

CHAPTER TEN



INSTITUTIONAL FRAMEWORK

The City of River Falls' current framework of planning regulations has evolved over a long period of time. A comprehensive review and update of the implementing regulations and administrative procedures will therefore require a major effort. However, the current codes that contain land development laws will need to be updated fairly quickly upon adoption of the Comprehensive Plan. The community will be faced with a dilemma of having to review projects based on two differing sets of regulations.

Specifically, the purpose of this chapter is to:

- Establish criteria and procedures to ensure consistency between this Plan and land development laws.
- Prescribe a clear project review and approval process that eliminates redundant overlapping procedures.
- Set resource-based standards and reduce the need for discretionary project review.
- Outline a procedure for infrastructure extension and hook-up review.
- Provide an orderly process for service amendments.

THEMES

- **Review Process.** Streamline the planning and review processes.
- **Implementation.** Ensure consistency between this Plan, implementing ordinances (including zoning and impact fees) and the Capital Improvement Program.

To help implement this Plan, detailed studies, plans, and ordinances will need to be prepared, reviewed, and approved. With this Plan, the community is committing itself to consistency between existing plans, implementation programs, and regulations, including zoning and subdivision regulations, and the Capital Improvement Program.

10.1 POLICIES AND REGULATIONS

The Comprehensive Plan lies at the apex of decision-making. It is a policy instrument, providing the basis for implementing land use regulations that are contained in the City Code. Unlike the Comprehensive Plan, regulations contained in the City Codes, such as zoning and subdivision regulations are not policy-making instruments but rather tools to implement policies established in the Comprehensive Plan and elsewhere.

10.1.1 State Regulations

State requirements call for area-wide smart growth plans (§66.1001 Wisconsin Statutes). Commonly recognized as Wisconsin's "Smart Growth" legislation, significant changes to planning-related statutes were approved through the 1999-2001 state biennial budget. A new grant program for comprehensive planning was also established.

What is Smart Growth?

There are various definitions for the term, however, for Wisconsin, the statutes focus on the development and implementation of local Comprehensive Plans as well as provide a grant program to assist local governments in the development of Comprehensive Plans.

Comprehensive Planning

- Requires that after January 1, 2010, all programs and actions of local governmental units that affect land use must be guided by and consistent with that governmental unit's adopted Comprehensive Plan;
- Defines a Comprehensive Plan as containing nine required elements:
 1. Issues and Opportunities;
 2. Housing;
 3. Transportation;
 4. Utilities and Community Facilities;
 5. Agricultural, Natural and Cultural Facilities;
 6. Economic Development;
 7. Intergovernmental Cooperation;
 8. Land Use; and
 9. Implementation;
- Requires public participation at every stage of the comprehensive planning process including adoption of written procedures, broad notice provisions, the opportunity to review and comment on draft Plans, and a required public hearing prior to Plan adoption;
- Standardizes the procedures for adopting a Comprehensive Plan including the Planning Commission's recommendation of the Plan to the governing body, the governing body's adoption and enactment of the Plan by ordinance, and the local government's filing of the ordinance; and
- Requires that copies of the draft and final Comprehensive Plans be sent to adjacent communities, the Wisconsin Land Council, the regional planning commissions, the public library serving the area, and all other area jurisdictions that are located entirely or partially within the boundaries of the community.

10.1.2 City and Extraterritorial Regulations

The extraterritorial and City codes that contain the land development laws will be a key tool in implementing the policies of this Plan. The codes have not been comprehensively updated and amendments have been made on a piecemeal basis. It is important to move forward in updating the codes to ensure consistency so that benefits may be derived from this Plan. Benefits such as: protection of our natural resources, cost-effective methods for providing infrastructure service, and reduction of urban sprawl through planned growth.

10.1.3 Consistency

The purpose of consistency is to ensure that this Plan's policies addressing topics such as infrastructure, land use, transportation, and resource conservation are implemented. For policies to be effective, they need to be translated into parcel-specific regulations in the land development laws and codes. Zoning is one of the most widely used land-use regulations and the best tool for implementing the map-related policies of the Plan.

The requirement of consistency needs to be explicitly established in both the Plan and the code. Only full consistency between the Plan and land development laws in the code can ensure realization of the community's vision for its future. The protection of neighborhoods and natural resources and the creation of new neighborhoods that build on the community's tradition are dependent on consistency between the Plan and the code.

Upon adoption of this Plan, the zoning and subdivision regulations in the code's land development laws should be revised to be consistent with the Plan. This will involve adding, removing, and/or modifying zoning districts and revising development standards and other regulations to implement the Plan policies. Specific development standards have been provided, where appropriate, throughout this Plan.

Support for Consistency. Plan and zoning consistency has been an issue for residents for a long time. At past meetings, concern has been expressed about the planning and code enforcement functions. It has been recognized that successful, long-range planning depends not only on the development of realistic, consistent, and achievable goals and policies, but also upon having ordinances implemented and enforced that are consistent with this Plan.

Many citizens are adamant that the Plan should be used, honored, and enforced and that it should include procedures for its amendment, review, and periodic update. Above all, regulations and ordinances should implement the Plan. In response to these concerns, one of the Plan's themes is to ensure consistency between the Plan's implementing ordinances and standards (including zoning and engineering standards) and programs (such as the Capital Improvement Program).

10.2 AMENDMENT PROCESS

10.2.1 Process

This Plan is intended to be a living Plan that reflects changing conditions and community needs. As such, the Plan will be subject to amendments over time. To maintain this Plan as current, policies that become obsolete or unrealistic due to changing conditions (such as the completion of a task or project, development of a site, or adoption of an ordinance or plan) should be eliminated or modified. The Plan amendment process is also the means through which the counties; towns; City, (including the Planning Commissions, Boards, and Council) private property owners, project proponents, community groups; neighborhood associations, and individual citizens can initiate changes to the Plan.

Application for Plan amendments initiated by the counties, towns, City, or general public will be submitted first to the City of River Falls' Planning Department for staff review. Applications will be accepted on an ongoing basis. Staff will prepare a summary report describing the requested changes and staff's recommendations, including any necessary

language and drawings, for review by the Planning Commission, Boards, and Council. The Plan should not be amended so expeditiously that it will not maintain continuity or lose focus on long-range planning issues. Amendments to this Plan take effect only upon adoption by the City Council.

10.2.2 Required Information

- Prior to proceeding with an amendment the following information is required:
 - Narrative description and reasons for the amendment request. If a change of wording is being proposed, the exact wording shall be provided as part of the description.
 - Legal description and exact acreage of land area(s) proposed to add and/or subtract from within the Urban Area Boundary, if applicable.
 - Description of the proposed land uses (i.e., residential, commercial, industrial, open space, parks) and public services (i.e., water, sewer, roads) to be provided to areas identified above.
 - A detailed map showing topography, buildings, and the proposed areas being added to and/or subtracted from within the Urban Area Boundary.
 - The net change in the amount of developable land in any area being proposed to add to and/or subtract from within the Urban Area Boundary and the net change in the development density (person per acre) of the area as a result of the proposed amendment.
 - To the extent possible, identify any impacts from the proposed amendment.
 - Verification that there is or will be infrastructure and service capacity to serve proposed new or redeveloping areas and their projected impacts.

10.2.3 Annual Report on Amendments

A summary of all amendments adopted during the preceding year shall be part of the annual Comprehensive Plan report, prepared to report on the progress made in implementing the Plan. This summary shall include the date of adoption, section to which the amendment applies, and a brief description of the change.

GUIDING AND IMPLEMENTING POLICIES

10-G-1 Ensure consistencies between the Comprehensive Plan and the Municipal Code and land development laws.

10-1-I-1 Utilizes the policies of the comprehensive plan to review, update and enact new regulations and ordinances.

10-1-I-2 Develop and maintain a process for amendments and updating the Comprehensive Plan and Municipal Code.