

October 1, 2008

Town Plan Commission
La Pointe, Wisconsin

Mr. Chairman,

Thank you for the opportunity to comment on the results of the public hearing of September 3, 2008 and the joint meeting of the TPC and Town Board last night.

I would like to begin my comments with an examination of the characterization of the comments from the public hearing that were contained in the handout titled "Comprehensive Plan and the Value-Tactics Ladder".

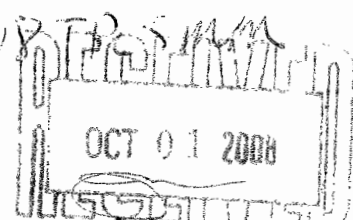
"Value-Tactics Ladder" is a new term to me. While the comprehensive plan was being developed we never used that terminology, and I would suggest that in this stage of the process injecting unknown terminology is confusing and inappropriate. Stick to the terminology that is already in place: "vision", "objectives", "policies", "implementation action items", "issues and opportunities", etc. The verbage in the comprehensive plan was deliberate and appropriate and it's continued use is necessary to promote equal understanding.

"Tactics" was another unfamiliar word used in the one page outline of the comprehensive plan. Your chair stated that the plan was "thrown over the fence" at it's completion, as if to say that it was not fleshed out with tactics to advance the strategies. It was never meant to be a tactical manual, but rather is strategic in scope. Tactics, or rather the "fine details (to quote the plan), will flow from the basic direction described in the plan".

I would also take issue with the public input summary prepared by your chair. It should be incumbent on each and every one of you to read and interpret for yourself the comments from the public hearing, and not rely on a necessarily incomplete summary. As for my own comments that were referenced in the summary I found at least one that was improperly characterized, and many that were ignored.. From this I could only extrapolate that there were other similar oversights and inaccuracies from the comments of others. Your chair himself stated that there were over one-hundred pages of comments and testimony; how could that be boiled down to three pages of brief summary?

Before moving on to the proposed changes I would like to comment on the timetable that is being thrown around that the zoning ordinance needs to be re-written by 2010. This is a false characterization of the statute that directs communities to revise, by 2010, land use regulations to implement the vision of the plan, and that after 2010 any rezoning needs to be consistent with the

Submitted by T. Eldred at 10-01-08
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comprehensive plan. I am not aware of any comprehensive review of the zoning ordinance to identify inconsistencies. In the absence of such a study I am confident that no such revision is necessary. To be perfectly clear, what I am saying here is that the TPC is not compelled to do any re-writing of the ordinance.

In considering your discussion of the proposed changes I would like to talk about the need to tie your proposed changes to the vision of the comprehensive plan. We are told that you are proposing these changes as a means to "align" the zoning ordinance to the comprehensive plan; if that is so you need to state specifically where in the comprehensive plan the needs for these changes originate.

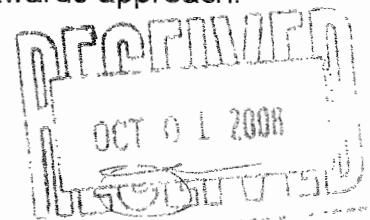
My own review of the comprehensive plan could turn up no references to many of the changes you have proposed. I could find no reference to "guest houses", a topic that consumed a considerable portion of your time last night. Likewise, I find no mention of motels, condominiums, and resorts in the comprehensive plan yet they are a constant in your proposed language. What is mentioned in the vision and objectives of the comprehensive plan is providing for affordable housing, and housing for seasonal workers. No where in the comprehensive plan does it mention that we need to address a shortage of housing for tourist and other visitors. You cannot advance changes to guest houses in the zoning ordinance and call it part of the "aligning" of the ordinance with the comprehensive plan.

I could find no mention of a need to change setbacks. Although setbacks could be a vital part of discussing the issue of non-conforming lots, it was not discussed in that context. Accessory structures are also not a comprehensive plan issue yet it is included in this "alignment".

Your discussion of the conditional use process was fruitful, with good ideas on clarifying wording, the responsibilities of the board of appeals, and longer appeal time frames.

Another comprehensive plan issue you discussed was that of historic preservation, although your discussion was limited and general in scope. Specifics of historic preservation will need to be fleshed out. Do not forget that there are professionals in the state who are very aware of the important historic properties in our Town. This is an issue that would benefit greatly from outside help. Preservation is not just a matter of defining a district; it must be accompanied with regulation. There is no preservation without regulation.

The most troubling part of your discussion last night was that of making changes to the comprehensive plan. It is readily apparent to me that you seek to change the comprehensive plan as a means of furthering the zoning ordinance changes that you are proposing. This is putting the cart before the horse. Writing language and then seeing if it fits the comprehensive plan is a backwards approach.



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Land use issues must be consistent with the comprehensive plan: that is the essence of the statute that created the comprehensive plan. To do otherwise is inviting court challenges to these changes, and the Town will lose any challenge that identifies inconsistencies with the vision of the comprehensive plan.

Your job, as I see it, is to further the vision of the comprehensive plan. You can do this by a thorough study of the zoning ordinance that identifies any language that is inconsistent with the comprehensive plan, and make adjustments that are studied and appropriate to specific language in the comprehensive plan.

Finally, and with respect, I would suggest that your committee, and really the Town as a whole, would benefit greatly from learning how to read, use, and interpret the comprehensive plan. I would suggest that someone like Jane Silberstien of the UW Extension, who was so helpful to the CAPP committee in learning about the comprehensive plan process, would be just the sort of professional who could help us all learn how to use this document.

The success of your work is vitally dependant on your proper use and interpretation of the comprehensive plan.

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