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Implementation

This Implementation Section contains a compilation of programs and specific actions to achieve the vision outlined in the Comprehensive Plan. These may include, but are not limited to proposed changes to any City ordinances, maps, regulations, and codes. This section also describes how each of the elements of this plan will be integrated and made consistent with the other elements of the plan, and includes a phasing plan, decision making tree, and guidelines for managing the sequence of growth.

No amount of big picture planning, data analysis, or thoughtful anticipation will ever allow us to know for certain the cycles and forces of market economics and future growth. This is not just a fundamental reality of comprehensive planning, but a lesson learned through the Great Recession of the recent decade. Likewise, no amount of rules and standards can substitute for a rational, well-reasoned decision-making process; the next development proposal, economic development need, or urban design opportunity can be anticipated, but cannot be precisely predicted. With this in mind and by adopting this plan, the City of Elkhorn sets a course for the day to day work to see its vision realized. This chapter presents a roadmap for implementing the policy framework and the major plan elements that comprise that vision. The central thread of this approach echoes the first theme presented in the Vision Statement: Elkhorn strives to assure that it grows and evolves as a community in balance. For Elkhorn to be a highly desirable and livable community, it is important to recognize that the implementation strategy seeks to assure that “community balance” not just as an end result, but an approach to address ongoing City development.

MANAGING THE SEQUENCE OF GROWTH

The City’s previous comprehensive plan, adopted in 2005, was poised to manage rapid growth seen in the previous years and expected to continue. The unforeseen economic downturn of the Great Recession changed that trajectory for Elkhorn and the entire nation. As such, recent growth and development in the community and its surroundings has been slow. Communities are in a position to focus on retaining existing business and working to attract new ones - so is Elkhorn. However, while the pace of development has changed in recent years, the concepts for how to direct, manage, and integrate new development are still essential to continued community quality of life.

Controlling the City’s destiny is not limited to decisions on appropriate land uses, the intensity of the land uses, or the forms of development—the “where,” the “how” and “how many.” It includes decisions on the sequence of development as well, or the “when” of development. Controlling the sequence of development ensures that the City grows in a logical manner that does not burden the City’s—and region’s—environmental resources, fiscal health, education system, and transportation network and other infrastructure elements, now or in the future. These considerations differ from decisions about the appropriateness of a particular development or use of land for a specific area. This section seeks to provide guidance, not on the appropriateness of specific developments at specific locations, but rather on what conditions will induce the proper sequence of development.

There are a number of tools and “best practices” used by municipalities to manage the nature and quality of development as it is proposed to the City. Among them are:

- **Adequate Public Facilities Ordinances:** Requiring specific levels of service or service capacity, such as roads or sewage and water capacity, as a condition to development approval.
- **Zoning and Land Use Regulation:** Reinforcing consistency with the land use plan and City’s zoning regulations. These include the standards noted for road and pedestrian connectivity, design character of development, and a thorough development review process, as defined by the recently revised zoning code.
- **Other Controls:** Subdivision lot restrictions, infill and redevelopment strategies.

This Comprehensive Plan includes a graphic expression of one logical scenario for the phasing of future growth and development of the City of Elkhorn: Exhibit #6 Sequence of Growth. Along with the land use plan and other exhibits, it is useful in the planning process as a guide for facilities planning, and as one of the measures of the City’s capacity to maintain a balanced community throughout the sequence of growth and development. It is not intended and should not be used as a limitation or regulatory device, nor should it be perceived as entitling property to a position in the sequence of annexation, zoning, review or development. The Sequence Scenario is based on evaluations of the characteristics of property in the City, the infrastructure and services that may be available, the trend and context of development, and most importantly, on the contribution that the potential development would make toward reinforcing a livable community in balance.

This Sequence Scenario does not anticipate or require rapid growth, as did the previous plan. Nor is it a rigid schedule or a stepwise sequence. It is anticipated that there will be overlaps between phases; that there will be properties that are not proposed for development within the sequence suggested in the scenario. As each development proposal is evaluated on its merits and on the likelihood that it will support or achieve the stated goals and objectives of this Comprehensive Plan, the Plan Commission and City Council may determine that it is in the best interest of the city and the best implementation of the plan to accelerate the development of property “out of sequence.” This will not require an amendment to the comprehensive plan. It recognizes the fact that market economics are a factor in decisions of private property owners, and that, under certain circumstances, the development and use of a property is needed to assure that balance is maintained.

ANNEXATION AND DEVELOPMENT AGREEMENTS

The one tool that can enable the City to manage the sequence and quality of growth in the community is the “annexation / development agreement”. There are a considerable number of properties within the existing boundaries of Elkhorn yet to be developed. For those, the questions and standards for consideration should be applied to standard review and approval processes.

In addition, new growth will occur on properties outside the City; all of which will require a thorough evaluation of their impact and potential contribution to the balance of the community and the resultant quality of life. Given a range of acceptable or desirable development possibilities, the priority for evaluating the reasonableness and the ripeness of annexation and development should also reflect the considerations described below:

The developments’ contiguity with urbanized areas. Does the potential development result in growth that is contiguous with existing urbanized areas, or will it result in a sequence of development that is a natural extension of existing urbanized areas? The sequence of growth should proceed in a logical, orderly manner. That is, development scenarios, upon full build-out, should generally occupy areas adjacent to existing urbanization. Adherence to this principle prevents the leap-frog development so common in sprawling communities. It also prevents premature or unnecessarily lengthy extensions of sewer and utility lines, and higher expenses associates with providing police, fire, emergency, road maintenance, and other essential public services.

There will likely be circumstances where development skips past property that, for whatever reason, is not “ready” for development. The developer and the City must assure that the proposed development is not isolated by the resulting gap and that future infill development of the skipped parcels can, later, proceed efficiently, connected, and in context with surrounding uses. Contiguity is the essential indicator of whether the property or the city is “ready”.

- Access to public utilities. Will the potential development promote a logical extension of public utilities? Will the development require a minimal expansion of public utilities? How will the development impact public utilities; including plant (facility) capacity, the relationship between capital expense and cost recovery, and operating expenses?
- Integration with the transportation network. Will the potential development, upon build-out, be adequately served by the existing road and pathway network? Will the development encourage or lead to the logical extension of transportation networks? How will the proposal impact existing roadway capacity, load balancing and emergency access inter-connectors? Does the incompleteness of critical links on adjacent property pose an imbalance or overload if the property is developed before adjacent property? Adherence to the first principle of contiguity will ensure, to a large extent, that adequate transportation networks are present.
- Range of potential transportation options. Does the potential development scenario offer a range of transportation choices—walking, biking, and automobile—to reach jobs, shopping, and recreation? Neighborhoods that are well-connected and compact can provide this range of transportation options. In addition, a hierarchy of connected roadway options helps to alleviate traffic and allows for alternative routes in an emergency situation.
- Fulfillment of City’s housing and economic needs. Will the development scenario lead to a fulfillment of an urgent City need, e.g. correct a deficiency in the housing stock or create a better

balance between housing types? Will the development expand the diversity of the employment sector or provide a better match between residents and jobs, e.g. provide a new job segment to the local economy? Will the development create greater diversity in goods and services available to residents?

- **Community Building.** Elkhorn's character and livability are strong because the City is not homogenous. It is comprised of interrelated neighborhoods and places of human scale. New development within established areas should fit within the existing pattern and scale of development. Infill, reuse and rehabilitation of existing residential, commercial, and industrial structures helps to build stability and reinforces the desirability to live and invest in the community. Larger scale development scenarios should be broken into identifiable enclaves, centered on schools, retail, services, and recreational/open space amenities. Development proposals with logical access to places of employment, commercial shopping and services, entertainment, and public services are preferable to a scenario that is physically isolated or does not meet these conditions.
- **Standards of Quality.** All development must meet minimum standards for approval, but the degree to which a development exceeds minimum standards for quality may be directly related to the success with which it's approval and development are advanced to completion.
- **Increase in the City's tax base.** Does the potential development scenario foster the growth in the tax base? Does the development create more value than the services and facilities it will demand?
- **Preservation of agricultural lands.** Does the potential development protect agricultural land from premature or unnecessary destruction or conversion to competing uses? Agriculture demands the availability of large areas of contiguous land. The City should consider how potential development scenarios will disrupt current agricultural land use patterns and the attendant adverse impacts of such disruptions (e.g. roads shared by farm implements and general traffic, dust or noxious odors).
- **Preservation of environmentally sensitive areas.** Does the potential development best protect existing natural resources, planned greenway corridors, open space, wetlands, wildlife habitats, and groundwater? New growth presents an opportunity to link open space areas to create a larger, more significant and connected open space system.
- **Adverse impacts on fiscal, social, or environmental health of the community.** Will the development scenario cause strain on the fiscal health of the community? Will the development scenario cause the least possible amount of environmental problems such as noise, light, air, or water pollution? Will the development scenario pose the least risk to existing business, jobs, or housing areas? Will the development provide the least risk to cultural and historic sites? Desirable developments may impose adverse impacts on the community. The City should determine the extent to which they can be mitigated, and favor those developments that present the least threat to the short and long term financial, social, and environmental health of the community.

In Appendix C to this Plan, an exhibit titled Guidelines for Decision Making utilizes a decision tree concept to help evaluate development scenarios and determine an appropriate sequence of development. The decision tree includes specific factors to consider when reviewing a development proposal and is applicable to both residential and commercial/employment centers.

A BALANCED MIX OF USES

Chapter 8, the Land Use Element of the Comprehensive Plan expresses in detail the value, basis and logic of establishing and maintaining a balanced mix of land uses. It is worthy of emphasis that the balance is not merely one of an appropriate number, size, orientation, cluster and relationship of different forms of residential, commercial and employment uses and the open space, utility, roadways, and institutional uses which support them: that balance is also a matter of sequence and scaling of these uses. At any given time, no one land use should grow to dominate or fall behind so significantly as to evidence or pose the potential to weaken the City’s fiscal or social health. By regularly evaluating the relationship of existing and anticipated land use relationships (e.g. number of dwellings to square feet of commercial/retail floor area) the City may identify threats and pose alternatives to correct them.

Balance also is addressed when considering new development to the City, whether residential or commercial. Questions for consideration include:

- ❓ Can the City and schools provide adequate services to the new development?
- ❓ Is it located in the proper area?
- ❓ Does the development support the standards for use and character that are defined in this plan?

CONTROLLING QUALITY OF DESIGN

As part of Wisconsin’s Comprehensive Planning Standards, the State recommended adopting subdivision and site plan design standards for “traditional neighborhood development” to support compact, mixed-use development. Adopting a variation of the State’s model ordinances and modifying them to create design guidelines/standards for new development that is unique to Elkhorn is one way that the City can implement increased control over commercial and residential site design standards, building orientation, parking, signage, and pedestrian/vehicular circulation. The Wisconsin model ordinances draw from concepts of traditional development and existing forms found in Wisconsin cities and villages.

FISCAL POLICIES

The fiscal integrity of the municipality and other local government units, e.g. school district, is directly related to the management of growth and change. For this reason, predictability is an essential feature. To the extent reasonable, new development should occur at a rate consistent with the community’s ability to accommodate it physically (with infrastructure) and financially. Demand for services should be balanced with the supply of high quality services, and public costs should be balanced with public revenues. This concept of “concurrency” melds private development to public infrastructure requiring uniform expansion of both. In essence, this means that private development is not supposed to be approved unless the public infrastructure to accommodate it is constructed at the same time.

It is recommended that the municipality prepare and update annually a report of the existing fiscal condition, of fiscal trends anticipated in the coming decade, and a mid-range (3-6 years) budget for all foreseeable municipal expenditures and revenues. This would be similar to, but broader than the typical capital improvements program. Such a mid-range budget will consider future personnel requirements, programmatic “soft” costs, and maintenance costs, as well as major project costs.

The status of all tax increment finance (TIF) redevelopment projects in Elkhorn deserves detailed review, especially the balance between planned expenditures and forecasted revenues based on the scale and place of private investment. It is essential that these projects not only pay for themselves, but that they do not usurp the City’s financial capacity to undertake other needed public improvements.

Enhanced and new sources of municipal revenue need to be considered, including “fair share” contributions from the real estate development industry, e.g. impact fees, public land dedications, etc. If certain areas of the City deserve unique services, consideration should be given to special taxing districts permitted under state statutes, e.g. Downtown business improvement district.

As the basis for such fiscal policies, the City should establish a “data bank” of critical information, including current Census data, school district trends, development project characteristics from real estate developers, mapped data on the City’s geographic information system (GIS), etc. The City should also activate, update and enhance over time the fiscal impact model prepared as a part of the Community Development Plan. That model estimates the fiscal impact of individual residential and non-residential projects and can be utilized to evaluate “what if?” scenarios of future trends.

ZONING, SUBDIVISION, AND OTHER REGULATIONS

Municipalities rely, often too heavily, on restrictive zoning, subdivision and other regulations for the management of land use. While many restrictions are necessary and appropriate, such regulations can also be proactive if they provide some flexibility for beneficial development exceeding minimum or traditional standards. A recent update to the City’s Zoning Ordinance worked to advance these concepts.

Even prior to the recent update, Elkhorn’s Zoning Ordinance and Land Division Ordinance were considered essentially sound. Amendments made to the code were reflective of recommendations in the last comprehensive plan and consistent with goals and amendments in this plan. Recent changes help to achieve consistency with the recommended Community Development Plan and to meet the criteria of Wisconsin Act 9. This included a number of refinements to standards and procedures, with an emphasis on resolving internal conflicts in the code and establishing compliance with state regulations. In addition, attention was focused on the City’s desire to have straightforward approval procedures, be supportive of economic development objectives, and advance a strong community appearance. However, the majority of bulk standards (set back, height, and lot standards) were not changed. In addition, no changes were made to the established zoning districts or zoning map. Primary amendments to the Zoning Ordinance are outlined below.

- Definitions (Article 2) was updated and clarified as needed to better reflect to the use categories in the land use table. Graphics were added in some instances.
- The table of permitted uses (Article 5) was clarified to more completely reflect the zoning categories as described in the definitions section.

- A lower threshold for mixed use PUDs was set (from 20 to 2 acres) to allow flexible application of standards to address complex infill sites.
- Authority for zoning actions in several instances was placed with the Zoning Administrator to create more streamline procedures and focus Plan Commission actions on larger development and policy matters.
- Requirements for complete applications to be submitted by petitioners was clarified and clear indication is noted that the burden of proof for approval is on the applicant.
- Parking and loading standards (Article 6) was restructured to match categories in the use table and updated to reflect best practice requirements.
- Signs (Article 8) requirements were rewritten with the intent to allow signage needed by business to draw attention from perspective customers, but enhance overall community appearance.
- Non conforming standards (Article 9) were updated to reflect state requirements.

INCENTIVES AND ASSIGNMENT OF COSTS

One useful proactive technique is the establishment of a balanced program of municipal incentives and disincentives to influence critical private real estate decisions. Clearly, the City's commitment of public funds for infrastructure and aesthetic enhancements to Downtown is a major incentive to invest private monies, as has been the infrastructure and below market price of land in the Elkhorn Business Park. Certainly, the latter program has produced substantial success in the past. It may now be time to increase the price of land in the Business Park and in new business park expansions, whereas more targeted incentives might be considered for specific types of new businesses in the Business Park and in Downtown.

In support of downtown enhancement, a number of State resources are available. A description of those programs is provided in the Appendix to this plan.

The City has established impact fees to assess more of the real costs of providing infrastructure and capital facilities to those new developments which engender those costs. They must adjusted over time so that they continue to reflect a "rational nexus" related to the impact of new development and the benefits derived therefrom.

ACQUISITION OF PROPERTY

From time to time it will be appropriate for the City to acquire more property or limited rights to certain properties. Examples might be:

- municipal facility sites
- additional park and conservation land
- rights-of-way for new streets, bikeways and pedestrian paths, not otherwise available through dedication
- development rights in farmland
- conservation, scenic or historic easements (limited rights)

ORGANIZATION

In the immediate future, overall responsibility for implementation of the Comprehensive Plan should be vested in the City Administrator in support of the Plan Commission and Common Council. These efforts have been, and are expected to continue to be supported by the Zoning Administrator. The recent zoning code amendments clarified the role of that position in an effort to support a more predictable development approval process in the City. In addition, the City can continue to include the required professional engineering and planning expertise through a contractual relationship with independent experts familiar with Elkhorn to provide assistance specifically requested by the City Council and/or City Administrator.

Pursuant to 1999 Wisconsin Act 9: Comprehensive Planning, the City Council, Plan Commission, or a special body appointed by the City Council, should be responsible for updating the Community Development Plan at regular intervals and for meeting all of the mandatory objectives and criteria of that Act.

Because of the complexity of Wisconsin Act 9, development trends affecting the City, and the myriad of techniques available for managing growth and change, all municipal officials (elected, appointed, and employed) should be offered training opportunities to enhance their knowledge and effectiveness.

PHASING AND ANNEXATION POLICY CONSIDERATIONS

THE BASIS FOR THE “DECISION TREE”

The most common reasons for municipalities to annex property include:

- Land use control over development and redevelopment – zoning.
- Application of all other City ordinances over new development and redevelopment.
- Capture key economic development opportunities.
- “Defensive” strategy to preclude any potential for undesirable development if annexed to adjoining communities.
- Protect open space.
- Control traffic on arterial roadways.

Common reasons to Discourage Annexation include:

- The City chooses to make full public facilities improvements within the area – which would normally result in a fiscal deficit to the City.
- Tax base development is not an issue to the City.
- The City is successful in gaining agreement with adjoining communities on a land use plan for the area.

Policies governing the development of a phasing plan should include:

- Areas served by some urban services should be provided with the full range of urban services before providing services to areas without urban services. Areas in proximity to existing services should be served before areas farther from existing services.
- Public facility phases should be sized and laid out to allow for the cost-effective provision of public facilities and services (constructing sewers lines, for example, for ultimate capacity rather than smaller, interim size).
- Public facility and service phasing plans should consider city and property owner capability to extend services.

In determining whether a property should be annexed, the City of Elkhorn should consider:

- Whenever practical, growth should occur within the existing boundaries of the City of Elkhorn.
- The provision of municipal services should coincide with the jurisdictional boundaries of the City. Elkhorn should not extend utility services beyond corporate limits of the City.
- The extension of water and sanitary sewer services should be predicated upon annexation of property by the City.
- City annexation should occur before any property is provided with water, sanitary sewer, storm sewer, fire and police protection, parks, schools, road and trail facilities and maintenance, or other potential city services
- Land which is remote or otherwise removed from the limits of the City of Elkhorn will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and, land which is encircled by the City should be annexed.
- Property should be annexed only where access to all City services can be assured. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services, and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in annexed areas.
- Property should not be annexed if it cannot be cost-effectively served by Elkhorn public facilities and services. The cost of providing infrastructure and services generally should be balance by the revenues to be derived from the potential annexation area over the long term.
- The character of existing developed (usually residential) proposed to be annexed to the City should be respected; however, any annexation of existing development will include some costs which must be the responsibility of property owners.
- Annexation to facilitate the installation or extension of improvements where they are consistent with the policies, anticipated uses and timing/phasing of development identified in Elkhorn's Comprehensive Plan.

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