expand or relocate to Wisconsin. The Wisconsin Department of Commerce awards the funds to a general-purpose unit of government (community) which then loans the funds to a business. When the business repays the loan, the community may retain the funds to capitalize a local revolving loan fund. This fund can then be utilized to finance additional economic development projects within the community. For more information contact the Wisconsin Department of Commerce.

#### USDA, Wisconsin Rural Development Programs

The Wisconsin Rural Development Program has many services that are available to rural communities and their residents. Some programs and services available include: community development programs, business and community programs, rural housing and utilities services, and community facility programs. For more information visit the Wisconsin Rural Development web site at <http://www.rurdev.usda.gov/wi/index.html>.

## 7. Intergovernmental Cooperation

In general terms, intergovernmental cooperation is any arrangement by which officials of two or more jurisdictions coordinate plans, policies, and programs to address and resolve issues of mutual interest. It can be as simple as communicating and sharing information, or it can involve entering into formal intergovernmental agreements and sharing resources such as equipment, buildings, staff, and revenue. It can even involve consolidating services, jurisdictions, or transferring territory.

Many issues cross jurisdictional boundaries, affecting more than one community. For example, air, water, and wildlife pass over the landscape regardless of boundaries so that one jurisdiction's activity with regard to air, water, and wildlife impacts other jurisdictions downwind or downstream.

Today, increased communication technologies and personal mobility mean that people, money, and resources also move across jurisdictions, as quickly and freely as air and water. Persons traveling along roadways use a network of transportation routes, moving between jurisdictions without even realizing it.

Frequently, the action of one governmental unit impacts others. Increasingly, we have come to the realization that many vital issues are regional in nature. Watersheds, economic conditions, commuter patterns, housing, media markets, and effects from growth and change are all issues that spill over municipal boundaries and impact the region as a whole.

### **Intergovernmental Cooperation Benefits**

There are many reasons intergovernmental cooperation makes sense. The following are some examples:

- ◆ Cost savings – Cooperation can save money by increasing efficiency and avoiding unnecessary duplication. Cooperation can enable some communities to provide their residents with services that would otherwise be too costly.
- ◆ Address regional issues – By communicating and coordinating their actions, and working with regional and state jurisdictions, local communities are able to address and resolve issues which are regional in nature.
- ◆ Early identification of issues – Cooperation enables jurisdictions to identify and resolve potential conflicts at an early stage, before affected interests have established rigid positions, before the political stakes have been raised, and before issues have become conflicts or crises.

- ◆ Reduced litigation – Communities that cooperate are able to resolve issues before they become mired in litigation. Reducing the possibility of costly litigation can save community money, as well as the disappointment and frustration of unwanted outcomes.
- ◆ Consistency – Cooperation can lead to consistency of the goals, objectives, plans, policies, and actions of neighboring communities and other jurisdictions.
- ◆ Predictability – Jurisdictions that cooperate provide greater predictability to residents, developers, businesses, and others. Lack of predictability can result in lost time, money, and opportunity.
- ◆ Understanding – As jurisdictions communicate and collaborate on issues of mutual interest, they become more aware of one another’s needs and priorities. They can better anticipate problems and work to avoid them.
- ◆ Trust – Cooperation can lead to positive experiences and results that build trust between jurisdictions.
- ◆ History of success – When jurisdictions cooperate successfully in one area, the success creates positive feelings and an expectation that other intergovernmental issues can be resolved as well.
- ◆ Service to citizens – The biggest beneficiaries of intergovernmental cooperation are citizens for whom government was created in the first place. They may not understand, or even care about, the intricacies of a particular intergovernmental issue, but all Wisconsin residents can appreciate their benefits, such as costs savings, provision of needed services, a healthy environment, and a strong economy.

This element will contain information regarding existing plans or agreements, opportunities for the future, existing and potential conflicts, and identify goals, objectives, policies, recommendations, and programs for intergovernmental cooperation.

## 7.1 Intergovernmental Cooperation Summary

The Town of Fox Lake was a partner in facilitating intergovernmental cooperation by being an active participant in the Dodge County multi-jurisdictional comprehensive planning process. The Town of Fox Lake also has worked cooperatively with many of the adjoining communities and other local agencies, including the City of Fox Lake and the Fox Lake Correctional Institution.

Details regarding existing cooperative programs, activities, and agreements affecting the Town of Fox Lake are provided in the *Town of Fox Lake Inventory and Trends Report*.

## 7.2 Opportunities for Shared Services and Intergovernmental Agreements

### **School Districts**

The Town of Fox Lake is served by four (4) school districts, including the Beaver Dam School District, Markesan School District, Randolph School District, and the Waupun School District. Potential opportunities for cooperation include working with the school district to anticipate future growth, facility, and busing needs. In addition, school districts often provide recreational facilities for field or court sports.

### **Siting and Building Public Facilities**

A community's public facilities and infrastructure is a major community asset that is not only a major financial commitment, but an influence on overall community design, land uses, and attractiveness to residents and businesses. In many cases a community requires facilities to meet the needs of its own residents. There are opportunities however in which facilities have excess capacity or could be more cost effectively utilized or constructed if shared with other communities. Facilities where this may occur include wastewater treatment facilities, parks, libraries, municipal buildings, and water storage to name a few. The Fox Lake Inland Lake Protection and Rehabilitation District owns and contracts for the operation of the Fox Lake Wastewater Treatment Facility. The Fox Lake district provides sanitary sewer service to portions of both the Town and City of Fox Lake.

### **Sharing Public Services and Equipment**

Similar to public infrastructure and facilities, public services and equipment can be shared to increase cost effectiveness or efficiency. For example, a community may have an administrative or public works employee who is employed full time, but can not be fully utilized and kept busy full-time. The excess capacity of that position could be contracted via an intergovernmental agreement or other mechanism to be used by a neighboring community who may not be able to employ a similar position full-time. A similar strategy could also be applied to equipment owned by a community. Finding these opportunities requires communication between neighboring communities and a commitment to finding unique solutions.

The Town and City of Fox Lake have an agreement regarding the joint use of equipment and limited snow removal on designated streets along the common border. In addition, mutual aid agreements are in place throughout the county to address police, fire, and emergency medical services and resources. At present, the town is a part of the Fox Lake Fire Association and the Randolph Fire Association that provide fire protection and emergency medical services to the town.

### 7.3 Existing Opportunities and Potential Conflicts with Other Governmental Units and Strategies for Conflict Resolution

#### Opportunities

Numerous opportunities for service or program administration exist for cooperation with other units of government. Several opportunities are described as follows:

<u>Opportunity</u>	<u>Other Governmental Unit Assistance</u>
1. Assistance in rating and posting local roads.	Dodge County Highway Department
2. Update and amend town comprehensive plan and Adopt town zoning and subdivision ordinances	Dodge County Planning Department
3. Coordinated services or joint contracting (e.g. police services, solid waste and recycling, recreation programs, etc.)	Dodge County, City of Fox Lake, Village of Randolph

#### Potential Conflicts and Resolutions

Several potential conflicts may develop through the course of the planning period. Potential conflicts can be most effectively addressed in a pro-active fashion. In other words, pursuing opportunities will often avoid future conflicts. Thus, several of the potential conflicts identified may be similar to the opportunities discussed earlier. Potential conflicts and the process to resolve the conflicts are summarized as follows:

<u>Potential Conflict</u>	<u>Process to Resolve</u>
1. Concern over too much intervention by Dodge County and state relative to local control of land use issues.	Town adopts local town comprehensive plan.  Town takes responsibility to develop, update, and administer local zoning and subdivision ordinances and programs.  Maintain communication with the Dodge County Planning Department on land use issues.  Town provides ample opportunities for public involvement during land use planning and ordinance development efforts.
2. Annexation of Town land by the City of Fox Lake and Village of Randolph.	Develop boundary agreements with the City of Fox Lake and the Village of Randolph.
3. Concern over conflict between agricultural operations and new non-farm residences	Town adopts local town comprehensive plan. Town takes responsibility to amend or create zoning ordinance to resolve conflict.

## 7.4 Intergovernmental Cooperation Goals and Objectives

The following are the goals and objectives developed by the Town of Fox Lake regarding intergovernmental cooperation.

***Goal: Strive for mutually beneficial relationships with state, county, bordering municipalities, and applicable agencies.***

### ***Objectives***

1. Continue to develop the cooperative working relationships the town has established with neighboring communities and Dodge County.
2. Attempt to establish boundary agreements with the City of Randolph and the City of Fox Lake in order to minimize the negative impact and effects of annexation on the Town of Fox Lake.
3. Continue to invite county and state representatives to Town Board meetings and share ideas and concerns.
4. Support the Wisconsin Towns Association and be active in local, district, and state meetings.
5. Continue to participate in the Fox Lake Correctional Institution community liaison program.

## 7.5 Intergovernmental Cooperation Policies and Recommendations

Policies and recommendations build on goals and objectives by providing more focused responses and actions to the goals and objectives. Policies and recommendations become the tools that the community should use to aid in making land use decisions. Policies that direct action using the words “will” or “shall” are advised to be mandatory and regulatory aspects of the implementation of the comprehensive plan. In contrast, those policies that direct action using the word “should” are advisory and intended to serve as a guide.

### **Policies and Recommendations**

1. The town should participate in county-initiated efforts to inventory and assess existing and future needs for public facilities and services as part of an overall program to identify public facilities and/or service that may be consolidated or otherwise provided in a more cost-effective and efficient manner.

2. The town shall continue to develop the cooperative working relationship the town has established with neighboring towns by participating in an annual meeting for the purpose of identifying new ways in which the towns can cooperate.
3. In order to provide services more efficiently, the town should increase communication efforts and cooperative planning efforts with neighboring communities, the county, and other appropriate jurisdictions.
4. The town should support the Wisconsin Towns Association by being active and attending local, district, and state meetings.
5. The town will coordinate implementation of its comprehensive plan with Dodge County to avoid conflicting regulations for those areas where each has jurisdictional responsibilities and minimize the duplication of services by working cooperatively with the county whenever possible.
6. Before the purchase of new town facilities or equipment, or the reinstatement of service agreements, the town should pursue options for trading, renting, sharing, or contracting such items from neighboring jurisdictions in order to provide services efficiently and save taxpayer's money.
7. If a neighboring jurisdiction is creating or amending a comprehensive plan, town representatives shall attend or accept invitations to intergovernmental discussions.
8. The town shall encourage the shared development of all public capital facilities including community facilities such as parks, libraries, schools and community meeting facilities.
9. The Town shall pursue Cooperative Boundary Agreements with the City of Fox Lake and the Village of Randolph.

## 7.6 Intergovernmental Cooperation Programs

The following programs are currently utilized by the community or are available for use by the community to implement the goals, objectives, policies, and recommendations identified.

### UW-Extension Local Government Center

The mission of the Local Government Center is to provide focus, coordination, and leadership to UW System educational programs for local government, and to expand the research and knowledge base for local government education. The Center conducts and coordinates educational programming in general local government, local government finance, growth management, and community planning and design. Additional programs are under development. Educational programs are delivered through the two-way audio Educational Telecommunications Network (ETN), satellite television, and state-wide and regional workshops. The Center supports

the programming of county-based Extension faculty. A variety of resources regarding intergovernmental cooperation are available through the Local Government Center. For further information visit its web-site at [www.uwex.edu/lgc/](http://www.uwex.edu/lgc/).

#### Wisconsin Towns Association (WTA)

Wisconsin Towns Association (WTA) is a non-profit, non-partisan statewide organization created under s. 60.23(14) of the Wisconsin Statutes to protect the interests of the state's 1,264 towns and to improve town government. In 2002 WTA celebrated its 55th year of service to town governments and the state's 1.6 million town residents. The association is organized into six districts and is headquartered in Shawano. WTA relies on regular district meetings, an annual statewide convention, publications, participation in cooperative training programs and other means to support the goal of keeping grassroots government strong and efficient in Wisconsin. For further information on the WTA, visit its website at [www.wisctowns.com](http://www.wisctowns.com).

## 8. Land Use

Land use is a means of broadly classifying how land is used and how it could be used in the future. Each type of use has its own characteristic that can determine compatibility, location, and preference to other land uses. The maps, especially existing land use, are used to analyze the current pattern of development, and serve as the framework for formulating how land will be used in the future. Land use regulations, private market demands, ownership patterns, and resource management programs all contribute to the character of the community as it is known today.

A primary function of this land use element is to help guide future land use in a way that is compatible, desirable, and accepted by the local community. This requires the consideration of a range of ideas and opinions relative to land use, property rights, and community values. The community can effectively manage land use through sensible land use controls and policies. Because land use is a people-oriented process, personal opinions, desires, and attitudes, and legal and political considerations all have land use impacts.

### 8.1 Projected Supply and Demand of Land Use During the Planning Period

Table 8-1 displays estimates for the total acreage that will be utilized by residential, commercial/industrial, institutional, and agricultural land uses for five year increments through the Year 2030 in the Town of Fox Lake. These future land use demand estimates are largely dependent on projected population increases and should only be utilized for planning purposes in combination with other indicators of land use demand.

Table 8-1  
Projected Land Use Demand (acres), Town of Fox Lake 2005-2030

Year	Residential (1)	Commercial/ Industrial (2)	Institutional (3)	Agricultural (4)
2005	466.2	109.5	593.8	13,342.1
2010	524.4	136.9	608.7	13,241.6
2015	590.0	171.1	623.9	13,126.6
2020	663.7	213.9	639.5	12,994.4
2025	746.7	267.4	655.5	12,842.0
2030	840.0	334.2	671.9	12,665.4

(1) Assumes an average annual increase of 2.5%; RESIDENTIAL includes single family, two family, multi-family, and mobile home parks.

(2) Assumes an average annual increase of 5.0%; COMMERCIAL/INDUSTRIAL includes commercial, industrial, and quarries.

- (3) Assumes an average annual increase of 0.5%; INSTITUTIONAL includes public & quasi-public, parks & recreation, and communication & utilities.
- (4) AGRICULTURAL includes agriculture and other resource land.

Year 2005 to 2030 land use demand projections were determined primarily by using Wisconsin Department of Administration (WDOA) population projections (through 2025 and extrapolated to 2030). The amount of land needed to accommodate future commercial/industrial and institutional development was assumed to be the same or similar to the current per capita “ratio” of the town’s 2000 population to the amount of land in each land use category. In other words, each person will require the same amount of land for each particular land use as they do today.

As indicated by Table 8-1, it is projected that the town will need to accommodate more land for residential, commercial/industrial, and institutional land uses. The need for more commercial and industrial land is projected to increase by an annual average of 5.5 to 13.4 acres/year (or 5% per year) over the planning period. However, the actual amount of land needed for commercial and industrial development will vary from year to year depending on many factors, including market demand and supply in the nearby “competing” markets of Fox Lake, Randolph, and Waupun. In order to accommodate the demand for additional commercial and industrial land in the town, the town’s Future Land Use Plan map includes future growth areas along or in close proximity to STH 33, CTH A and adjoining the City of Fox Lake and the Village of Randolph specifically for commercial and industrial development.

Regarding institutional land uses, the need for more land for institutional land uses is projected to increase by an annual average of 3.0 to 3.3 acres/year (or 0.5% per year) over the planning period. The amount of institutional land in the town is heavily influenced by the amount of land for the Fox Lake Correctional Institution (categorized as institutional in Table 8-1). Given that there are no current plans to acquire additional land for the FLCI, the increase in the amount of institutional land is likely to be limited to additional land used for open space, conservancy, park and or recreational uses. However, the actual amount of land needed for institutional land uses will vary from year to year.

Residential development is projected to continue based on past building permit activity and will ultimately be the land use that experiences the largest amount of growth in the town over the planning period. The need for more residential land is projected to increase by an annual average of 11.6 to 18.6 acres/year (or 2.5% per year) over the planning period. However, the actual amount of land needed to accommodate future residential development will vary from year to year depending on many factors, including interest rates, market supply in the City of Fox Lake, Waupun, and the Village of Randolph. In order to accommodate the demand for additional residential land in the town, the town’s Future Land Use Plan map includes future growth areas within and adjacent to the existing Fox Lake Protection and Rehabilitation District’s sanitary sewer area, adjoining the City of Fox Lake and the Village of Randolph, around Lake Emily, and south of Spring Road near Beaver Dam Lake.

However, the total amount of land that will ultimately be needed to accommodate future residential development will depend not only on how much the town's population grows, but also on the type and density of residential development that is allowed to occur given the town's development regulations.

Using the figures from the population and housing sections in this plan, an estimate of how much land must be set aside for residential development can be made. As indicated in Section 2 (Housing), an average of 10 new homes per year (for a total of 306) are projected to develop through the planning period from 2000 through 2030. The total amount of land needed for this development will depend on the type and density the town will allow. If, for example, the Town requires that all 306 of these homes be single-family homes developed on large lots (e.g. 5 acres or more in size) outside the sanitary district, 306 single-family homes at five acres each equals 1,520 acres that could be converted from agricultural to residential uses. On the other hand, if the town requires that all 306 homes be developed on 10,000 square feet (1/4-acre) lots within the sanitary district, only about 80 acres would be needed for residential development. As a result, the Town's sanitary facilities would be more efficiently utilized and more acres of agricultural land would continue to be available for agricultural production rather than being developed for non-agricultural land uses. The projected land demand for residential land uses reflects an average of 1.2 acres required per new home over the planning period.

The projected decline in agricultural land use is based on the assumption that agricultural land will be converted to accommodate the projected demand for future residential, commercial/industrial, and institutional land uses. Agricultural land is projected to decrease by an annual average of 20.2 to 35.6 acres/year (or approximately 0.25% per year) over the planning period. This is significantly less than the 1.6% per year decrease in agricultural land projected for all of Dodge County based on recent trends (from 1997 to 2002 using data from the 2002 Census of Agriculture).

## 8.2 Future Land Use Plan (Categories)

The future land use plan is one of the primary components of the comprehensive plan that can be used as a guide for local officials when considering future development within the community. The plan is long-range and will need to be reevaluated periodically to ensure that it remains consistent with changing trends and conditions. A major component of the comprehensive plan is the Year 2030 Future Land Use Map (see Appendix Map 8-3) and the associated future land use Categories. According to Section 66.1001 Wis. Stats., Comprehensive Planning, the Land Use Element of a comprehensive plan must specify the general location of future land uses by net density or other Categories. To address this requirement, the following Future Land Use Plan map Categories have been developed to allow the Town of Fox Lake the opportunity to promote the desired features of the Town. The Future Land Use Categories are simply designated areas of consistent character, use, and density that share similar goals and objectives for future use, preservation and/or development (if any).

To arrive at a workable plan that will be both effective and implemented, the plan must account for past development activity as well as current market factors, conditions, and trends that shape where and how land will be developed. Future land uses are developed to serve as a flexible guide to local officials regarding future development of the community. The Future Land Use Plan Map will be used to guide and assist the town plan commission and town board when making decisions regarding the protection and preservation of the town's agricultural and natural resources and when considering specific development proposals. The Town of Fox Lake's Future Land Use Plan map Categories are described below.

### ***Conservancy (Dark Green)***

#### **Intent and Description**

These mapped areas include wetlands as designated by the WDNR. Agricultural activities such as crop harvesting and pasturing are recognized as acceptable activities in the Conservancy category.

#### **Policies and Recommendations**

- ◆ Agricultural activities such as crop harvesting, pasturing, and tree cutting are recognized as acceptable activities in the Conservancy category.
- ◆ Use of wetland areas and floodplains is encouraged for the purpose of outdoor recreation (public property), wildlife movement, and overall character enhancement.
- ◆ Development should not occur within nor encroach on these areas other than for open space preservation, conservation or passive recreational purposes as may be allowed under applicable zoning regulations.

### ***Agriculture (Light Green)***

#### **Intent and Description**

This category represents those areas where agricultural type uses such as dairy and crop farming are the anticipated predominant land use in the area. A limited amount of non-farm, residential development exists and will continue to be allowed but at a low density of one (1) lot per 35 acres. Housing for a farm operator or the son or daughter of the farm operator would be acceptable. A minimal amount of other non-farm land uses, e.g. wind energy systems, wireless communication facilities, dog kennels, veterinary clinics, mineral extraction, farmers markets, and wildlife ponds, etc., will also be allowed in these areas.

The town road network serves the majority of development. Farmsteads and growing numbers of residential dwellings are located in close proximity to the existing roads. Development trends in the town consist of scattered residential development, farm consolidations, and increases in larger, consolidated farming operations. The town also wants to stay a rural, predominantly agricultural community.

Preservation of the Town of Fox Lake’s agricultural areas, natural resources, surface waters, and open spaces was identified by the residents of the Town to be a priority issue. Several strategies for achieving this goal have been identified and outlined in this plan. These strategies primarily include strengthening agricultural zoning and directing future development into the sanitary district. Major subdivisions (those proposing to create five or more lots) and other similar large scale developments are prohibited in these areas unless they are adjacent to the unincorporated village and can be served by sanitary sewer.

### **Policies and Recommendations**

- ◆ The ~~proposed~~ density of non-farm, residential development should ~~would~~ be one (1) home per each 35 acres of a “parent” parcel and allowed on lots or parcels having a minimum area of one (1) acre and a maximum area of three (3) acres for new lot development in the agricultural areas. Notwithstanding, existing “parent” parcels with at least 5 but less than 35 acres would be allowed to create one (1) non-farm lot 1 to 3 acres in area.
- ◆ Site plan requirements are proposed to minimize the potential impact to prime soils and production farmland in the event of land conversions in the agricultural areas.
- ◆ A minimal amount of other land uses, such as but not limited to wind energy systems, wireless communication facilities, veterinary clinics, mineral extraction, farmers markets, wildlife ponds, and businesses that primarily serve the agricultural industry may also occur in areas planned for agriculture, assuming all codes and ordinance requirements are met.
- ◆ Utilize existing state and county regulations to manage large commercial dairy or feedlot operations and to address such issues as operations, manure storage and handling, transportation and road impacts, residential conflicts, etc.

### ***Recreation (Dark Blue)***

#### **Intent and Description**

This category includes existing and future park and recreation land. Local, county, state, and federal recreation areas as well as privately owned recreation areas (golf courses, gun clubs, etc.) are included in this category. Wetlands that are located within a public or private recreation area will be placed in the Recreation category.

### **Policies and Recommendations**

- ◆ Recreation Category is designed to include existing and planned park and recreation areas, as well as some “green space areas” generally associated with designated wetlands and floodplains.

- ◆ Existing park and recreation areas should be maintained and enhanced as necessary to contribute to overall community identity and outdoor recreation opportunities.
- ◆ Coordinate existing and planned recreational facilities through Dodge County’s Comprehensive Outdoor Recreation Plan.

***Single Family Residential (Yellow)***

**Intent and Description**

This category represents those areas where single-family residential exists or is planned to be the predominant land use. The density of residential development may vary depending on applicable zoning, but only single-family housing is included in this category. Mobile home parks, attached condominiums, and other multi-family residential uses would not be categorized as single-family residential but as General Residential (see description below). Where agricultural uses occur in these mapped areas, it is anticipated that these areas will become predominantly single-family residential over time.

The composition and density of residential land uses in the Town of Fox Lake is an area of land use that has been clearly defined by the residents of the Town. According to the community opinion survey completed in the late 1990’s, it was widely agreed that single-family homes are the desired form of residential land use in the Town. However, there was also a significant amount of support for the development of duplexes in the Town. Other higher density multifamily residential developments were opposed by Town residents. Furthermore, most Town residents feel that new non-farm residential development should be located in areas adjacent to and serviceable by the Town’s sanitary district.

**Policies and Recommendations**

- ◆ New single-family residential development should occur exclusively in the planned single-family areas as shown on the Future Land Use Plan map.
- ◆
- ◆ Densities will be regulated by the town’s zoning ordinance where a minimum lot area of one (1) acre (43,560 sq. ft.) and a minimum lot width of 125 feet will be required for parcels outside of or not served by the sanitary sewer district. Lots served by the sanitary sewer district could have a minimum lot area of 10,000 sq. ft. (1/4 acre) and 100 feet of lot width. The parameters will need to be worked out in the zoning ordinance.
- ◆ Direct new housing into areas which are already predominantly characterized by residential development, or located adjacent to such areas.
- ◆ Encourage higher density residential development in areas where public utilities are available or planned.

- ◆ Areas that are designated single-family residential in the rural areas outside of the unincorporated village are to be treated with the same recommended density provisions as agriculture lands; existing residential lots in the agricultural areas should not be split for purposes of new residential development.
- ◆ Single-family residential neighborhoods should contain some form of buffering between the residences and potentially incompatible land uses such as agricultural, commercial or industrial.

### ***General Residential (Orange)***

#### **Intent and Description**

These areas include all types of multi-family residential uses (other than single-family). Multi-family structures including duplexes, attached condominiums, mobile home parks, and group living facilities are included in this category.

#### **Policies and Recommendations**

- ◆ The potential for sewer service should be evaluated and coordinated with the Fox Lake Sanitary District during development review.
- ◆ Densities will be regulated by the Town's respective zoning ordinance. The Town had discussed a minimum lot area of 40,000 sq. ft. and a minimum lot width of 125 feet at the building setback line. Lots served by public sanitary sewer could have a minimum lot area of 20,000 square feet and 100 feet of lot width at the building setback line. The parameters will need to be worked out in the zoning code and will likely range from one to three units per gross acre. One acre is 43,560 square feet.

### ***Commercial (Red)***

#### **Intent and Description**

These mapped areas represent where commercial type land uses are anticipated in the future. Examples of uses found in this category include retail sales and services, eating and drinking establishments, financial institutions, professional offices, service and repair businesses, visitor accommodations, entertainment businesses, parking lots and day care facilities.

#### **Policies and Recommendations**

- ◆ New commercial development should occur exclusively in the planned commercial areas as shown on the Future Land Use Plan map.

- ◆ Designed to include existing and planned commercial development served by municipal (public) sewer and water systems and by private, non-sewered development, depending on the location of the development.
- ◆ The Town should assess the use of some minimum design standards which promote quality and aesthetics and do not detract from the community.
- ◆ Individual lot sizes may vary depending on the location and the services available. All commercial developments should be reviewed as part of a planned development area, including review of parking and access control.
- ◆ Intensive commercial activity in close proximity to residential development should be avoided. However, neighborhood convenience stores or services should be allowed in residential areas where precautions such as vegetative buffering are used to ensure that the quality and character of the neighborhood are upheld.
- ◆ Discourage the proliferation of large billboards in favor of smaller, less obtrusive signage.

### ***Industrial (Purple)***

#### **Intent and Description**

These mapped areas represent where industrial type land uses are anticipated. Manufacturing and production facilities, resource extraction and processing, warehousing, transportation terminals, feed mills, and wholesale establishments are some of the examples of uses included in this category.

Industrial land uses in the Town of Fox Lake are currently quite limited. A significant issue relative to potential industrial development is that it should be located within an area serviceable by the Town Sanitary District.

#### **Policies and Recommendations**

- ◆ New industrial development should occur exclusively in the planned industrial areas as shown on the Future Land Use Plan map.
- ◆ New developments could be subject to minimum building and site design, landscaping, signage, and outdoor storage provisions to encourage community character and sustainable developments.
- ◆ Proper access by industries to and from major traffic routes should be provided. Industrial development should also maintain adequate off-road employee parking, loading and unloading facilities, and should be buffered from intensive residential areas to reduce potential land use related conflict.

- ◆ Reuse of existing vacant industrial property should be a priority when assessing new potential industrial uses.
- ◆ Commercial uses may be allowed in the Light Industrial category dependent on the location (lot configuration will not impeded future lot layout or development of adjacent lands) and type of proposed use.

***Utilities and Community Services (Brown)***

**Intent and Description**

This category includes all public and private utility facilities as well as those uses which provide a service to the community except parks. Land uses such as churches, cemeteries, post offices, libraries, nursing homes, assisted living facilities, prisons, airports, hospitals, town halls, police and fire stations, museums, and schools are some examples of community services. Utilities would include uses such as electrical substations, water wells, water towers, natural gas regulator stations, and waste water treatment facilities.

**8.3 Designation of Smart Growth Areas**

A Smart Growth Area is defined as “An area that will enable the development and redevelopment of lands with existing infrastructure and municipal, state and utility services, where practicable, or that will encourage efficient development patterns that are both contiguous to existing development at densities which have relatively low municipal, state governmental and utility costs.”

The arrangement of incorporated municipalities scattered throughout Dodge County’s rural landscape creates the perfect situation to practice “Smart Growth” (Directing growth into areas served with adequate utility and service infrastructures.) The Dodge County planning process and subsequently the *Town of Fox Lake Year 2030 Comprehensive Plan* is based on the following six principles as identified by the American Planning Association:

**Principle 1: Efficient Use of Land Resources**

Good planning and efficient development supports the preservation of both land and natural resources. Approximately 90% of future land use within the Town of Fox Lake s designated either Agriculture or Conservancy (environmentally significant lands such as wetlands and floodplains). Within these designations residential development is limited, environmentally sensitive areas are protected, and future development will utilize the existing street network to minimize additional local road development and maintenance costs. In addition, the plan supports in-fill within the unincorporated village. The town is also proposing very low density in conjunction with a maximum lot size in the planned agricultural areas to discourage inefficient use of land. The plan also supports small lot sizes and maximum utilization of its public sewer system to accommodate new development.

**Principle 2: Full Use of Urban Services**

Smart development means creating neighborhoods where more people will use existing services like water lines and sewers, roads, emergency services and schools. The Dodge County planning process has identified areas within the county's cities and villages to accommodate growth and development.

In terms of sewer, subdivisions are only allowed to locate in the sanitary district. For the Town of Fox Lake, many urban services are available through the three nearby Cities of Waupun, Fox Lake, and Beaver Dam. In addition, the Town of Fox Lake does have an area of the Town that is served by public sanitary sewer.

The support function of Dodge County's cities and villages as service centers to the surrounding rural farming area supports this principle.

**Principle 3: Mix of Uses**

Compact neighborhoods that contain a mix of residential, commercial, and recreation spaces within walking distance of each other promote a reduction in auto use, community identity, a variety of housing types and a safe environment for all age groups.

The sanitary sewer area of within the town will be allowed to have a higher density and contain a mix of single-family and multi-family residential and commercial uses while also being served by parks, trails, and public utilities. A greater challenge for Dodge County communities, including Fox Lake, is the promotion of growth in an attempt to create jobs through new industry and businesses.

**Principle 4: Transportation Options**

A well designed transportation network promotes safety, alternative modes of transport, and less traffic congestion and air pollution.

The rural development pattern in Fox Lake does not allow for a sufficient density to support a wide variety of specialized alternative modes of transportation. However, Fox Lake has five county highways and two state highways that create an effective road transportation network. In addition, Fox Lake, as part of Dodge County's rural landscape supports miles of snowmobile and ATV trails, which although are used primarily for recreational, do provide alternative forms of travel for local rural residents.

**Principle 5: Detailed, Human Scale Design**

In human-scale neighborhoods, a wide mix of housing types are clustered around one or more well-defined neighborhood centers which support jobs, commercial activity, and a range of services.

This principle was of limited importance in the Town of Fox Lake planning process due to the smaller size and the rural, agricultural nature of the Town. However, this principle can be

utilized when creating small areas of clustered residential development as may be allowed in the sanitary sewer area.

### **Principle 6: Implementation**

A community's ability to adopt smart development principles will, of necessity, require intergovernmental cooperation to apply the principles. This plan has worked to avoid duplication of services and the creation of additional layers of government by coordinating the development of its comprehensive plan and administration of various ordinances, such as subdivision and zoning, with Dodge County. The town has thoroughly evaluated the implications and opportunities of coordinated growth management and understands the administrative and financial responsibilities of managed growth. The implementation strategy allows for local control and implementation of this comprehensive plan while coordinating growth and development with the neighboring jurisdictions.

This plan recommends continued discussions and cooperation relative to land use planning and ordinance administration between Dodge County and the Town of Fox Lake. In addition, this plan recommends pursuing cooperative boundary agreements with the City of Fox Lake and the Village of Randolph.

## 8.4 Existing and Potential Land Use Conflicts

The following list represents existing and potential land use conflicts in the Town of Fox Lake:

- ◆ Increasing pressure to convert farmland to residential use.
- ◆ An increase in the number of large animal confinement operations may have a negative impact on nearby non-farm residences and natural resources.
- ◆ Farm consolidation will be experienced in the town, resulting in fewer, but larger farms, and the potential for large scale feedlot and dairy operations will increase due to the current economic conditions of farming.
- ◆ The prices of land for residential and recreational uses will outpace the price of land continuing in agriculture.
- ◆ Recreational property demands will continue to increase, placing higher values on woodland and wetland areas.
- ◆ The town will continue to experience increased traffic volumes on county and state roads which will in turn require additional local road maintenance and construction costs.
- ◆ Annexation conflicts and boundary disputes between the Town and the City of Fox Lake and the Village of Randolph may arise.
- ◆ Intervention by the County and the State relative to local land use issues.

## 8.5 Land Use Goals and Objectives

The following are the goals and objectives developed by the Town of Fox Lake regarding land use.

***Goal: Preserve and maintain the area’s rural and recreational character while allowing for planned and controlled development opportunities.***

***Objectives***

1. Preserve and protect prime farmland.
2. Preserve natural environments, habitats and environmentally sensitive areas.
3. Encourage use of the Town Comprehensive Plan as a public and private decision-making tool.
4. Encourage residential and commercial development that will not conflict with current surrounding land uses.
5. Encourage development that promotes open (green) space through site design.
6. Require any new developer of multi-unit residential property, commercial property, or industrial property to submit storm water run-off and drainage plans so as to determine that any new development will not adversely affect the Town’s lakes, streams, ground water, and existing drainage.
7. Designate areas where criminal confinement facilities can be operated without conflicting with other forms of development.

***Goal 2: Preserve and enhance the rural and agricultural characteristics of the Town of Fox Lake by providing for planned and orderly growth consistent with the community’s desires and concerns.***

***Objectives***

1. Discourage the number of non-farm residential development outside of the sanitary district in the Town through appropriate zoning, land division, and other development-related regulations adopted by the Town.
2. Encourage higher density residential and non-residential development within the sanitary district through appropriate zoning, land division, and other development-related regulations adopted by the Town.

## 8.6 Land Use Policies and Recommendations

Policies and recommendations build on goals and objectives by providing more focused responses and actions to the goals and objectives. Policies and recommendations become the tools that the community should use to aid in making land use decisions. Policies that direct action using the words “will” or “shall” are advised to be mandatory and regulatory aspects of

the implementation of the comprehensive plan. In contrast, those policies that direct action using the word “should” are advisory and intended to serve as a guide.

### **Policies and Recommendations**

1. The town will maintain a low density of development, which is characteristic throughout the vast majority of the town by adopting land use ordinances that are consistent with plan recommendations.
2. Additional policies are included within each Future Land Use Category description and as presented on the Year 2030 Future Land Use map (see Appendix Map 8-3).
3. Public infrastructure (e.g., utilities, roads, etc.) should be located and constructed to prevent negative impacts on agriculture such as limiting or interfering with access to fields or the effectiveness and efficiency of the farmer and farm equipment. Utilities serving new development should be placed underground whenever possible.
4. Maintain a minimum 75-foot buffer area between surface water and new development to filter land runoff, slow the movement of stormwater, increase water infiltration into the ground, and provide wildlife habitat.
5. Maintain woodlots > 20 acres as large, contiguous tracts.
6. Maintain and enhance natural vegetative buffers between lakes, rivers, streams, wetlands and adjacent land uses.
7. Non-farm, residential development outside of the sanitary sewer district shall only be permitted in those areas where safe, private on-site sewage disposal systems (other than a holding tank) and private wells meeting current groundwater standards can be accommodated.
8. On-farm enterprises and agricultural support businesses must remain an accessory use, secondary to the primary agricultural use of an actively farmed property, and should not interfere with adjacent farming operations, cause nuisances for nearby residents, or generate large amounts of traffic.
9. Home-based businesses that have outward characteristics of a business should be allowed only when consideration (e.g., limitations on outdoor advertising, screening of operations) is made for the rural character of the surrounding neighborhood.
10. New development shall provide for and/or contribute its proportionate fair share of expenses through facility construction and dedication, impact fees, land dedications (where applicable), and fees in-lieu-of dedication associated with the provision or maintenance of public facilities and services. Public services and facilities include, but

are not limited to: public sewer and water, roads, parking, snow plowing, garbage, fire and emergency needs, and schools.

11. The provision of necessary improvements should be provided concurrent with the development of the proposed project. Developments with requirements beyond existing levels of service related to police and fire protection, schools, roads, and utilities should not be allowed until such services can be adequately provided and maintained.
12. Limit new residential, commercial and industrial development to those areas shown on the Future Land Use Plan map (Map 8-3).
13. The density of non-farm, residential development should be one (1) home per each 35 acres of a “parent” parcel and allowed on lots or parcels having a minimum area of one (1) acre and a maximum area of three (3) acres for new lot development in the agricultural areas. Notwithstanding, existing “parent” parcels with at least 5 but less than 35 acres would be allowed to create one (1) non-farm lot 1 to 3 acres in area with the remainder of the parent farm parcel being deed restricted or otherwise protected from further residential development. Establish a maximum residential density of one (1) home per 35 acres within the agricultural area for all parcels containing Class I or II soils.
14. ~~Restrict creation of new lots intended for residential purposes to a maximum lot size of three (3) acres for each allowed development right, with the remainder of the parent farm parcel being deed restricted or otherwise protected from further residential development.~~
15. New development within the agricultural area shall be designed and located to maintain the agricultural efficiency and productivity of the district.
16. Avoid the creation of irregular lots which preclude or significantly impact continued farming operations on adjacent lands.

## **Recommendations**

The recommendations and specific actions or projects that the Town of Fox Lake should pursue relative to land use are in the section 8.2 of this document, as well as in sections 9.1 – 9.3 in the Implementation element. The completion of these actions and projects are consistent with the community’s policies, and therefore will help fulfill the comprehensive plan goals and objectives. The recommendations related to land use are discussed in section 8.2 of this document and on the other chapters as applicable.

### 8.7 Land Use Programs

The following programs are currently utilized by the community or are available for use by the community to implement the goals, objectives, policies, and recommendations identified.

### Office of Land Information Services (OLIS), Wisconsin Department of Administration

OLIS provides staff support to the Wisconsin Land Council, and it administers the Wisconsin Land Information Program in conjunction with the Wisconsin Land Information Board. It also houses Plat Review and Municipal Boundary Review, both of which have statutory authority for approval of specific land use related requests, and the GIS Services, dedicated to the efficient use of geographic information systems. For further information about OLIS visit its web-site via the WDOA web-site at: [www.doa.state.wi.us](http://www.doa.state.wi.us).

### UW-Extension Center for Land Use Education

The Center for Land Use Education uses a team-based approach to accomplish its dual missions in campus based undergraduate and graduate education and Extension outreach teaching related to: land use planning, plan and ordinance administration, project impact and regional trends analysis, and public involvement in local land use policy development. For more information on the Center for Land Use Education visit its web-site at [www.uwsp.edu/cnr/landcenter/](http://www.uwsp.edu/cnr/landcenter/).

### Wisconsin Farmland Preservation Program

The purpose of the program is to help preserve farmland through local planning and zoning, promote soil and water conservation, and provides tax relief to participating farmers. Farmers qualify if their land is zoned or if they sign an agreement to use their land exclusively for agricultural purposes. Landowner must own 35 acres or more, and produce gross farm profits of \$6,000 in the previous year. Public access is not required. Contact: County Land Conservation Department, Wisconsin Department of Agriculture, or Dodge County Planning and Development Department.

### Conservation Reserve Program (CRP)

Purpose is to reduce erosion, increase wildlife habitat, improve water quality, and increase forest land. Landowner sets aside cropland with annual rental payments based on amount bid. Practices include tree planting, grass cover, small wetland restoration, prairie and oak savannah restoration, and others. Eligibility varies by soil type and crop history. Land is accepted into program if bid qualifies. Continuous sign up open for buffers, waterways and environmental practices. Periodic sign ups announced throughout the year for other practices. Ten year or 15 year contract if planting hardwood trees is required and it is transferable with change in ownership. Public access not required. Contact: USDA Natural Resources Conservation Service or Farm Service Agency, or County Land Conservation Department.

### Wisconsin Glacial Habitat Program

This program focuses on establishing a patchwork of restored wetlands and grasslands in combination with croplands to provide all of the elements necessary for the life cycle of waterfowl, wild pheasants and non-game songbirds. The goals of the program are to establish 38,600 acres of permanent grassland nesting cover and restore 11,000 acres of wetlands within Columbia, Dodge, Fond du Lac and Winnebago Counties. In order to achieve these goals, the

DNR is purchasing, as well as securing perpetual easements, on properties ranging in size from 10 acres up to a few hundred acres. Only those properties purchased by the state become public property and are open to public hunting.

## 9. Implementation

Just as the comprehensive plan does not work independently of other community documents, the implementation element does not work independently of the other elements in the plan. In fact, the implementation element is one of the best ways to demonstrate the integration of all the elements. Through implementation, the connectivity among community issues and opportunities, housing, transportation, utilities and community facilities, agricultural, natural, and cultural resources, economic development, intergovernmental cooperation, and land use is realized. Decisions should be made based on the knowledge that one decision can affect all the elements involved and there are direct and indirect effects of all actions.

The Implementation Element includes a compilation of programs and specific actions to be completed in a stated sequence. These programs and specific actions will be used to implement the goals, objectives, policies, and recommendations contained within the earlier elements of this plan.

The Implementation Element also includes a section on mechanisms to measure progress that will allow the community to determine if it is successfully implementing its comprehensive plan. In addition, this element also describes how all of the plan elements will be integrated and made consistent, as well as amendment and comprehensive plan update procedures.

### **Coordination of Land use Regulations in Dodge County**

The Dodge County Comprehensive Planning process was designed to allow communities to pursue their own choice in the administration of local land use ordinances and regulations as long as the implementation strategy was coordinated with Dodge County. The Town of Fox Lake has elected to exercise their local control authority upon which this comprehensive plan and implementation strategy has been developed. The primary regulatory tools proposed for plan implementation are coordinated application of town administered zoning and land division ordinances. Most of the regulatory options that town assessed for plan implementation are in the form of ordinances. The town realizes local control of land use and planning requires town investment of both cost and staff time, which is why the town chose to plan for its future in the first place. The costs are worth local control, and will be initially experienced

#### **Primary Implementation Strategy**

- ◆ Maintain local control of land use
- ◆ Develop a Town Zoning Ordinance to implement future land use recommendations
- ◆ Develop a Town Land Division Code to coordinate new land divisions and density of new developments
- ◆ Develop zoning and land division application and development review procedures
- ◆ Balance property rights with community interest and goals of protecting the town's farm land, natural resources and rural character.

through ordinance modifications, additions to town codes, and coordination with development review with Dodge County.

Land development and building activity in the Town of Fox Lake is subject to both town and County regulations. The Dodge County Land Use Code is administered by the Dodge County Planning and Development Department. Both the town and the county potentially have jurisdiction or approval authority depending on the type of land use and/or the location of the property in question. The County Land Use Code includes several provisions that apply within the Town of Fox Lake including: the Floodplain Overlay District, the Shoreland-Wetland Overlay District, the Subdivision Design and Improvement Regulations, and the Sanitary Facilities Overlay District.

The town and county land use regulations, both existing and proposed, are described in more detail below. The coordination of regulations between the Town of Fox Lake and Dodge County is very important to limit duplication of services and streamline the development review procedures that typically accompany local ordinance administration.

## 9.1 Proposed Updates to Existing Ordinances

The following sections detail proposed updates and recommendations to existing ordinances affecting the community. A brief description of the ordinance is provided as well as a description of its applicability to Dodge County.

## 9.2 Regulatory Land Use Management Tools

Regulatory tools stem from local government’s responsibility and authority to protect public health, safety, and welfare. Most regulatory tools are in the form of ordinances. The following regulatory tools were reviewed and discussed as part of the comprehensive plan process:

### **Conventional Zoning**

Under Wisconsin Statutes, counties, cities, villages, and towns with village powers are authorized to adopt zoning ordinances. Zoning is one method of implementing or carrying out the comprehensive plan. Zoning regulates the use of land, lot size, density, and the height and size of structures. A conventional zoning ordinance is probably the most commonly used land use implementation tool especially in villages and cities. Under conventional zoning, districts (defined areas of consistent use and density) are established which typically follow parcel boundaries and legal descriptions. Each district or zoning category contains a list of permitted and conditional uses which define “rights” within the district. In Wisconsin, towns are either “under” their respective county’s zoning ordinance, administer their own zoning ordinance or do not administer zoning.

### Dodge County Status

Dodge County has adopted a Land Use Code which contains zoning regulations for those towns that choose to adopt county zoning.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake has NOT adopted a town zoning ordinance nor has the town adopted the general zoning provisions contained in the Dodge County Zoning Ordinance. However, certain county “overlay” zoning districts are in effect within the Town.

**Recommendation(s):** Adopt a town zoning ordinance to implement the goals, objectives, and specific policies contained in the comprehensive plan.

**Timeline:** In 2004, the town clerk commenced drafting a town zoning ordinance. Completion of a recommended town zoning ordinance should be accomplished in 2005.

### **Performance Zoning**

Performance zoning is a method that permits controlled development while also being sensitive to the landscape. It tries to regulate the impacts of land uses, rather than the uses themselves, by outlining general goals for developers that they can meet in different ways. Landowners are permitted a wide variety of uses, so long as they meet certain numeric standards such as a certain density, a certain amount of open space, or certain noise, smell or lighting level standards.

### Dodge County Status

The Dodge County Land Use Code does not utilize performance based zoning.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** Town does not utilize performance zoning.

**Recommendation(s):** No recommendation.

### **Overlay Zoning**

Overlay zones allow special regulations within all or a portion of a zoning district or several districts. This type of zoning can be helpful if there is one particular resource that needs to be protected a consistent way, regardless of what district it is located in.

### Dodge County Status

The Dodge County Land Use Code contains 11 Overlay Zoning Districts. The Overlay Districts are as follows: Shoreland Wetland; Floodplain; Environmental Protection; Airport; Highway

Setback; Planned Unit Development; Land Spreading of Petroleum Contaminated Soil; Wireless Communication Facilities; Sanitary Facilities; Wind Energy System; and Nonmetallic Mining Reclamation.

Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake has adopted the Highway Setback Overlay District from the Dodge County Land Use Code.

**Recommendation(s):** Compare and consider the advantages of including specific regulations in the town zoning ordinance to regulate similar features as regulated under the County's overlay districts; including: Planned Unit Development; Land Spreading of Petroleum Contaminated Soil; Wireless Communication Facilities; Sanitary Facilities; Wind Energy System; and Nonmetallic Mining Reclamation.

**Timeline:** Completion of a recommended town zoning ordinance should be accomplished in 2005.

### **Extraterritorial Zoning**

Any city or village that has a plan commission may exercise extraterritorial zoning power in the unincorporated areas surrounding the city or village. The extraterritorial zoning power may be exercised in the unincorporated areas located within three miles of the corporate limits of a first, second or third class city, or within one and one-half miles of a fourth class city or village. Extraterritorial zoning may be initiated by a city or village adopting a resolution and providing notice of the extraterritorial area to be zoned. The city or village may unilaterally adopt an interim zoning ordinance to preserve existing zones or uses for up to two years while a comprehensive zoning plan is being prepared. A joint committee, consisting of three city or village plan commission members and three town members must approve of the plan and regulations by majority vote. Extraterritorial zoning is not commonly used in the State of Wisconsin.

Dodge County Status

In Dodge County, extraterritorial zoning power authority is exercised only by the City of Mayville in the Town of Williamstown. The City of Fox Lake and the Village of Randolph do NOT exercise extraterritorial zoning authority over any portion of the Town of Fox Lake.

Town of Fox Lake Status/Recommendation(s)

**Status:** None

**Recommendation(s):** No recommendation.

## **Planned Unit Developments (PUDs)**

Planned unit developments (also sometimes referred to as “planned development districts”) allow developers to vary some of the standards in local zoning ordinances to provide for innovative approaches that may allow for better design and arrangement of open space to protect natural resources. PUD’s require flexibility from both the developer and local government.

### Dodge County Status

There is a Planned Unit Development Overlay District within Dodge County Land Use Code.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** Planned Unit Developments are currently not utilized.

**Recommendation(s):** Include a PUD component in the town zoning ordinance.

**Timeline:** Completion of a recommended town zoning ordinance should be accomplished in 2005.

## **Land Division/Subdivision Ordinance**

Achieving the goals, objectives and policies of the comprehensive plan will be significantly influenced by how land will be divided and developed in the future. Pursuant to Section 236 of the Wisconsin Statutes, communities, by ordinance, could review the subdivision of land within its corporate limits. A land division ordinance is a tool to control how, when, and if rural farmland, woodlands, and open spaces will be divided and developed while protecting the needs and welfare of the community. It also regulates how new lots will be made ready for future development such as provisions for adequate access (required roads, driveways), wastewater treatment and water supply.

The impact of land division regulations is more permanent than zoning (which regulates the type of development that takes place on a parcel) because once land is divided into lots and streets are laid out, development patterns are set. Local review and regulation of future divisions of land can therefore be an effective tool to realize plan goals to maintain agriculture as a strong part of the local economy, protect natural resources, and retain rural character.

A community can require a new land division be in conformance with their comprehensive plan as a basis of approval. The key to implementing this objective is twofold. First, the ordinance should clearly state that consistency with the community’s comprehensive plan is a criteria of approval. Secondly, the ordinance should contain a provision requiring the proponent for a land division to submit a clear and concise letter of intent as part of the land division application. The letter of intent submitted as part of the application record can be used to decide if the lot proposed to be created will adequately accommodate the future use of the property.

Development of a local land division ordinance could also incorporate "conservation design guidelines and standards" to help implement the plan goals, objectives and policies supporting protection of the community's agricultural lands, and open spaces. Conservation subdivisions are intended to be an alternative approach to the conventional lot-by-lot division of land in rural areas which spreads development evenly throughout a tract of land without regard to the natural features of the area.

The development and ultimate success of a local land division ordinance in plan implementation will require the community to address regulatory, administration, and intergovernmental considerations. Adoption of the local land division ordinance must be consistent with state statutes and will require local administration (e.g., application review, fee collection, public hearings, inspection, enforcement, etc.).

Many rural "unzoned" communities which do not want to pursue traditional zoning often adopt a land division ordinance as a baseline need to manage future uses. However, communities must remember a land division ordinance only affects new development, which requires a land division. New uses on existing parcels remain unregulated.

#### Dodge County Status

Subdivision/land division regulations are contained in the County Land Use Code and are in effect in all unincorporated areas of the County.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake has not adopted its own Subdivision Ordinance. The County subdivision regulations apply in the Town.

**Recommendation(s):** Adopt a town subdivision ordinance to implement the goals, objectives, and specific policies contained in the comprehensive plan.

**Timeline:** In 2004, the town clerk commenced drafting a town subdivision ordinance. Completion of a recommended town subdivision ordinance should be accomplished in 2005.

#### **Extraterritorial Plat Review**

Cities and villages that have adopted a subdivision ordinance or official map can exercise extraterritorial plat approval jurisdiction for three miles beyond the corporate limits of a first, second or third class city and one and one-half miles beyond the limits of a fourth class city or village. Specifics relative to Extraterritorial Plat Review can be found under Wis. Stats. S.236.02(5).

#### Dodge County Status

The cities and villages in Dodge County utilize extraterritorial plat review.

Town of Fox Lake Status/Recommendation(s)

**Status:** The Cities of Beaver Dam and Fox Lake and the Village of Randolph have the ability to review plats that are proposed in the applicable areas of the Town.

**Recommendation(s):** Monitor the activity of land division review by the City of Fox Lake and the Village of Randolph. Cooperate with the city and village their review of land division proposals within their respective 1.5-mile jurisdictional areas in the town.

**Timeline:** Ongoing throughout the 2005-2030 planning period.

## **Driveway Ordinance**

Driveway ordinances are developed to establish standards for driveways that will provide for safe and adequate access from private development to public right-of-ways, and also to maintain appropriate access spacing, access-point design, and total number of access points to public roads. In addition, a driveway ordinance provides an opportunity for local review to ensure that the driveway is providing proper access for such uses as a single-family residence which is consistent with the community's comprehensive plan. The term "driveway" is generally defined to mean private driveway, road, field road or other means of travel through any part of a private parcel of land or which connects or will connect with any public roadway. The ordinance typically only impacts new driveways or driveways which serve major land use modifications. Use of a driveway or "access" ordinance to regulate land use is limited but a significant number of towns throughout the state, due to the requirement to service existing development for emergency purposes (i.e. fire, ambulance), have adopted driveway ordinances.

Dodge County Status

The Dodge County Land Use Code contains provisions that regulate the width and spacing of driveways.

Town of Fox Lake Status/Recommendation(s)

**Status:** The Town does not have any provisions that regulate the width and location of driveways.

**Recommendation(s):** Driveway provisions should be assessed when the zoning ordinance is developed and should include minimum driveway construction and design standards.

**Timeline:** Completion of a recommended town subdivision ordinance should be accomplished in 2005.

## Cooperative Boundary Agreements

Cooperative boundary agreements can reduce some of the conflict regarding boundary issues, including annexation, that often arise between towns and their incorporated neighbors (cities and villages). The Legislature has provided express enabling authority for these agreements. The communities involved in such agreements undertake cooperative preparation of a plan for the areas concerned. The plan for changing or maintaining boundaries, and for controlling land use and services is sent to the Department of Administration. If the plan is approved, a contract binding the parties to it is put into effect.

### Dodge County Status

In Dodge County, the only cooperative boundary agreement in effect is between the City of Watertown and the Town of Emmet.

### Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake does not have a cooperative boundary agreement with any of the cities that are near the Town border or the Village of Randolph.

**Recommendation(s):** In the event the City of Fox Lake and/or the Village of Randolph start to review land divisions in the town, the town may want to pursue developing an agreement that addresses land use regulations between the jurisdictions. The priority of this activity is very low and is not anticipated to be an issue over the planning period.

**Timeline:** Ongoing throughout the 2005-2030 planning period.

## Official Maps

Cities, villages, and towns may adopt official maps. These maps, adopted by ordinance or resolution, may show existing and planned streets, highways, historic districts, parkways, parks, playgrounds, railroad rights of way, waterways and public transit facilities. The map also may include a waterway only if it is included in a comprehensive surface water drainage plan. No building permit may be issued to construct or enlarge any building within the limits of these mapped areas except pursuant to conditions identified in the law.

Counties have limited official mapping powers. Counties may adopt highway-width maps showing the location and width of proposed streets or highways and the widths of any existing streets or highways which are planned to be expanded. The municipality affected by the street or highway must approve the map. Counties may also prepare plans for the future platting of lands, or for the future location of streets, highways, or parkways in the unincorporated areas of the county. These plans do not apply to the extraterritorial plat approval jurisdiction of a city or village unless the city or village consents.

Official maps are not used frequently because few communities plan anything but major thoroughfares and parks in detail in advance of the imminent development of a neighborhood.

Dodge County Status

The Dodge County Comprehensive Plan shows the location of future roads and parks.

Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake has not adopted an official map.

**Recommendations:** The Town may want to consider an official map to generally designate future roadway locations.

**Annexation**

Cities and villages have the power to annex given to them by the state. The power to extend municipal boundaries into adjacent unincorporated (town) lands allows a community to control development on its periphery.

Contrary to popular belief, annexation occurs at the request of town residents, not at the request of the incorporated municipality. Petitions for annexation are filed by the town landowners and the village or city acts upon the annexation petition.

Wisconsin Act 317 – Revisions to Annexation Procedures

Under this Act which was enacted in April of 2004, no city or village may annex any territory if none of the city's or village's territory is in the same county as the territory to be annexed. The Act also requires cities and villages to make payments for five years to towns that lose territory due to annexations. Cities and villages will have to pay to the town from which the land is annexed the amount of the town tax for the annexed property. The Act gives an exemption from this payment for cities and villages that have boundary agreements with the neighboring towns.

Dodge County Status

Not applicable.

Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake is subject to annexation of land from the City of Fox Lake and the Village of Randolph. The City of Beaver Dam does not presently abut the Town of Fox Lake, but may extend its boundaries in the future.

**Recommendation(s):** Discourage annexation of Town land by the city and village adjacent to the town and challenge annexations that are not consistent with any approved cooperative boundary agreement.

**Timeline:** Whenever annexation is proposed.

## Specialized Ordinances

Given specific issues and needs within a particular community, a number of “specialized” ordinances may be required to locally regulate public health and safety concerns, protect private property and avoid public nuisances. The following ordinances have received increased attention due to local issues.

### Stormwater Management and Erosion Control Ordinance

A stormwater management and erosion control ordinance regulates potential increases in storm water run-off and erosion associated with new and/or expanded site development and impervious surfaces. These regulations are typically enforced for all new development regardless if the new development is the result of a subdivision or just an individual site being developed (or redeveloped) with new building and/or impervious surface construction. These regulations typically do not apply to the construction of new single-family homes do to the enforcement of erosion control provisions under Wisconsin’s uniform building code for residential home construction. While typically incorporated into zoning or subdivision ordinances, stormwater management and erosion control regulations can be adopted as a special, stand-alone ordinance.

### Dodge County Status

The Dodge County Land Use Code contains stormwater and erosion control regulations that are enforced for new site development within areas under County zoning and subdivision jurisdiction.

### Town of Fox Lake Status/Recommendation(s)

**Status:** The Town has not adopted any stormwater management or erosion control regulations.

**Recommendation(s):** Stormwater management and erosion control provisions should be included in both the town’s zoning and subdivision ordinances when developed, or, as a separate ordinance at the same time.

**Timeline:** Completion of a town zoning and subdivision ordinance is recommended for completion in 2005; any separate or “stand-alone” storm water management and erosion control ordinance should be completed at the same time in 2005 or soon thereafter.

### Right-To-Farm Ordinance

Right-to-farm laws are designed to accomplish one or both of the following objectives: 1) to strengthen the legal position of farmers when neighbors sue them for a private nuisance; and 2) to protect farmers from anti-nuisance ordinances and unreasonable controls on farming operations. Most laws include a number of additional protections. Right-to-farm provisions may also be included in state zoning enabling laws, and farmers with land enrolled in an agricultural district may have stronger right-to-farm protection than other farmers. A growing number of

counties and towns are passing their own right-to-farm legislation to supplement the protection provided by state law.

The common law of nuisances forbids individuals from using their property in a way that causes harm to others. A private nuisance refers to an activity that interferes with an individual's reasonable use or enjoyment of his or her property. A public nuisance is an activity that threatens the public health, safety or welfare, or damages community resources, such as public roads, parks, and water supplies.

Right-to-farm laws are intended to discourage neighbors from suing farmers. They help established farmers who use good management practices prevail in private nuisance lawsuits. They document the importance of farming to the state or locality and put non-farm rural residents on notice that generally accepted agricultural practices are reasonable activities to expect in farming areas. Some of these laws also limit the ability of newcomers to change the local rules that govern farming. Local right-to-farm laws often serve an additional purpose: They provide farm families with a psychological sense of security that farming is a valued and accepted activity in their town.

#### Dodge County Status

The Dodge County Land Use Code contains a right-to-farm section that is intended to protect and encourage the continued use and improvement of agricultural land.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** The Town has not adopted a right-to farm ordinance.

**Recommendation(s):** The right to farm is inherent in the agricultural density provisions proposed in this document. However, the Town may want to consider the need to establish local regulations or guidelines as part of the town zoning and subdivision ordinances including a requirement that an agriculture “nuisance disclaimer” be included as part of every land division.

**Timeline:** Completion of town zoning and subdivision ordinances should be accomplished in 2005.

#### Telecommunications Ordinance

Ordinances can be used to minimize the visual effects of towers, maximize the capacity of existing towers and reduce impacts to adjacent properties. Local governments cannot unilaterally prohibit cell towers by ordinance, zoning or any other means. However, local governments can enact ordinances to prohibit towers from certain specially identified areas, regulate tower height, specify minimum setbacks, require collocation strategies, and encourage landscaping and disguising techniques. An important benefit of having a telecommunications ordinance is that it provides decision-making consistency and decreases the chances of discrimination against a particular company. The ordinance provides a basis for conditional use

provisions or denials. The Telecommunications Act of 1996 requires all denials to be in writing and supported by sufficient evidence. Telecommunication ordinances seek to balance business and industry needs with community character, aesthetics and resident needs.

#### Dodge County Status

The Wireless Communication Facilities Overlay District within the County Land Use Code regulates telecommunication towers.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake has not adopted the county's Wireless Communication Facilities Overlay District.

**Recommendation(s):** Evaluate the advantages of adopting the county's WCF Overlay District in lieu of including such provisions in the town zoning ordinance.

**Timeline:** Completion of town zoning and subdivision ordinances should be accomplished in 2005.

#### Nuisance Ordinance

A nuisance can generally be defined as an action, or lack thereof, which creates or permits a situation that annoys, injures or endangers the peace, welfare, order, health or safety of the public in their persons or property. Nuisance ordinances can be defined in many ways, depending what issues are present in the community. Possible nuisances include noxious weeds, storage of vehicles, odors, noise, signs, obstruction of streets, animals, fireworks and any number of related type nuisances. Concisely defining nuisances as well as enforcement, abatement and recovery of costs for abatement are very important in the creation of a nuisance ordinance. A nuisance ordinance provides landowners and residents with a mechanism for identifying and preventing non-compliant situations. Authority for a town to engage on action to recover damages or abate a public nuisance are granted under Chapter 823 of the Wis. Stats. Although a town may pursue action through the State Department of Justice to prosecute the action, most Wisconsin municipalities pursue developing a local public nuisance ordinance because the statute does not specifically address all potential nuisance situations.

Further, there are some practical but nevertheless important reasons for developing a local ordinance. They include: 1) the ability to set a minimum and a maximum forfeiture amount; 2) the ability to decide a protocol for providing notice and the time to cure or abate the nuisance; and 3) the ordinance can state that the unpaid bill for the cost of abating the nuisance can be placed on the tax bill as a special charge. Most public nuisance ordinances cover five (5) broad areas. They include:

- ◆ Noxious weeds.
- ◆ Environmental health.
- ◆ Morality (sexually oriented businesses).
- ◆ Public safety and peace.

- ◆ Junk vehicle or equipment.

#### Dodge County Status

The County Land Use Code contains a section on operational compatibility standards and also regulates junk vehicles.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake has adopted various nuisance provisions in its general code of ordinances.

**Recommendation(s):** No recommendation.

#### Sign Ordinances

A sign ordinance restricts the type, size, and location of signs within a community. It also often restricts the types of materials that can be used to construct signs. These ordinances can regulate signage to achieve a number of community values such as improved property values, public safety and glare control. Counties, towns, cities, and villages may all adopt sign ordinances and billboard regulations.

#### Dodge County Status

Signs are regulated through the Dodge County Land Use Code.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** Signs are not regulated by the Town.

**Recommendation(s):** Sign provisions should be assessed when the zoning ordinance is developed and should include minimum construction and design standards.

**Timeline:** Completion of a recommended town zoning ordinance should be accomplished in 2005.

#### Historic Preservation Ordinances

The objectives of a comprehensive plan which note the need to preserve important historic structures and sites can be implemented through the adoption of a historic preservation ordinance. These ordinances are meant to protect historic buildings and districts. Counties, towns, cities and villages have express authority to enact historic preservation ordinances. In addition, the Wisconsin Legislature has determined that historic preservation is such an important objective that all cities and villages that contain any property listed on either the national register of historic places or the state register of historic places must enact an historic preservation ordinance to regulate historic or archeological landmarks and historic districts in an effort to preserve those landmarks.

### Dodge County Status

Dodge County has not adopted a historic preservation ordinance.

### Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake has not adopted a historic preservation ordinance.

**Recommendation(s):** No recommendation.

### Design Review

Design review involves the review and regulation of the design of buildings and their sites. Design review standards are often included as part of zoning and subdivision ordinances. It seeks to protect communities from multi-family, commercial, industrial, and institutional development which would detract from the appearance of the community and reduce property values. Such an ordinance is especially recommended for communities with buildings of historic or architectural importance and where tourism is a major economic activity.

### Dodge County Status

Design review standards are included as part of the County Land Use Code.

### Town of Fox Lake Status/Recommendation(s)

**Status:** Design review standards are not used by the Town.

**Recommendation(s):** Design review provisions should be assessed when the zoning ordinance is developed.

**Timeline:** Completion of a recommended town zoning ordinance should be accomplished in 2005.

### Other Ordinances

Wisconsin Towns Association also recommends that all towns, villages, and cities should strongly consider adopting the following “basic” ordinances. Most of these ordinances are considered nuisance type ordinances. They include:

1. An ordinance to regulate specific operations (e.g., nude dancing).
2. An ordinance to regulate mobile homes and mobile home parks.
3. An ordinance on town and city/village board/council meeting procedures and town board and village/city administration of the community.
4. An ordinance regulating billboards.
5. An ordinance regulating events and large assemblages.
6. An ordinance to regulate fire control in fire regulation and reimbursement for fire costs.
7. An ordinance to regulate vehicle road weight limits, truck routes and other road uses.
8. An ordinance to regulate use of roadways by snowmobile, ATVs and horses.

9. An ordinance to regulate dogs running at large.
10. An ordinance to regulate unlicensed motor vehicles.
11. An ordinance to regulate landspreading of certain wastes.

#### Dodge County Status

The Dodge County Land Use Code regulates billboards, mobile home parks, meeting procedures, large events, and landspreading of petroleum contaminated soils.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake has adopted these “basic” ordinances as part of their general code.

**Recommendation(s):** No recommendation.

### **Intergovernmental Agreements**

Any municipality may contract with other municipalities to receive or furnish services or jointly exercise power or duties required or authorized by law. The term “municipality” is defined to include the state, counties, cities, villages, towns, school districts, sanitary districts, public library systems, regional planning commissions, and other governmental and quasi-governmental entities. The requirements and procedures set forth for intergovernmental agreements are minimal. Such arrangements can prove useful in the implementation of a plan by facilitating efficient provision of public facilities and services. In Dodge County, intergovernmental agreements have been used to execute cooperation between communities for services such as fire and emergency rescue.

#### Dodge County Status

Mutual aid agreements exist between communities throughout the county to address police, fire, and ambulance service. Other informal and formal agreements exist between communities to address sharing services and facilities such as parks, road maintenance, snowplowing, and library funding.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** The Town shares fire protection, emergency medical services and police protection with the City of Fox Lake. Randolph provides fire protection in a part of the Town.

**Recommendation(s):** Continue to participate in mutual aid agreements for the delivery of fire protection, police, and emergency medical services in the town.

**Timeline:** On-going.

## **Building and Housing Codes**

Cities, villages, towns, and counties may enact building and sanitary codes. Building codes are sets of regulations that set standards for the construction of buildings in a community. Building codes ensure that new and altered construction will be safe. These codes must conform to the state building, plumbing, and electrical codes. Housing codes define standards for how a dwelling unit is to be used and maintained after it is built. To enforce the codes, inspections are required by the local municipality. This code is concerned with keeping housing from falling into dilapidation and thus keeping neighborhoods from falling into blight.

### Dodge County Status

The County has not adopted a building code or housing code.

### Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake is required by state statute to enforce the uniform dwelling code.

**Recommendation(s):** No recommendation.

## 9.3 Non-Regulatory Land Use Management Tools

There are several non-regulatory options available to local municipalities to influence local land use. The following tools were considered as part of the planning process.

### **Acquisition Tools**

#### Land Acquisition

Communities and non-profit conservation organizations can acquire land for conservation purposes simply by purchasing it outright. This is recommended when public access to the property is required.

#### Dodge County Status

The County has purchased land for park and recreational purposes in the past.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** The Town has acquired land for parks in the past.

**Recommendation(s):** No recommendation.

#### Conservation Easements

Conservation easements limit land to specific uses and thus protect it from development. These voluntary legal agreements are created between private landowners (grantors) and qualified land

trusts, conservation organizations or government agencies (grantees). Conservation easements may be purchased but are frequently donated by conservation-minded landowners. Grantors can receive federal tax benefits as a result of donating easements. Grantees are responsible for monitoring the land and enforcing the terms of the easements. Easements can be tailored to the unique characteristics of the property and the interests of the landowner. Easements may apply to entire parcels of land or to specific parts of a property. The easement is recorded with the deed to the property to limit the future uses of the land as specified in the easement. Land protected by conservation easements remains on the tax roll and is privately owned and managed.

Dodge County Status

The County has not purchased or accepted conservation easements in the past.

Town of Fox Lake Status/Recommendation(s)

**Status:** The Wisconsin Department of Natural Resources could purchase conservation easements in Fox Lake.

**Recommendation(s):** No recommendation.

Purchase of Development Rights (PDR)

The purchase of development rights is a land conservation tool that communities can use to protect important natural resources such as farmland, hillsides, and wetlands. Under a PDR program, a unit of government (city, village, town, county, or state) or a nonprofit conservation organization (such as a land trust) purchases a conservation easement that limits the use of the land to accomplish a certain purpose, including protecting the land from development. The rights purchased are recorded in a conservation easement. PDR programs are voluntary and participants retain ownership of their land. They can sell or transfer their property at any time; but, because of the easement, the land is permanently protected from certain types of development.

Dodge County Status

No purchase of development rights program exists in Dodge County.

Town of Fox Lake Status/Recommendation(s)

**Status:** The Town of Fox Lake does not have a development rights purchase program.

**Recommendation(s):** No recommendation.

**Fiscal Tools**

Capital Improvements Program (CIP)

The capital improvements program is a way of implementing issues related to capital facilities specified in a plan. Capital improvements are those projects which require the expenditure of

public funds for the acquisition, construction, or replacement of various public buildings such as police and fire halls, schools, and city/village/town halls; roads and highways; water and sewer facilities; and parks and open space.

A capital improvements program is a listing of proposed public projects according to a schedule of priorities over the next few years, usually a five year programming period. A CIP allows local communities to plan for capital expenditures and minimize unplanned expenses. Sources of funding for capital improvements include impact fees, subdivision requirements, special assessments, and revenue or general obligation bonding.

The usefulness of the CIP depends upon the community properly budgeting for expenditures as part of the community's annual capital improvements budget.

#### Dodge County Status

The County adopts a five year capital improvement program annually.

#### Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake does not prepare a capital improvement program.

**Recommendation(s):** The Town should prepare an annual summary of road, drainage, and other capital facility needs and projected costs.

**Timeline:** Annually.

#### Impact Fees

Cities, villages, towns, and counties may impose impact fees. Impact fees are financial contributions imposed on developers by a local government as a condition of development approval.

Impact fees are one response to the growing funding gap in infrastructure dollars between revenues and needs. Impact fees help shift a portion of the capital cost burden of new development to developers in an effort to make new development responsible for serving itself rather than raising taxes on existing development. Local governments can use impact fees to finance highways and other transportation facilities, sewage treatment facilities, storm and surface water handling facilities, water facilities, parks and other recreational facilities, solid waste and recycling facilities, fire and police facilities, emergency medical facilities, and libraries. Impact fees cannot be used to fund school facilities. Furthermore, counties cannot use impact fees to fund highways and other transportation related facilities.

#### Dodge County Status

The County charges a \$200 park and recreation fee for each new residential lot or new housing unit created.

Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake does not charge any type of impact fee.

**Recommendation(s):** This provision could be included in the proposed subdivision ordinance. The Fox Lake sanitary sewer district also has a connection fee. The use of impact fees can be very beneficial but needs to be directly related to an established provision in a town ordinance.

**Timeline:** 2005-2007.

Tax Increment Financing Districts

Wisconsin towns recently gained a new tool to help promote rural development in Wisconsin with passage of new legislation in 2004. This new legislation provides towns the authority to use the tax incremental financing authority that cities and village have been using for years, to provide infrastructure for tourism, agriculture, and forestry projects in towns.

The new law will give an optional tool to help site projects in towns across the state when special infrastructure needs such as all weather roads, power lines, improved rail connections, and more are needed to create new or expanded tourism, agricultural, and forestry projects. An example of the type of project this tool could be used for is to provide a town highway that could carry heavy truck traffic to such a facility as an ethanol production plant or large livestock facility. A new or improved town highway could be constructed to allow the new facility to be located in more remote areas of the state, thus reducing potential land use conflicts with neighbors, yet avoiding placing the burden of the new improvement on the remainder of the town taxpayers.

This new legislation gives towns' similar authority for tax incremental financing as cities and villages, but is limited to the type of rural development in tourism, agriculture, and forestry that does not compete with cities and villages. According to the Wisconsin Towns Association, this bill helps promote rural development as a part of the "Grow Wisconsin" efforts of the current Administration and the Assembly Republican "Agriculture Renewal" initiative.

Dodge County Status

Not applicable.

Town of Fox Lake Status/Recommendation(s)

**Status:** Fox Lake has not established a Tax Increment Financing District.

**Recommendation(s):** No recommendation.

## 9.4 Integration and Consistency of Comprehensive Plan Elements

Comprehensive planning legislation requires that the Implementation element describe how each of the nine elements of the comprehensive plan will be integrated and made consistent with the other elements of the plan. The planning process that was used to create the *Town of Fox Lake Year 2030 Comprehensive Plan* required all elements of the plan to be produced in a simultaneous manner. No elements were created independently from the other elements of the plan, therefore eliminating the threat of inconsistency. There are no known inconsistencies within the plan or individual elements or between goals, objectives, policies, and recommendations.

Over time, the threat of inconsistency between the plan and existing conditions will increase, requiring amendments and/or updates to be made. Over time, additional plans regarding specific features within the community may also be developed (i.e., outdoor recreation plan, farmland preservation plan, downtown development plan). The process used to develop any further detailed plans should be consistent with this *Town of Fox Lake Year 2030 Comprehensive Plan*.

## 9.5 Mechanisms to Measure Comprehensive Plan Progress

Comprehensive planning legislation requires that the implementation element provide a mechanism to measure community progress toward achieving all aspects of the comprehensive plan. One acceptable method to do this is to evaluate two primary components. The two components, policies and recommendations, are listed within each identified plan element (usually the last sections within each element).

To measure the effectiveness of an adopted policy, the community must determine if the policy has met the intended purpose. For example, the Town of Fox Lake has listed a policy under the Transportation element, which states: “work cooperatively with the Wisconsin Department of Transportation, Dodge County, and the City of Fox Lake in assessing the need for, alignment, and potential impacts from construction of an east-west by-pass of STH 33 (and related STH 68 and CTH A highway extensions or realignments) south of the City of Fox Lake.”

To determine whether the policy is achieving the community’s intention a “measure” must be established. In the case of this policy, the measure is simply if these agencies have conducted the required by-pass study. Each listed policy within each element should be reviewed periodically to determine the plan’s effectiveness.

Likewise, recommendations listed within each element can be measured. For recommendations, the ability to “measure” progress toward achievement is very straight forward in that the recommendations have either been implemented or not.

To ensure the plan is achieving intended results, periodic reviews should be conducted by the Plan Commission and results reported to the governing body and the public.

## 9.6 Comprehensive Plan Amendments

The Town of Fox Lake should regularly evaluate its progress toward achieving the goals, objectives, policies, and recommendations within the comprehensive plan. It may be determined that amendments are needed to maintain the effectiveness and consistency established within the plan. Amendments are minor changes to the overall plan and should be done after careful evaluation to maintain the plan as a tool upon which decisions are based.

According to comprehensive planning legislation, the same process that was used to initially adopt the plan shall also be used when amendments are made. The town/Town/city should be aware that as more compliant plans are developed the amendment procedure may be clarified or changed and should therefore be monitored.

## 9.7 Comprehensive Plan Updates

Comprehensive planning statutes require that the comprehensive plan be updated at least once every 10 years. An update requires revisiting the entire planning document. Unlike an amendment, an update often includes a substantial re-write of the text, an updating of the inventory and tables, and substantial changes to maps, if necessary. The plan update process should be planned for in a similar manner as was allowed for the initial creation of this plan, including similar time and funding allotments. State statutes should also be monitored for any changes and new or removed language.

## 9.8 Implementation Goals and Objectives

The following are the goals and objectives developed by the Town of Fox Lake regarding implementation.

***Goal: Promote consistency between plan recommendations, ordinances, and other land use regulations.***

### ***Objectives***

1. Develop an “action plan” as part of the implementation element of the Town’s comprehensive plan to assist the Plan Commission, Town Board, and other jurisdictions with the implementation, administration and enforcement of the comprehensive plan.
2. Create opportunities for citizen participation throughout all stages of developing, amending, and administering local ordinances and regulations necessary to implement the goals, policies, and programs of the comprehensive plan.

3. Establish town zoning, and subdivision and other appropriate ordinances consistent with and for the purposes of implementing the comprehensive plan.

## 9.9 Implementation Policies and Recommendations

Policies and recommendations build on goals and objectives by providing more focused responses and actions to the goals and objectives. Policies and recommendations become the tools that the community should use to aid in making land use decisions. Policies that direct action using the words “will” or “shall” are advised to be mandatory and regulatory aspects of the implementation of the comprehensive plan. In contrast, those policies that direct action using the word “should” are advisory and intended to serve as a guide.

### **Policies and Recommendations**

1. The town shall adopt, administer and enforce nuisance ordinances to protect the health, safety, and welfare of town residents and the general appearance of the town.
2. The town should develop an annual “Action Plan” to identify and prioritize short and long-term work tasks that will contribute to fulfillment of the town’s comprehensive plan.
3. Land use and development regulations shall be developed consistent with the policies and recommendations of the comprehensive plan.
4. The Plan Commission shall have the responsibility to make recommendations to the Town Board regarding land use and development proposals.
5. All proposed development shall be reviewed for consistency with the comprehensive plan.
6. Every five years the community will evaluate the availability of funds for updating the comprehensive plan. If adequate funds are not available then a strategy will be developed to ensure that sufficient funds are available for a comprehensive plan update.

## 9.10 Implementation Programs

The programs listed in Sections 9.1 – 9.3 are currently utilized by or are available to the Town of Fox Lake to implement the goals, objectives, policies, and recommendations identified.