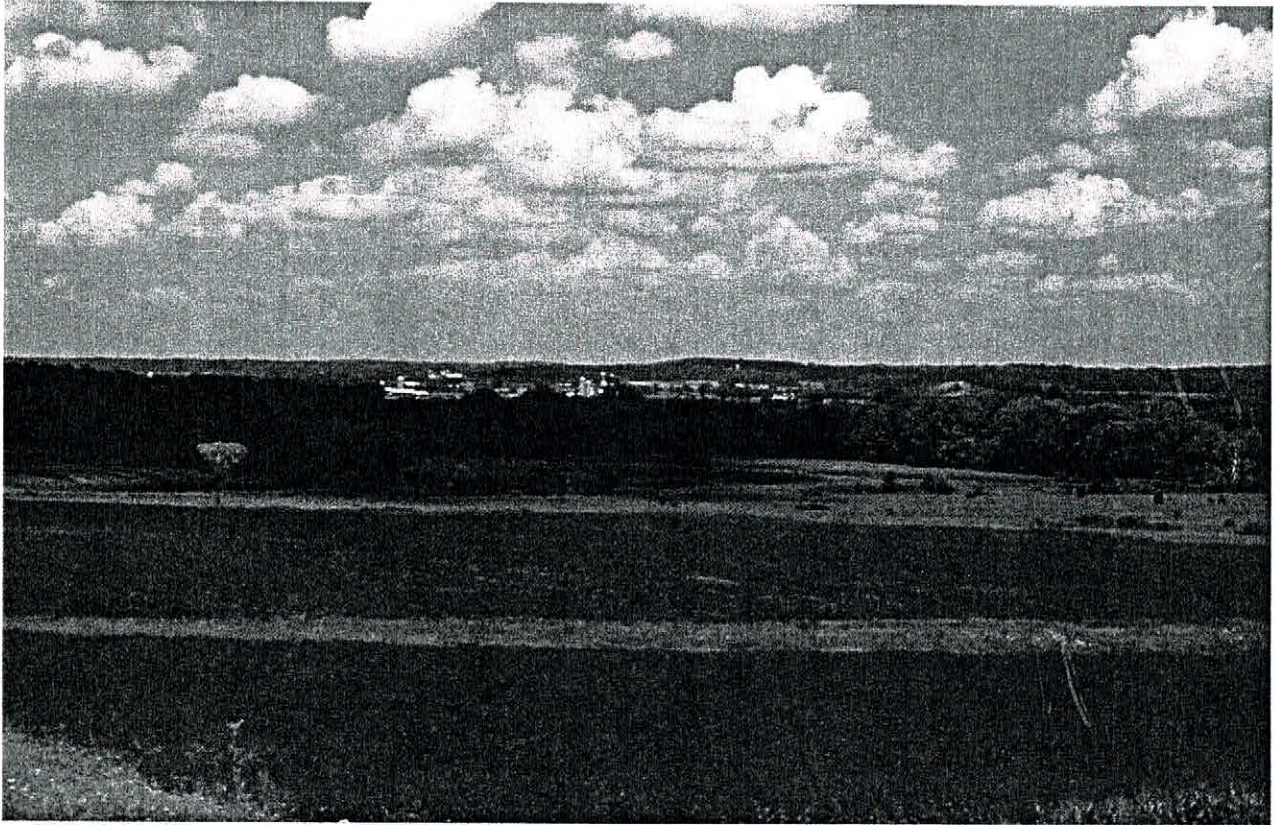


DRAFT
TENATIVELY APPROVED

INTRODUCTION

One of Albany's many beautiful viewsheds



I SUMMARY

The Town of Albany, in eastern Green County, is a community that strives for preserving values and encouraging opportunities — a community that is citizen supported and future-oriented. With approximately 578 members as part of the Town of Albany community and the willingness to accomplish identified goals, the Town of Albany is in a desirable position to take the next step in the Comprehensive Planning process — the creation of a Town Comprehensive Plan.

The members of the Albany Town Board have struggled with the same issue as many municipal officials: how to address growth and changes in land use within their town. Formal and informal discussion led the Board to consider the creation of a citizen's

committee to begin the discussion regarding land use in the town under their authority.

Currently, Albany township does not have the authority for town zoning and has not adopted any land use related ordinances. Zoning for the Town of Albany is administered by Green County. As it currently exists and is administered, county zoning will not address the concerns or resolve the conflicts faced by the Albany Town Board and the residents of the town.

This conclusion led the Board to begin the process of forming an Albany Township Land Use Advisory Committee. On August 26, 1998, the Board mailed a request to become a member of the Committee to every property owner listed in the town's

1998 tax roll. The invitation was broadcast by local radio stations and printed as a story by local newspapers.

The Board asked for volunteers who would be willing to attend meetings, participate in discussions, and help to develop a system for making decisions and resolving conflicts that arise from changes in land use. It was an open invitation to every resident and property owner to express their opinions and shape the beginning of the land use planning process for the town.

Twenty-three individuals contacted the Board to indicate they were interested in participating. Seventeen people attended the first meeting on September 30, 1998. The members of the Land Use Advisory Committee met on the second and fourth Wednesday of each month from October 1998 through March 1999. As time passed, the number of people attending settled at between seven to nine "regulars"¹.

A series of speakers were brought into the township by the Land Use Advisory Committee in order to better understand all of the issues and options. These speakers and their topics of presentation are noted in figure 1.

Following considerable discussion on the content of these presentations and consideration of local input gained through this process, the Land Use Advisory Committee determined a number of recommendations that were then made to the Town Board through a presentation by committee members and the turning over of a report. These recommendations included:

Figure 1

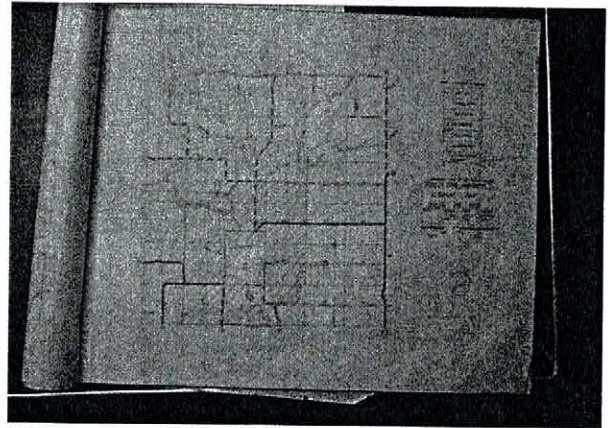
Speaker	Topic
Jim Scrivner	Chairman, Brooklyn Town Board, Green County WI. Jim administers a land division ordinance within Brooklyn township that provides for "one split per forty acres".
Dave Cieslewicz	Executive Director, 1000 Friends of Wisconsin. 1000 Friends is an organization dedicated to the advancement and discussion of land use issues in the state.
Robert Rudd	Robert is a planning specialist with a private firm and lives in New Glarus Township. He assisted with the development of the Town of New Glarus Land Use Plan and Land Division Ordinance.
Roger Cliff	Roger is the Executive Director of the Wisconsin Farm Bureau Federation. Roger presented the Farm Bureau's opinions regarding land use and its effects on agriculture.
Mike Jones	Mike is the Green County UWEX-CNRED Agent. Mike presented information from various sources regarding land use planning, planning processes, and Green County.
Mark Mayer	Mark is the Green County UWEX Ag. Agent. Mark presented statistics of the past, present and future trends in agriculture of Green County and related the discussions to future land use issues.
Rick Stadtleman	Rick is the Executive Director and legal council for the Wisconsin Towns Association. He discussed issues surrounding town authority, town powers, town zoning, and the adoption of ordinances related to the planning process. He also discussed the relationships between towns and counties under county zoning.
Caryl Terrell	Caryl is the Executive Director of the John Muir Chapter of the Sierra Club of Wisconsin. Caryl discussed many of the environmental affects related to land use including air, surface water, ground water, wildlife, and related issues.

¹ Summary and Recommendations to the Albany Town Board, April 14, 1999.

- ❖ That the town adopt Village Powers.
- ❖ That the town schedule a public meeting for presentation of recommendations from the Advisory Committee.
- ❖ That the town mail a newsletter to residents and property owners within the town, after the presentation by the Committee, explaining Advisory Committee recommendations.
- ❖ That the town schedule a public Town Board meeting to discuss, accept, modify, and take actions on the Advisory Committee's recommendations.
- ❖ That the town mail a questionnaire/survey to residents and property owners to begin to identify issues of agreement, areas of concern, and levels of concern about issues surrounding land use in the town, after action by the Board.
- ❖ That the town create a formal Land Use Committee.
- ❖ That the town define the planning process, and
- ❖ That the town hire (or borrow) consultant(s).

With this process complete, the Town of Albany took its next step by contracting with Vierbicher Associates, Inc. in March of 2000 for the provision of Phase I Comprehensive Planning Services. Between the conclusion of initial pre-planning efforts and the creation of the contract for services with Vierbicher, the State of Wisconsin adopted its biannual budget which ushered in with it the "Smart Growth" initiative. Smart Growth is a series of new statutory laws and amendments to existing statutory language dealing with Comprehensive Planning and growth management in general. Specific to the Town of Albany is the need for communities to have adopted compliant Comprehensive Plans by the year 2010 in order for the township to keep legal control of development within the town.

Albany's current zoning map - available at the Green County Zoning Department for review



Also contained in the new statutory language is a legal definition of what a Comprehensive Plan is and what it must contain. In all, nine plan elements are identified which now constitute a Comprehensive Plan. These elements are:

Figure 2

Nine Elements of a Comprehensive Plan

- Issues and Opportunities
- Agricultural, Natural and Cultural Resources
- Economic Development
- Housing
- Utilities and Community Facilities
- Transportation
- Land Use
- Intergovernmental Cooperation
- Implementation

Wanting to be in compliance with Wisconsin's new Smart Growth Laws, yet also wanting to better understand the town's legal planning authority and its issues and opportunities, a contract was struck with Vierbicher Associates, Inc. to initially perform PHASE I Planning Services. This initial phase was designed to help the Town of Albany and the Land Use

Advisory Committee members understand where they are now and where they want to go. Services included:

INITIAL PHASE

Vierbicher Associates proposed a phased approach to the development of a Plan Document or Comprehensive Plan for the Town of Albany.

Figure 3

- Pre-Planning Efforts**
- ▼ Public Education
 - ▼ Public Participation
 - ▼ Community Issues
 - ▼ Legal Authority

In the first phase, specific focus was paid to public education, gaining public participation, identifying community issues through a facilitated consensus building process and determining future direction based on interests and legal authority.

Public education and participation are specific to the new Smart Growth laws requirement for the legal adoption of a Comprehensive Plan. Beyond this requirement, it is Vierbicher Associates philosophy that a plan's ultimate success is based in the degree to which it represents the will of a community's citizenry. By thinking through and adopting a formal public education and participation process, the Town of Albany has both meet the new state law requirement as well as insure itself of a widely excepted and usable plan.

The second step of this phase involved a facilitated public meeting at which residents of the Town of Albany were asked to identify and prioritize issues affecting the community. The context of these session was focused on the nine elements defined by state statute as being the components of

a comprehensive plan. The exercise sought broad-based input and participation from all residents with no one interest dominating the floor so as to capture the concerns of the entire community.

Figure 4

- Planning Options**
- ▼ Opt out of County Zoning
 - ▼ Develop a true Comprehensive Plan
 - ▼ Develop a modified Plan

The final step of the first phase focused on the incorporation of identified community issues with the town's legal authority to plan. With the Town of Albany currently under county zoning authority, it can be noted that three possible options for moving forward existed. Results of this first phase were be documented along with a detailed calendar including anticipated tasks for the Town of Albany's Planning Committee to use as a guide for moving forward.

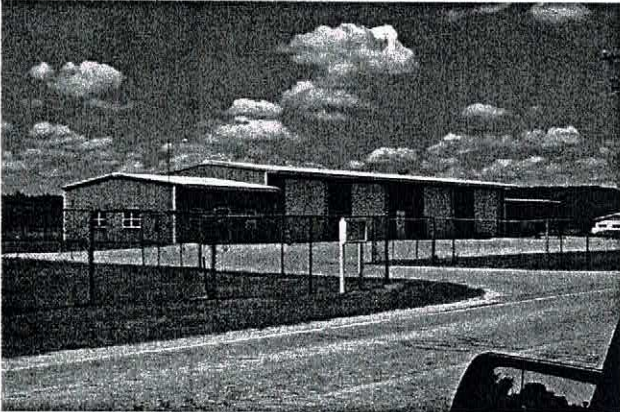
The process began with the development of a Community Profile Report, followed by plan preparation — the Town Comprehensive Plan. The Community Profile Report identified existing conditions in the town including past and projected growth trends, and the identification of issues and needs. Following the Community Profile Report, is the development of the Town Comprehensive Plan whereby implementation strategies and a future land use map will be created.

In any Comprehensive Planning process, it is not only important to evaluate and draft a consensus of community values such as what the Town of Albany has already

accomplished, but it is very important to consider the legal planning framework from which the town has to work under. Various local governments including town governments, in most instances, experience multi-jurisdictional claims on planning authority. Therefore, identifying appropriate levels of planning authority specific to a locality is crucial to the success of any Comprehensive Plan².

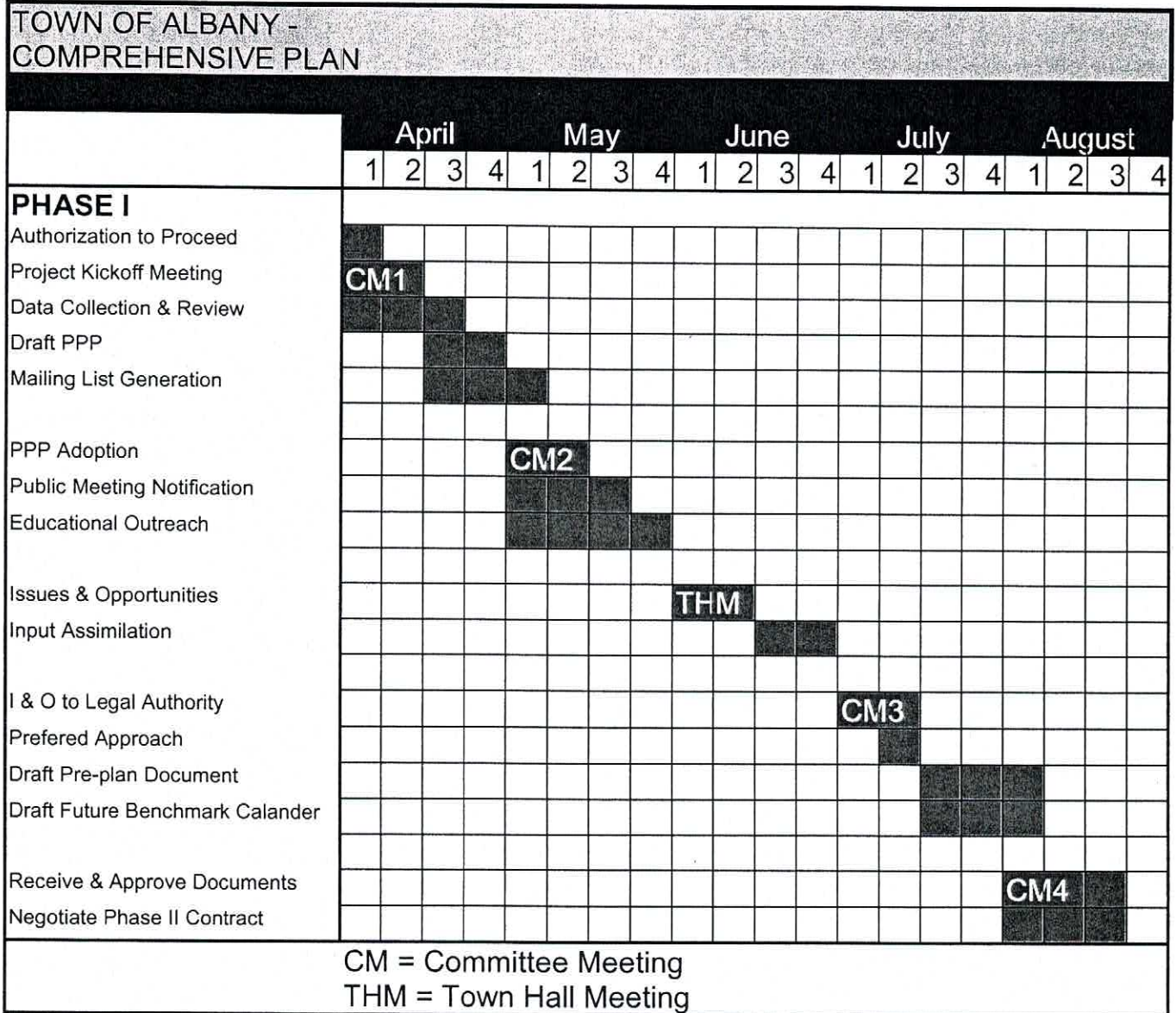
To implement this planning program, a series of three committee meetings and one "Town Hall" meeting were held in accordance with the following schedule of activities.

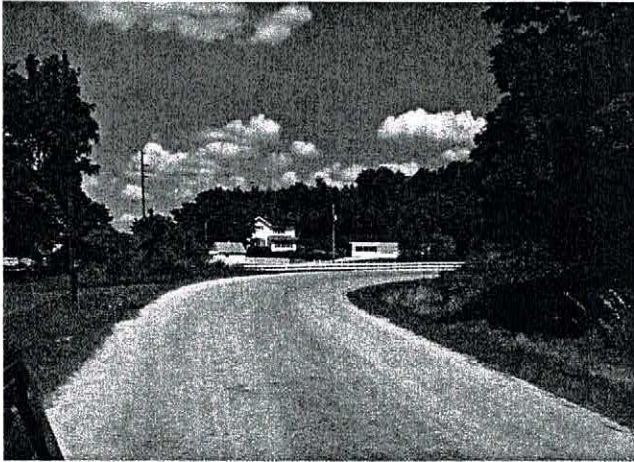
Town of Albany - Town Hall



² Vierbicher Associates proposal to provide planning services to the Town of Albany, March, 2000.

Figure 5



An Albany farm

During the four-month Phase I planning process, a number of key decisions and activities took place. Organizationally, the Land Use Advisory Committee was officially renamed at the annual town meeting. The new name became the "Town of Albany Comprehensive Planning Committee". Along with renaming the committee, official appointments by the Town Board were made filling its membership positions. These changes were specifically made to reflect the increased scope of activity that the committee would be undertaking as required by Wisconsin's new Smart Growth initiative.

Another key decision, made early on in the planning process, was the choice to pursue a grant through the State of Wisconsin's Transportation Planning Grant program. This decision was key in that it committed the Town of Albany to create and adopt by ordinance a Comprehensive Plan in full compliance with Wisconsin's new Smart Growth laws, Wis. Stats. S. 66.0295, within a 30 month period of being awarded the grant. A resolution stating the town's commitment to create a Comprehensive Plan in compliance with these measures was drafted and adopted by the Town of Albany Town Board.

As part of Wisconsin's "new Smart Growth" law, written procedures must be adopted by the governing body of a local government unit wishing to adopt a Comprehensive Plan. Specifically, the Act requires:

"The Governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services and public meetings, for which advanced notice has been provided, in every stage of the preparation of a comprehensive plan. The written procedures shall provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments."

In recognition of this new law, the Town of Albany prepared and adopted a public information, education and participation plan³.

³ Town of Albany, Green County Wisconsin, Public Participation Procedures for the adoption of a Comprehensive Plan.

Establishment of Legal Planning Authority

The State of Wisconsin Municipal Code (state statutes) is the legal document that originally established and identified township authority along with organizational structure and legal status. Over recent years, the Town of Albany has acted to further establish and protect their identity by coming under the county *Zoning Ordinance*, and acquiring the right to exercise *Village Powers*.

On February 13, 1968, the Town of Albany agreed by notification of adoption to come under county zoning as authorized by s. 59.69(4) of the Wisconsin State Statutes. On February 13, 1968, the Green County Zoning Ordinance went into effect. Building permit approval was included as part of the zoning ordinance.

On April 11, 1995 the Town of Albany held a public hearing authorizing by resolution, the right to exercise Village Powers—allowed under *Wisconsin State Statutes Chapter 60.10 (2) (c)*.

Aside from the land use related laws above, it will be important for the Town of Albany to consider additional county and state laws. Such laws include but are not limited to, floodplain zoning, wetland and shoreland zoning, and sanitary regulations.

With key decisions having been made and a detailed planning process in place, the Town of Albany Comprehensive Planning Committee was well prepared to address the Issues and Opportunities element of its Comprehensive Plan.

Important Moments in Wisconsin Planning Legislation

1909 - Wisconsin becomes the first state to grant a clear right for municipalities to engage in planning.

1941 – Legislature enacts enabling statute to allow preparation of “master” plans.

1999 – Wisconsin’s Smart Growth Initiative enacted.

