TOWN OF DELAFIELD PLAN COMMISSION MEETING
TUESDAY, JUNE 4, 2019 – 7:00 P.M.
TOWN OF DELAFIELD TOWN HALL
W302 N1254 MAPLE AVENUE, DELAFIELD, WI

AGENDA

1. Call to Order and Pledge of Allegiance

2. Approval of minutes of May 7, 2019

3. Communications (for discussion and possible action)
   A. Waukesha County Parks and Land Use, 5/17/19 Zoning Violation, Taylors Woods Road

4. Unfinished Business: None

5. New Business:
   A. Michael Tarwacki, W298 N596 Kings Way, Re: Consideration and possible action on a Certified Survey Map to combine two parcels into one parcel at W285 N3158 Lakeside Road.

   B. David French Revocable Trust, W303 N2568 Maple Avenue, Re: Consideration and possible action on a Certified Survey Map to combine several parcels located at and adjacent to N28 W29707, W29704 and W29696 Oakwood Grove Road, W296 N2879 Franciscan Road and W303 N2568 Franciscan Road.

   C. Bob Whitehouse, W285 N2022 Louis Court, Re: Consideration and possible action on a request to designate the Louis Court right-of-way to be 50 feet.

   D. Bob Whitehouse, W285 N2022 Louis Court, Re: Consideration and possible action on a Certified Survey Map to combine 4 parcels into one parcel.

   E. Discussion and possible action regarding the Town of Delafield Land Use Plan.

6. Discussion:
   A. Sharon Tomlinson, Discussion in regards to adding a permitted or conditional use section to the Town zoning code for the allowance of the operation of a taxidermy studio.

   B. John Singer W334 S878 Cushing Park Road, by Bill Zach, agent, Discussion regarding potential land split of his 17.5 acre property located at W330 S878 Cushing Park Road.
Town of Delafield Plan Commission Meeting Agenda
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7. Announcements and Planning Items: Next meeting - Tuesday, July 2, 2019.

8. Adjournment

Mary T. Eisner, CMC, WCMA
Town Clerk/Treasurer

Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. The Plan Commission may take action on any item on the agenda. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Mary Eisner, Town Clerk, at W302 N1254 Maple Avenue, Delafield, WI 53018-7000. This agenda is for informational purposes only. Posted – 5/30/19
TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, May 7, 2019

Members present: K. Fitzgerald, R. Troy, C. Diderrick, E. Kranick, N. Dickenson
Members Absent: T. Frank
Also present: T. Barbeau, Town Engineer, 11 citizens

First order of business: Call to Order and Pledge of Allegiance
Chairman Fitzgerald called the meeting to order at 7:05 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of March 5, 2019
MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE WITH ONE CORRECTION. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action):
A. Waukesha County Dept. of Parks and Land Use (4/8/19), Approval of Site Plan/Plan of Operation for lands located at N26 W30227 Maple Ave. – Seaboard Bar and Grill.

Engineer Barbeau stated that all Town and Waukesha County conditions have been met.

Fourth Order of Business: Unfinished Business:
None

Fifth Order of Business: New Business:
A. Greenhill Preservation, W294 N130 Bryn Drive by Lynn Bichler, Agent, Re: Consideration and possible action on a request to approve site signage and consideration of a sign variance for the Gwenyn Hill Farm located at W294 N130 Bryn Drive.

Engineer Barbeau stated the proposed request for a variance to allow 74.8 sq. ft. of signage at the subject farm. Per Section 17.08 5. b. of the Town Code, the maximum sign area on a lot that is zoned A-1 is 11 sq. ft for every 200 lineal ft. of a lot line abutting public road. Based on the total frontage along Bryn Drive, the allowable signage is 66 ft. He stated that the proposed additional sq. footage is to increase sign No. 2 (the wall sign located on the north face of the north barn). Engineer Barbeau provided 2 areas of criteria to review in allowing the request for variance: area enhancement and site difficulties. The slightly greater size on sign #2 will allow better identity recognition from the north on Bryn Drive.

Lynn Bichler reiterated the request to increase the size of sign No. 2 from 6’ to 7’ in diameter, to allow it to be seen more easily from a distance. The proposed logo would be mounted on the north façade of the barn at a height that would allow it to be seen more easily from a distance. She stated that in order to obtain organic certification, all buildings must be property identified. She summarized the proposed 8 signs providing type, description and sizes. Signs #1 and #2 will utilize the Gwenyn Hill logo. They will be carved out of 1” thick and 1-1/2” thick sign board with raised lettering, a raised border and a round raised center with a full color vinyl medallion graphics. The remainder of the signs will be constructed of 1-1/2” sign board and will have a gray background with white vinyl letters. Lynn displayed samples of the proposed signs.

Engineer Barbeau confirmed with Ms. Bichler the requirement to add the words “Town of Delafield” to the proposed monument sign. He stated that all requirements of the code have been met subject to variance approval. The proposed lighting is not an issue.

MOTION MADE BY MS. DICKENSON, SECONDED BY MR. KRANICK TO APPROVE THE SIGN VARIANCE CONDITIONED UPON STAFF RECOMMENDATION: THAT IT DOES NOT RESULT IN AN UNDUE CONCENTRATION OF SIGNAGE WITH RENDERS THE SIGNS DIFFICULT TO READ AND ALLOWS PEOPLE TRAVELING FROM THE NORTH TO THE SOUTH ALONG BRYN DRIVE TO ADEQUATELY READ THE WALL SIGN. MOTION CARRIED.
MOTION MADE BY MR. KRANICK, SECONDED BY MS. DICKENSON TO APPROVAL ALL SIGNS AS PROPOSED DATED 4/30/19. MOTION CARRIED.

B. Gary Belcher, W289 N438 Elmhurst Road, Re: Consideration and possible action on a request for approval of a Certified Survey Map to split his property into a residential lot and an Outlot.

Engineer Barbeau stated the subject proposal to split approximately 10 acres of land into a 3-acre single family parcel and an outlot. The outlot will be sold and used for agricultural purposes. Since a substantial portion of the outlot is located within the Waukesha County Floodland and Shoreland protection jurisdiction, the proposal will require Waukesha County approval. The subject outlot is located within 1000 ft. of Etter Lake and identified on the certified survey map as Outlot 4 of Shepherds Pass Subdivision. It is not buildable and has no public access. The adjacent Outlot 3 of Shepherds Pass South was set aside for future road extension (it is currently a private driveway). Engineer Barbeau stated that if the CSM is approved, the Town Attorney recommended that it be conditioned upon the terms of Note 1 shown on the CSM being recorded separately as a deed restriction, in a form approved by the Town Engineer and Town Attorney, simultaneously with the recording of the CSM. Note 3 should be changed to Note 2, all comments would be subject to Waukesha County review and would need to be incorporated into the document and the septic easement would need to be recorded.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DICKENSON TO RECOMMEND APPROVAL OF A CERTIFIED SURVEY MAP TO SPLIT THE PROPERTY AT W289 N438 ELMHURST ROAD INTO A RESIDENTIAL LOT AND AN OUTLOT CONDITIONED UPON THE TERMS OF NOTE 1 SHOWN ON THE CSM BEING RECORDED SEPARATELY AS A DEED RESTRICTION, IN A FORM APPROVED BY THE TOWN ENGINEER AND TOWN ATTORNEY, SIMULTANEOUSLY WITH THE RECORDING OF THE CSM; NOTE 3 TO BE CHANGED TO NOTE 2; ALL COMMENTS SUBJECT TO WAUKESHA COUNTY REVIEW AND INCORPORATED INTO THE DOCUMENT, AND THE SEPTIC EASEMENT RECORDED. MOTION CARRIED.

C. Prairie Hill Waldorf School, N14 W29143 Silvernail Road, by Jeanne Ring, Re: Consideration and possible action on a request to add bee hives to the property for educational purposes and determination whether the request is a substantial change requiring a public hearing.

Jeanne Ring stated Prairie Hill Waldorf School's request to add 2 beehives on the property to support pollination for educational purposes. Waldorf schools around North America are cultivating gardens, tending bees and establishing bee-tending programs to help support and rebuild the pollinator population. In celebrating their 100th year, the schools are working together to participate in beekeeping. Experienced beekeepers will be monitoring the hives. The school will not be selling the honey.

Engineer Barbeau stated that the Town zoning code does not address beekeeping as a permitted or accessory use in the zoning district, but Section 94.761 of the Wisconsin State Statutes deems it an agricultural pursuit. If the Plan Commission is in favor of this request, the allowance of the hives would need to be incorporated in the current Conditional Use Permit. The determination would need to be made as to whether or not this change is substantial to cause the need for a public hearing.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE UP TO 10 BEEHIVES TO THE PRAIRIE HILL WALDORF SCHOOL PROPERTY AND TO NOT CONSIDER THIS REQUEST A SUBSTANTIAL CHANGE TO THE CONDITIONAL USE PERMIT. MOTION CARRIED.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DICKENSON TO RECOMMEND THAT THE PLAN COMMISSION MAKE A POSITIVE RECOMMENDATION TO THE TOWN BOARD TO: ALLOW PRAIRIE HILL WALDORF SCHOOL TO HAVE UP TO 10 BEEHIVES ON THEIR PROPERTY AT N14W29143 SILVERNAIL RD.; INCORPORATE THE ALLOWANCE OF 10 BEEHIVES IN THE CONDITIONAL USE PERMIT; AND, DETERMINE THAT NO PUBLIC HEARING IS REQUIRED SINCE THE CHANGE IS NOT SUBSTANTIAL. MOTION CARRIED.
Sixth Order of Business: Discussion

A. The Kafkas Family, N2 W31747 Twin Oaks Drive, Re: Discussion related to a potential land split on lands located at N2 W31747 Twin Oaks Drive.

Peter Kafkas stated his request to split 4-1/3 acres on the subject property. Currently, all bedrooms are located on the second floor of the two-story home. Mr. Kafkas has ambulatory issues, which makes it difficult for him to enjoy his home. The lot size and way it is designed is not very functional. There is a steep incline at the back of the home. The elevation change is so steep that a lawn tractor, garden tractor or other vehicle cannot be used to travel through the land to reach the lower lot. He stated that there is ample room on the lower lot for construction of a single-family ranch style home.

The lot abuts roads on the north and south. The topography is such that the northerly half matches the grade adjacent to the north road, and the southerly half of the lot matches the road grade to the south with a steep slope in between. Per Engineer Barbeau, past Plan Commissions have denied the land split since the original subdivision had 67 lots, and the creation of a new lot would result in 68 lots. If the lot is split, the resulting lots would meet the A-3 PUD zoning requirements.

The general consensus of the Plan Commission is that this is a reasonable request, due to the odd-shaped lot and the fact that two roads abut one lot.

Seventh Order of Business: Announcements and Planning Items:
Next meeting – Tuesday, June 4, 2019

Eighth Order of Business: Adjournment

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO ADJOURN AT 8:02 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on:
May 17, 2019

One Badger, LLC
c/o Attorney James Hammes
1601 E. Racine Ave., Suite 200
Waukesha, WI 53186-6800

Re: Zoning Violation (V-16-DELT-09) Section 12, Town of Delafield

Dear Mr. and Mrs. Burt:

On February 8, 2017, the Waukesha County Board of Adjustment denied your appeal of an administrative decision relative to your property located at W281 N3400 Taylors Woods Road. The Board’s decision was appealed in Circuit Court and the Court of Appeals. The courts decided in the Board’s favor. In your application to the Board of Adjustment, it specifically stated that you would like to continue use of the boathouse located on the property.

Section 3(d)1 of the Waukesha County Shoreland and Floodland Protection Ordinance states the following:

“…no Accessory Building shall remain on a Lot once the Principal Building has been removed without a Variance from the Waukesha County Board of Adjustment, unless: (1) a Letter of Credit or some other form of financial assurance acceptable to the Waukesha County Department of Parks and Land Use – Planning and Zoning Division is submitted to the Department in an amount sufficient for the Department to have the Accessory Building removed in the event a principal structure is not constructed on the Lot within two years of the date of issuance of the Zoning Permit for the new Principal Building or the date of removal of the Accessory Building, and (2) a deed restriction is recorded in the Waukesha County Register of Deeds office stating a principal Structure shall be constructed on the Lot within two years of the date of issuance of the Zoning Permit for the new Principal Building or the date of removal of the Accessory Building or the Letter of Credit on file with the Department will be used to have the Accessory Building removed. Once the principal Structure is constructed or the Accessory Building is removed, the Waukesha County Department of Parks and Land Use shall cooperate in the rescission of the deed restriction and the release of the Letter of Credit or other financial assurance.”

Currently, your property is in violation of the above provision because an accessory building (boathouse) has remained on the property without a principal building for more than two years. The principal
building was razed in August of 2016 with your knowledge of the above provision. In order to resolve the violation, you can pursue one of the following options:

- Apply for a variance from the provisions stated in Section 3(d):1:

  *Because the principal building was removed over two years ago, at a minimum, a variance would be required from the provision that requires a residence be constructed within two years. Specifically, an extended timeframe could be proposed as part of the variance request.*

- Apply for a variance to allow the boathouse to remain without the benefit of a principal residence regardless of timeframe.

- Record a Certified Survey Map, with the purpose of combining the subject parcel with the adjacent property to the southwest.

- Remove the accessory building from the property.

In order to bring your property into compliance with the Waukesha County Shoreland and Floodland Protection Ordinance, you must proceed with one of the above options by submitting a complete variance application, submitting the previously reviewed Certified Survey Map for a signature to combine the lots and recording the Certified Survey Map, or by removing the accessory building prior to June 14, 2019. Depending on which option you select, additional milestones and deadlines will be established by our office.

If you do not proceed with one of the above options by June 14, 2019, our office is authorized under Section 41 of the Waukesha County Shoreland and Floodland Protection Ordinance to issue citations for each day the property remains in noncompliance. In addition to collecting forfeitures in the form of a cash deposit, a court appearance may be required, additional fines imposed and further legal action or enforcement methods may be used to bring the property into compliance.

In the event you have any questions regarding this matter, please do not hesitate to contact me. If you need to meet with me in person, please call for an appointment to ensure that I am available.

Sincerely,

Amy Barrows

Amy Barrows
Senior Planner

cc:

Town of Delafield Clerk
Town of Delafield Building Inspector
Town of Delafield Planner
Wallace and Ann Burt, 900 John Anderson Dr., Ormond Beach, FL 32176-4119 & W282 N3398 Taylors Woods Rd., Pewaukee WI 53072
Attorney James W. Hammes, Cramer, Multhaup & Hammes, LLP (via email only)
jwh@cmhlaw.com
File
Plan Commission Report for June 4, 2019

Michael Tarwacki CSM
Agenda Item No. 5. A.

Applicant: Michael Tarwacki

Project: Certified Survey Map (CSM) for lot combination

Requested Action: Approval of CSM

Zoning: R-3 - Waukesha County

Location: W285 N3158 Lakeside Road

Report

Mr. Tarwacki owns two adjoining parcels along Lakeside Road. The existing house crosses over the common lot line between the two lots. In order to allow them to make any improvements on the property, the County has required that the two lots be combined into one lot by CSM. The CSM contains a lot that is located south of Lakeside Road and an outlot located north of Lakeside Road. As part of this CSM, Lakeside Road is dedicated to 25 feet wide in accordance with the mill tax road right-of-way width designation approved by the Town in 1990. A note is included on the CSM that indicates that Outlot 1 cannot be sold or transferred as a separate parcel without the approval of the Town and Waukesha County. All technical comments have been addressed by the surveyor.

Staff Recommendation:

I recommend approval of the CSM dated May 20, 2019, subject to incorporation of Waukesha County comments. If Waukesha County’s comments are significant, the CSM shall be brought back to the Plan Commission for reconsideration.

Tim Barbeau, Town Engineer
May 29, 2019
CERTIFIED SURVEY MAP NO.

BEING A PART OF LOTS 20 & 21 OF EAST LAKESIDE, AND PART OF LOT 21 OF EXTENSION TO EAST LAKESIDE LOCATED IN THE SE. 1/4 OF THE SW. 1/4 OF SECTION 12, AND NE. 1/4 OF THE NW. 1/4 OF SECTION 13, T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

NOTES:
1. ADDITIONAL EASEMENTS, IF ANY, ARE NOT SHOWN.
2. THE SURVEYOR TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A VISUAL INSPECTION.
4. THE ENTIRE PROPERTY IS LOCATED WITHIN THE WAUKESHA COUNTY SHORELAND AND FLOODPLAIN PROTECTION JURISDICTION.
5. OUTLOT 1 SHALL BE RETAINED BY THE OWNER OF LOT 1 AND CANNOT BE SOLD OR TRANSFERRED AS A SEPARATE PARCEL WITHOUT THE APPROVAL OF THE TOWN OF DELAFIELD AND WAUKESHA COUNTY.
6. THE 1% FLOODPLAIN ELEVATION FOR PEWAUKEE LAKE TRIBUTARY IS 854.4, PER FEMA FLOOD INSURANCE STUDY NO. 555133C0001C, REV'D NOV. 5, 2014.

SURVEYOR'S CERTIFICATE:

I, MARK AUGUSTINE, Registered Land Surveyor hereby certify;

That I have surveyed, divided and mapped all that being a part of lots 20 & 21 of East Lakeside, and part of lot 21 of Extension to East Lakeside located in the SE. 1/4 of the SW. 1/4 of Section 12, and NE. 1/4 of the NW. 1/4 of Section 13, T.7N., R.18E., Town of Delafield, Waukesha County, Wisconsin, more fully described as follows:

Commencing at the SW Corner of said Section 12; thence N89°35'22"E, along the South line of the SW 1/4 of said Section, 2485.72 feet to the point of beginning; thence N29°17'22"W, 360.89 feet; thence N48°43'01"E, along the southerly line of Outlot 1 of CSM #11183, 51.22 feet; thence S29°01'34"E, along the southerly line of Outlot 1 of CSM #11183, 60.17 feet; thence N42°24'11"E, along the southerly line of Outlot 1 of CSM #11183, 8.40 feet; thence N30°10'59"E, along the southerly line of Outlot 1 of CSM #11183, 29.19 feet; thence S34°07'03"E, along the southwesterly line of Lot 1 of CSM #11183, 317.68 feet; thence S1°18'05"W, along meander line, 168.57 feet; thence N29°17'22"W, 115.73 feet to the point of beginning. Also including those lands between the line and water's edge of Pewaukee Lake. Said lands containing approximately 41,030 sq.ft. (0.942 Acre).

That I have made such survey, land division and Certified Survey Map by the direction of MICHAEL & TRACY TARWACKI, owner of said lands.

That such survey is a correct representation of all the exterior boundaries of the lands surveyed and the division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the subdivision regulations of the TOWN OF DELAFIELD & WAUKESHA COUNTY in surveying, dividing and mapping the same.

Dated this 20TH day of MAY, 2019.

MARK AUGUSTINE, PLS S-2780

PROJECT #2815.00 THIS INSTRUMENT DRAFTED BY MARK AUGUSTINE SHEET 3 OF 5

DRAFT

WISCONSIN LAND SURVEYOR
CERTIFIED SURVEY MAP NO.

BEING A PART OF LOTS 20 & 21 OF EAST LAKESIDE, AND PART OF LOT 21 OF EXTENSION TO EAST LAKESIDE LOCATED IN THE SE. 1/4 OF THE SW. 1/4 OF SECTION 12, AND NE. 1/4 OF THE NW. 1/4 OF SECTION 13, T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

OWNER’S CERTIFICATE OF DEDICATION:

As owners, we hereby certify that we caused that land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the Certified Survey Map. We also certify that this Certified Survey Map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

1) WAUKESHA County
2) TOWN OF DELAFIELD

WITNESS the hand and seal of said owners this __________ day of ________________________

In Presence of:

________________________________________________________________________

MICHAEL TARWACKI

________________________________________________________________________

TRACY TARWACKI

STATE OF WISCONSIN)

_____________ COUNTY) SS

Personally came before me this __________ day of _________________ 20________, the above named MICHAEL TARWACKI and TRACY TARWACKI to me known to be the same persons who executed the foregoing instrument and acknowledged the same.

________________________________________________________________________

Notary Public

_________________________ County, Wisconsin

My Commission Expires ________________

DATE 20 MAY 2019

DRAFT
CERTIFIED SURVEY MAP NO.  
BEING A PART OF LOTS 20 & 21 OF EAST LAKESIDE, AND PART OF LOT 21 OF EXTENSION TO EAST LAKESIDE LOCATED IN THE SE. 1/4 OF THE SW. 1/4 OF SECTION 12, AND NE. 1/4 OF THE NW. 1/4 OF SECTION 13, T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

TOWN BOARD APPROVAL CERTIFICATE:

Resolved that the Certified Survey Map, in the Town of Delafield, is hereby approved by the Town Board.

All conditions have been met as of the ____________ day of ________________, 20___.

Signed__________________________________________

Ronald A. Troy, Town Chair

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Town Board of the Town of Delafield.

Signed__________________________________________

Mary Elsner, Town Clerk

PLAN COMMISSION APPROVAL CERTIFICATE:

APPROVED, that the Certified Survey Map, in the Town of Delefield, is hereby approved by the Plan Commission.

Approved as of the ____________ day of ________________, 20___.

Signed__________________________________________

Kevin Fitzgerald, Chairperson

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Plan Commission of the Town of Delafield.

Signed__________________________________________

Mary Elsner, Town Clerk

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL:

Resolved that the Certified Survey Map, in the Town of Delafield, Wisconsin, which has been filed for approval, be and hereby is approved as required by Chapter 236 of the Wisconsin State Statutes.

__________________________________________
Dale Shover, Director

PROJECT #2813.00 THIS INSTRUMENT DRAFTED BY MARK AUGUSTINE SHEET 5 OF 5

DATE 20 MAY 2019
Plan Commission Report for June 4, 2019

David French CSM
Agenda Item No. 5. B.

Application: David French

Project: Certified Survey Map (CSM) for lot combination

Requested Action: Approval of CSM

Zoning: R-3 - Waukesha County; A-2 – Town

Location: N28 W29707 Oakwood Grove Road and environs

Report

Mr. and Mrs. French recently purchased 5 parcels of land situated east of Oakwood Grove Road at the east end of what is known as Boettcher Lane (a private way). The lots contain duplexes, non-conforming structures and multiple structures on one lot. The purpose of the CSM is to combine all lots into one parcel for a single family residential home. As part of the project and prior to execution of the CSM, the existing homes will have to be removed or provisions made for removal (escrow funds for demolition) to assure that the structures are removed since the Town code does not allow multiple homes on a single residential lot. Access to the parcel will be via Boettcher Lane; however, there is also the ability to gain access from Franciscan Road through a long narrow strip of land that is part of the French ownership. All of the strip of land is in the primary environmental corridor and should be preserved to the extent practicable. Note that there are several right of ways that extend into the property. These were created many years ago and the deeds related to the right of ways do not indicate the rights associated with them. The French family will perpetuate the right of ways as shown on the CSM.

The surveyor has addressed all technical comments provided to him during my review. The current lots are owned by three different entities, all with Mr. French as the primary contact. Technically all owners must sign the document, so there may be a change in the signatory page prior to the preparation of the final document to reflect the various ownership entities.

Staff Recommendation:

I recommend approval of the CSM dated May 20, 2019, subject to incorporation of Waukesha County comments and resolution of the how the owner’s certificate must be prepared based on current ownership. If Waukesha County’s comments are significant, the CSM shall be brought back to the Plan Commission for reconsideration.

Tim Barbeau, Town Engineer
May 29, 2019
CERTIFIED SURVEY MAP NO.
Being a part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

DUE TO SOME ERRONEOUS DIMENSIONS IN THE SANITARY SEWER EASEMENT DESCRIPTIONS, THE EASEMENT WAS LOCATED USING A COMBINATION OF PHYSICAL LOCATION AND THE LEGAL DESCRIPTION DIMENSIONS.

20' WIDE SANITARY SEWER EASEMENT PER FIELD LOCATION AND LEGAL DESCRIPTIONS

20' WIDE RIGHT OF WAY PER "BLAIR'S OAKWOOD GROVE"

20' WIDE SANITARY SEWER EASEMENT PER FIELD LOCATION

20' WIDE SANITARY SEWER EASEMENT PER LEGAL DESCRIPTIONS

100 YEAR FLOOD ELEV. 854.6

ORDINARY HIGH WATER ELEV. 633.1

PEWAUKEE LAKE

SHEET 3 OF 5
CERTIFIED SURVEY MAP NO.

Being a part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

SURVEYORS CERTIFICATE

I, Terrance E. Pisarek, Professional Land Surveyor, do hereby certify: That I have surveyed, divided and mapped a parcel of land being a part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, described as follows: Commencing at the Northwest corner of the Northwest ¼ of said Section 14; thence South 89°21'24" East along the North line of the Northwest ¼ of said Section 14, 1610.14 feet to the Point of Beginning; thence continuing South 89°21'24" East along said North line, 52.00 feet; thence South 09°50'14" West, 884.78 feet; thence South 88°57'17" East, 125.00 feet; thence South 00°50'07" West, 565.09 feet to a meander line of Pewaukee Lake; thence South 87°41'05" West along said meander line, 249.56 feet; thence North 04°20'19" West, 250.03 feet; thence North 89°21'24" West, parallel with the North line of the Northwest ¼ of said Section 14, 4.00 feet; thence North 00°50'14" East, along the East line of Blatz's Oakwood Grove, 240.00 feet; thence South 89°21'24" East, parallel with the North line of the Northwest ¼ of said Section 14, 69.00 feet; thence North 00°50'14" East, 1179.01 feet to the Point of Beginning, also those lands lying between the Shore of Pewaukee Lake and the said meander line, being bordered on the East and West by the Easterly and Westerly lines of this Plat as shown on this Certified Survey Map, dedicating the Northernly 33 feet for public road purposes as shown on this Certified Survey Map, containing 4.09936 acres of land exclusive of the dedicated right of way.

That I have made such survey, land division and map by the direction of the David J. French Revocable Trust of 1991, Owner of the land.

That such map is a true and correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the ordinances of the Town of Delafield in surveying, dividing and mapping the same.

Dated this 5th Day of February, 2019
Revised this 25th Day of March, 2019
Revised this 1st Day of April, 2019
Revised this 8th Day of April, 2019
Revised this 20th Day of May, 2019

Terrance E. Pisarek S-1930

OWNERS CERTIFICATE

I, David J. French as Trustee for the David J. French Revocable Trust of 1991, as owner, do hereby certify that I have caused the land described to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin State Statutes and the Town of Delafield Land Division Ordinance.

I also certify that this plat is required to be approved by the following: Town of Delafield, Waukesha County and the Village of Hartland.

Date:______________20____

David J French, Trustee

State of Wisconsin)
County of Waukesha)

Personally came before me this 20th day of ____________, 20____ the above named person, to me be known to be the person who signed the foregoing instrument and acknowledged that he executed the same.

My commission expires__________________________

Notary Public

Sheet 4 of 5
CERTIFIED SURVEY MAP NO.

Being a part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

TOWN BOARD APPROVAL
Approved by the Town of Delafield Town Board on the _______ day of _______ 20_____.

Ronald A. Troy, Chairman

Mary Elsner, Town Clerk/Treasurer

PLAN COMMISSION APPROVAL
Approved by the Town of Delafield Plan Commission on the _______ day of _______ 20_____.

Kevin Fitzgerald, Chairman

Mary Elsner, Town Clerk/Treasurer

VILLAGE OF HARTLAND EXTRA TERRITORIAL APPROVAL
This Certified Survey Map was approved by the Village of Hartland on this _______ day of _______ 20_____.

Jeffrey Pfannerstill, President

Darlene Igl, Clerk

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL
The above, which has been filed for approval as required by Section 236 of the Wisconsin Statutes, is hereby approved on this _______ day of _______ 20_____.

Dale Shaver, Director

Notes:

There is no mortgage on this property

There are no recorded documents that exclusively specify the right of ways, they are mentioned in Reel 26 Image 1201, Vol. 726, Page 1, Vol. 501 Page 123 and Vol. 526 Page 68.

Dated this 5th Day of February, 2019
Revised this 25th Day of March, 2019
Revised this 1st Day of April, 2019
Revised this 8th Day of April, 2019
Revised this 20th Day of May, 2019

Sheet 5 of 5
Plan Commission Report for June 4, 2019

Bob Whitehouse – Louis Court Right-of-Way
Agenda Item No. 5. C.

Applicant: Bob Whitehouse

Project: Designation of right of way for Louis Court

Requested Action: Approval of 50 foot designation for Louis Court

Zoning: Waukesha County

Location: W285 N2022 Louis Court

Report

Mr. Whitehouse is planning to make improvements to his house and property. In doing so, he contacted Waukesha County (due to the location of his property in the shoreland jurisdiction) and they indicated to him that he needed to have the Town designate Louis Court to be 50 feet wide (reduction from the statutory 66 feet wide Town road). I do not know the history of why Louis Court was developed with a 50 foot wide access, but that is what is currently set aside for the roadway. The Wisconsin statutes requires that town roads be 66 feet wide unless reduced by the Town. Since there is no formal reduction on file for Louis Court, the Town is taking action to memorialize the 50 foot right-of-way.

Staff Recommendation:

The Town could request that adjacent property owners dedicate land to create a 66 foot right-of-way. If this would take place on Mr. Whitehouse's property, his house would become nonconforming due to the front setback. The tax records show Louis Court at 50 feet wide. I am not aware of any right-of-way related issues that would compel the town to request a dedication to 66 feet at this time. I recommend that the Plan Commission provide a positive recommendation to the Town Board to designate Louis Court right-of-way at 50 feet.

Tim Barbeau, Town Engineer
May 29, 2019
Plan Commission Report for June 4, 2019

Bob Whitehouse CSM
Agenda Item No. 5. D.

Applicant: Bob Whitehouse

Project: Certified Survey Map (CSM) for lot combination

Requested Action: Approval of CSM

Zoning: Waukesha County

Location: W285 N2022 Louis Court

Report

As stated in the report for agenda item 5. C., Mr. Whitehouse desires to make improvements to his property. In doing so, the County determined that his property is made up of parts of 4 lots of record. In order to get a zoning permit from the County, he is required to combine the lots into one lot. I have reviewed the CSM and provided technical comments to the surveyor. I support the combination of the lots into one lot since it removes nonconforming offsets from the lot lines and assures that the existing parcels are not sold off as separate parcels.

Staff Recommendation:

I recommend approval of the CSM subject to the surveyor addressing my technical comments and incorporation of Waukesha County comments. If Waukesha County's comments are significant, the CSM shall be brought back to the Plan Commission for reconsideration.

Tim Barbeau, Town Engineer
May 29, 2019
CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF LOTS 27, 28, 29 AND 30 OF BLOCK 1, AUER PARK ON PEWAUKEE LAKE, BEING A SUBDIVISION OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

SURVEYOR:
V2G SURVEYING LLC
123 WOLF RUN SUITE 4
MUKWONAGO, WI 53149
262-376-5097

OWNER:
ROBERT P. WHITEHOUSE
SUSAN A. CLARKE
W205 N2022 LOUIS CT.
PEWAUKEE, WI 53072

NOTE:
The purpose of this map is to combine parts of Lots 27, 28, 29, and 30 of AUER PARK

BASIS OF BEARING:
The South line of Lot 30 of AUER PARK N 90° 00' 00" W.

LEGEND:

(100.00') Recorded Distance
100.00' Measured Distance
1" Found Iron Pipe, Unless Noted
½" x 18" Iron Pipe Set, 1.13 lbs./L.F.
Existing Well
Telephone Pedestal
Pedestal
Light Pole

SCALE: 1" = 40'

DRAFT DATE: 05/24/2019
V2G JOB NO.: 2019-039
CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF LOTS 27, 28, 29 AND 30 OF BLOCK 1, AUER PARK ON PEWAUKEE LAKE, BEING A SUBDIVISION OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

SURVEYORS CERTIFICATE:

I, MICHAEL H. VAN HENKELUM, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED THE FOLLOWING LAND BOUNDED AND DESCRIBED AS FOLLOWS:

BEING A REDIVISION OF LOTS 27, 28, 29 AND 30 OF BLOCK 1, AUER PARK ON PEWAUKEE LAKE, BEING A SUBDIVISION OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID AUER PARK ON PEWAUKEE LAKE SAID POINT BEING THE SOUTHEAST CORNER OF RESERVE NO. 2 AND RUNNING THENCE DUE WEST ALONG THE SOUTH LINE OF SAID BLOCK 1, 127.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREAFTER DESCRIBED; THENCE CONTINUING DUE WEST ALONG SAID LINE 110.00 FEET TO A POINT ON THE EAST LINE OF LOUIS AVENUE; THENCE NORTH 21 DEGREES 48 MINUTES WEST ALONG SAID EAST LINE 169.10 FEET TO A POINT ON THE SOUTH LINE OF AN EASEMENT FOR INGRESS AND EGRESS; THENCE NORTH 68 DEGREES 12 MINUTES EAST 77.00 FEET ALONG THE SOUTH LINE OF SAID EASEMENT TO A POINT OF CURVATURE OF A CURVE; THENCE 39.36 FEET ALONG SAID CURVE (THE CHORD OF WHICH BEARS NORTH 55 DEGREES 42 MINUTES EAST 39.05 FEET) AND THE SOUTH LINE OF SAID EASEMENT TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 43 DEGREES 12 MINUTES EAST ALONG SAID SOUTH LINE 15.00 FEET TO A POINT; THENCE SOUTH 32 DEGREES 33 MINUTES EAST 80.10 FEET TO A POINT; THENCE SOUTH 05 DEGREES 47 MINUTES EAST 151.88 FEET TO THE POINT OF BEGINNING.

SAID PARCEL SUBJECT TO ALL RIGHTS, RESERVATIONS, RESTRICTIVE COVENANTS AND EASEMENTS EITHER RECORDED OR UNRECORDED.


THIS _______ DAY OF ________, 2019.

MICHAEL H. VAN HENKELUM, P.L.S. #2875

OWNERS CERTIFICATE:

AS OWNERS, WE ROBERT P. WHITEHOUSE AND SUSAN A. CLARKE, HEREBY CERTIFY THAT WE HAVE CAUSED THE LAND DESCRIBED ABOVE TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 236.34 OF THE STATE STATUTES AND THE TOWN OF DELAFIELD.


, OWNER

, OWNER

STATE OF WISCONSIN

COUNTY


__________________________

NOTARY PUBLIC, __________________________ COUNTY, WISCONSIN.
CERTIFIED SURVEY MAP NO. ________

BEING A REDIVISION OF LOTS 27, 28, 29 AND 30 OF BLOCK 1, AUER PARK
ON PEWAUKEE LAKE, BEING A SUBDIVISION OF THE NORTHWEST ¼ OF THE
NORTHWEST ¼ OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 18 EAST, TOWN
OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

TOWN OF DELAFIELD BOARD OF SUPERVISORS APPROVAL CERTIFICATE:
THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN OF DELAFIELD BOARD OF SUPERVISORS, ON

THIS _______ DAY OF ____________, 2019.

RON TROY, CHAIR

WAUKESHA COUNTY PARKS AND LAND USE APPROVAL CERTIFICATE:
THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE JEFFERSON COUNTY ZONING AND SANITATION
DEPARTMENT, ON

THIS _______ DAY OF ____________, 2019.

DALE SHAVER DIRECTOR OF PARKS AND LAND USE
Plan Commission Report for June 4, 2019

Town of Delafield Land Use Plan
Agenda Item No. 5. E.

Report

I have provided a portion of the Town Land Use Plan, which is part of a Comprehensive Plan that was prepared in 2009 in cooperation with numerous other communities and Waukesha County. The second document identifies specific changes that the Town made when adopting the Comprehensive Plan. The purpose of the discussion is to get you familiar with the land use plan and to start discussion on the vision for those lands in the Town that are now open farmland and to confirm or amend the plan to indicate uses that the Town Plan Commission and Town Board would like to see implemented.

For the complete Comprehensive Plan, please go to:
https://www.waukeshacounty.gov/landandparks/planning-and-zoning/CtyDevPlan/

Land Use Plan Maps and Zoning Maps will be provided at the meeting.

Tim Barbeau, Town Engineer
May 29, 2019
RECOMMENDED LAND USE PLAN

The year 2035 county land use plan was developed to meet the established planning objectives and standards presented in Chapter 2 of this Plan insofar as practicable, using the information and plan design concepts set forth in the previous sections of this Chapter. The plan was designed to accommodate the intermediate population, household and employment projections for the County. Map VII-2 presents the recommended land use plan for Waukesha County for the year 2035. The map shows urban areas in the County as envisioned under the plan including suburban areas, which are neither truly urban or rural in character; primary environmental corridors—i.e., areas containing concentrations of the best remaining elements of the natural resource base—which are recommended for preservation in essentially natural open uses; and rural areas consisting of prime agricultural land, other agricultural land, rural-density residential land, and other open lands. The various components of the land use plan, as depicted on Map VII-2, are described in this section. Table VII-8 presents the planned land uses by municipality for year 2035.

Basic Definitions

Urban Land and Urban Development

For purposes of the 2035 recommended land use plan, "urban land" or "urban development" is defined as intensively developed areas devoted to urban-density residential, commercial, industrial, governmental and institutional, recreational, mixed use, transportation and utility and communication uses, that are serviced by public infrastructure such as sewer, water and public transit.

"Commercial and/or Office Park" is defined as land devoted to office parks and office buildings placed in a park like setting; park land, which includes golf courses and recreational facilities that are compatible with the surrounding residential character; and agricultural uses compatible with the surrounding area.

"Governmental and Institutional" development is defined as areas for government and public and private institutional buildings, facilities and grounds such as schools, churches, libraries, cultural facilities, nonprofit charitable organizations, hospitals, and police and fire stations, that have a direct bearing on the quality of life and on public safety.

"Highway and Railway Rights-of-Way" are federal, state and county highways, railroad rights-of-way, and parking associated with transportation systems.

"Industrial" development is defined as land devoted to manufacturing, wholesaling, storage activities, attendant offices and related off-street parking and may include office uses or take the form of a business park.

"Mixed Use" development is defined as development that may contain residential and could contain a combination of public, institutional, office, retail, service, light industrial, research and development, and/or other commercial uses, including off street parking and may take the form of a business park.

"Recreational" land use is defined as area devoted to public and private general use recreation including golf, baseball, swimming, tennis, ice skating. In addition, recreational lands include natural resource-based education and self-actualized recreational activities such as hiking, camping, picnicking, skiing and horseback riding.

"Suburban Density" residential development is defined as residential development at a densities ranging from 1.5 to 4.9 acres of area per dwelling unit. Such development is neither truly urban nor rural in character. Development at these densities generally precludes the provision of centralized sewer and water supply service and other urban amenities. While such development occurs and accordingly must be accommodated in the land use plan, it is only recommended while maintaining an overall residential density of 5 acres in "rural development" areas. "Suburban I Density" is residential development at 1.5 to 2.9 acres per dwelling unit. "Suburban II Density" is residential development at 3.0 to 4.9 acres per dwelling unit.
"Transportation, Communication and Utilities" land uses include areas used for airports, and utility and communication facilities.

"Urban Density Residential Development" includes the following density ranges: "high density" (less than 6,000 square feet of area per dwelling unit); "medium-density" (6,000 - 19,999 square feet of area per dwelling unit); and "low-density" (20,000 square feet to 1.4 acres of area per dwelling unit). The term "urban service area" refers to areas that are intended to accommodate urban development insofar as they are served by basic urban services and facilities, including public sanitary sewer service, public water supply service and a local park, school, and shopping area.

Rural Land and Rural Development
For the purposes of the land use plan, "rural land" or "rural development" is defined as sparsely developed areas where land is used primarily for farming, resource extraction, landfills, very low density residential uses (no more than one dwelling unit per five acres), or other open spaces uses, and includes environmental corridors and isolated natural resource areas.

"Extractive" land use is defined as area devoted primarily to the extraction of sand, gravel and stone and related activities. Mineral extraction is recognized as an interim land use. Future land use following the extraction activity will be subject to future plan amendments consistent with the planning standards and objectives contained in Chapter 2 and adjoining land uses.

"Isolated Natural Resource Areas" are smaller pockets of natural resource elements that are isolated from primary and secondary environmental corridors, and have environmental value in the areas in which they are located and are more specifically defined in SEWRPC Technical Record Vol. 4, No. 2, March 1981.

"Landfill" development is area devoted to licensed waste disposal operations.

"Other Open Lands to be Preserved" are defined as lands usually adjacent to, but outside, identified primary and secondary environmental corridors and isolated natural resource areas, including lands within the 100-year recurrence interval floodplain, open lands within existing County or State park and open space sites, and other lands covered by soils with a high water table, poorly drained soils, or organic soils.

"Prime Agricultural" are lands in agricultural use, unused/open lands, and primary/secondary environmental corridor or isolated natural areas and are within a five (5) square mile contiguous area (including adjacent counties) that meet all of the following criteria: 1) is outside of any planned sewer service area boundary; 2) 75% is agricultural or open/unused land use; 3) 50% is Class I or Class II soils which meet Natural Resources Conservation Service standards; and 4) 75% consists of land ownership parcels of 35 acres or more. A description of the origin of this definition is presented in Chapter 2. Residential development can occur on prime agricultural lands at a density of no more than one dwelling unit per 35 acres.

"Primary Environmental Corridors" are areas of woodlands, wetlands, prairies, surface water, and wildlife habitat that represent a composite of the best remaining elements of the natural resource base and are more specifically defined in SEWRPC Technical Record Vol. 4, No. 2, March 1981.

"Rural Density and Other Agricultural Land" consist primarily of farm and related open lands which do not meet the criteria for classification as prime agricultural lands, but which are nonetheless proposed to be retained in rural land uses. Rural land uses include continuation of existing farming activity; creation of smaller farms, including hobby farms, horse farms, or other specialty farms; and rural density residential development. Rural density residential development occurs at a density of no more than one dwelling unit per five acres (5 to 34.9 acres of area per dwelling unit or equivalent density). When accommodated through conservation subdivision designs, only a fraction of the total site area is intensively developed as homesites, the balance being retained in permanent open space use, achieving the overall rural density.
“Secondary Environmental Corridors” are areas containing a variety of natural resource elements, often remnant resources from primary environmental corridors, which have been developed for intensive urban or agricultural purposes, creating these smaller, yet significant corridors and are more specifically defined in SEWRPC Technical Record Vol. 4, No. 2, March 1981.

Planned Land Use
The pattern of land use recommended under the Comprehensive Development Plan for Waukesha County is shown graphically on Map VII-2 and presented by municipality in Table VII-8. A description of the various urban and nonurban land uses in the County, as envisioned under the plan, follows.

Urban Land Use
The recommended land use plan envisions a substantial increase in urban land use within the County. Urban land uses, consisting of lands devoted to residential, commercial, industrial, governmental and institutional, recreational, landfill highway and railway rights-of-way and transportation, communication, and utility uses, encompassed about 130,425 acres and comprised about 35 percent of the total area of the County in 2000. Under the plan, the area devoted to urban uses would increase to about 190,978 acres, or about 51 percent of the County by the plan design year 2035. Table VII-7 presents the change in residential, commercial and industrial lands from the year 2000 to 2035, including the five (5) year increment.

Recreational Land
Under the recommended land use plan, recreational land use would increase from 8416 acres in 2000 to 15,548 acres by the year 2035.

Residential Land
Under the recommended land use plan, urban residential land use would increase by about 70 percent, from 76,075 acres in 2000 to about 129,346 acres by the year 2035. Under the plan, the proportion of the County devoted to urban residential use would increase from 21 percent to 35 percent.

Of the total planned urban residential land, about 44 percent (57,416 acres) would occur at low density (20,000 square feet to 1.4 acres of area per dwelling unit), 12 percent (14,918 acres) at suburban density I (1.5 to 2.9 acres per dwelling unit), and 13 percent (17,418 acres) at suburban density II (3.0 to 4.9 acres per dwelling unit). About 28 percent (36,275 acres) of the urban residential land would occur at medium density with 6,000 to 19,999 square feet of lot area per dwelling unit. The remaining three (3) percent (3,316 acres) of the additional urban residential land would occur at high density, with less than 6,000 square feet of lot area per dwelling unit.

Commercial, Industrial and Mixed Use
The recommended land use plan also envisions a substantial increase in economic activity areas, as represented by the commercial and industrial uses on Map VII-2. Under the plan, commercial business and office park land uses, which includes areas proposed to be utilized for retail, office, service activities, general business activities, and/or research and development and related off-street parking, individually or in various combinations would increase to about 8,897 acres by the year 2035 from 5,443 acres in 2000. The proportion of the total County area devoted to commercial and office park use would accordingly increase from 1.5 percent to 2.4 percent.

Under the plan, industrial land use would increase by from about 5,546 acres in 2000 to 13,038 by the year 2035. The proportion of the total County area devoted to industrial use would accordingly increase from 1.5 percent to 3.5 percent.

Under the plan, mixed use development, which may contain residential and could contain a combination of public, institutional, office, retail, service, light industrial, research and development, and/or other commercial uses, and may take the form of a business park would represent 1,962 acres, or less than 1 percent of the land
uses, by year 2035. Since this is a new land use category in this comprehensive development plan, no comparison can be made to year 2000 conditions.

**Governmental and Institutional**

Governmental and institutional lands represent areas for government and public and private institutional buildings, facilities and grounds such as schools, churches, libraries, cultural facilities, nonprofit charitable organizations, hospitals, and police and fire stations, that have a direct bearing on the quality of life and on public safety. The recommended land use plan identifies governmental and institutional lands would increase from 4,900 acres in year 2000 to 8,354 acres in year 2035.

**Other Urban Land**

Increases in other urban land uses, including governmental and institutional; recreational; highway and railway rights-of-way and transportation, communication, and utility lands, are also envisioned under the recommended land use plan.

Under the plan, the transportation, communication, and utility land use category, which includes areas used for airports, and utility and communication facilities, would represent 12,850 acres, or 3.5 percent of the county wide land use. Of this acreage, 11,754 acres are identified as highway right-of-ways. Map VII-2 depicts the highway right-of-ways separate from other transportation, communication and utility lands.

**Table VII-7**

**INCREMENTAL LAND USE PROJECTIONS FOR SPECIFIC URBAN LAND USES: 2000-2035**

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Existing 2000</th>
<th>Land Uses:</th>
<th>Future Land Uses:</th>
<th>Change 2000 - 2035</th>
<th>5-Year Increment (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acres</td>
<td>Percent of</td>
<td>Acres</td>
<td>Percent of</td>
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<tr>
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<td>Change</td>
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<td>2.4</td>
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</tr>
<tr>
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<td>1.5</td>
<td>13,038</td>
<td>3.5</td>
<td>7,492</td>
</tr>
</tbody>
</table>

**Nonurban Land Uses**

Under the recommended land use plan, nonurban land uses, consisting of environmentally sensitive lands, other open lands to be preserved, landfills, extractive uses, prime agricultural lands and rural density residential and other agricultural lands, would comprise about 180,567 acres, or about 49 percent of the total area of the County. Owing to the amount of urban development envisioned under the plan, the area dedicated to nonurban land uses would decrease from about 241,112 acres in 2000 to the planned 180,567 acres by the year 2035.

**Environmentally Sensitive Lands**

The most important remaining elements of the natural resource base are concentrated within areas identified on the recommended land use plan map as primary environmental corridors, secondary environmental corridors, and isolated natural resource areas. The environmental corridor concept and the pattern of existing environmental corridors and isolated natural resource areas in the County are described in Chapter 3 of this Plan.

Primary environmental corridors are linear areas in the landscape that contain concentrations of high-value elements of the natural resource base, including almost all of the best remaining floodlands, woodlands, wetlands, and wildlife habitat areas. By definition, these corridors are at least 400 acres in area, two miles long, and 200 feet
in width. The plan proposes the preservation of all remaining primary environmental corridors in essentially natural, open uses. Under the plan, development within these corridors would be limited to that needed to accommodate required transportation and utility facilities, compatible outdoor recreation facilities, and, on a limited basis, carefully sited rural-density residential use. The plan further envisions that certain adjacent floodlands within planned sewer service areas that are currently in agricultural or other open uses will over time be allowed to revert to a natural condition, becoming part of the environmental corridor network as urbanization of abutting upland areas proceeds. Under the recommended land use plan, the primary environmental corridor area in the County would consist of about 73,024 acres, or about 19 percent of the total land area in the year 2035.

Secondary environmental corridors also contain a variety of resource elements, often being remnants of primary corridors that have been partially converted to intensive urban use or agricultural use. By definition, secondary environmental corridors are at least one mile long and 100 acres in area. The County land use plan recommends that secondary environmental corridors be considered for preservation in natural, open uses or incorporated as drainage ways or local parks within developing areas. Such areas may, at the discretion of local units of government, also accommodate intensive urban uses. Caution must be exercised when considering development within such areas, however, since Federal, State, or local natural resource protection regulations concerning wetlands, floodplains, shorelands, storm water management, and erosion control, among others, may effectively preclude development within lowland portions of such corridor areas. Under the recommended land use plan, the secondary environmental corridor area would consist of about 6,759 acres, or about 2 percent of the total land area in the year 2035.

Isolated natural resource areas consist of smaller pockets of wetlands, woodlands, or surface water that are isolated from the primary and secondary environmental corridors. By definition, isolated natural resource areas are at least five acres in size. The land use plan recommends that these areas be preserved in natural, open uses insofar as is practicable, recognizing that such areas are often well suited for use as public or private parks and open space reservation. Such areas may, at the discretion of local units of government, also accommodate intensive urban uses. Caution must be exercised when considering development within such areas, however, since Federal, State, or local natural resource protection regulations concerning wetlands, floodplains, shorelands, storm water management, and erosion control, among others, may effectively preclude development within lowland portions of isolated natural resource areas. Under the recommended land use plan, the isolated natural resource areas would consist of about 7,688 acres, or about 2 percent of the total land area in the year 2035.

As indicated in Chapter 3 of this Plan, the preservation of these environmentally sensitive areas, particularly the primary environmental corridors, is essential to the maintenance of the overall quality of the environment. Moreover, because these areas are typically unsuitable for urban development, their preservation in natural, open uses can help to prevent such new developmental problems as failing foundations for pavement and structures, wet basements, excessive clear water infiltration into sanitary sewerage systems, and poor drainage.

Extractive

As noted in Chapter 3, Waukesha County contains an abundance of nonmetallic mineral resources, the mining of which may be necessary to provide the sand, gravel, and dimensional stone needed in support of the continued development of the area. This recommended land use plan recognizes that while the County contains an abundance of such resources, efforts to extract sand and gravel or dimensional stone are increasingly constrained by the continued urbanization of the County. The plan seeks to preserve and protect lands for mineral extraction purposes before the lands are developed for urban use or effectively precluded from extractive use by further urban development of adjacent areas.

For this aspect of the plan, input from the Aggregate Producers of Waukesha County, an association of mineral extraction operators in the County was sought. Members of that association provided information regarding the extent of lands now owned or leased for mineral extraction purposes as well as adjacent lands having the potential for mining activity. The areas so identified are shown on the recommended County land use plan (Map VII-2). In incorporating these areas into the land use plan, adjustments were made as necessary to ensure that the proposed activity would not encroach upon environmental corridors or isolated natural resource areas.
The areas identified for extractive use under the recommended plan encompass about 1.3 percent of the total area of the County. It should be recognized in this respect that mineral extractive activity is an interim use, and further, that mining activity at any given site usually proceeds in phases, with early phases undergoing restoration while later phases are being mined. Accordingly, the total area of the County being actively mined at any point in time may be expected to be significantly less than 4,930 acres.

Landfill

The recommended land use plan envisions the continued operation of existing sanitary landfill sites in the Village of Menomonee Falls and City of Muskego with modest expansions of each of the sites. The sanitary landfill sites shown on the land use plan map together encompass about 1,091 acres or less than one (1) percent of the total area of the County.

Other Open Lands to Be Preserved

Other open lands to be preserved under the recommended land use plan are lands usually adjacent to, but outside, identified primary and secondary environmental corridors and isolated natural resource areas, including lands within the 100-year recurrence interval floodplain, open lands within existing County or State park and open space sites, small wetlands less than five acres in size, and other lands covered by soils with a high water table, poorly drained soils, or organic soils. Such lands, which should be considered unsuitable for development of any kind, amount to about 16,018 acres, or about 4.3 percent of the total area of the County under the year 2035 plan conditions.

Prime Agricultural

The recommended land use plan envisions, to the extent still practicable, the preservation of the best remaining prime agricultural lands in agricultural use. As shown on Map VII-2, prime agricultural lands envisioned under the recommended plan are located primarily in the northwest and southwest areas of the County. Under the plan, these areas would be developed at a minimum of a 35-acre density in order to preserve workable farm units and to prevent the intrusion of incompatible urban development. Structures would be limited to those consistent with agricultural use, with residences limited to homes for the farmer, farm laborers, or parents or children of the farmer.

Under the recommended land use plan, prime agricultural lands in the County would amount to about 10,341 acres, or about 2.8 percent of the total area of the County under year 2035 plan conditions. Anticipated losses in prime agricultural lands would occur as a result of planned additional urban development, primarily around expanding urban service areas, and as a result these prime agricultural lands have been reclassified to rural-density residential and other agricultural lands, or to other open lands to be preserved. Such areas would be reclassified because they no longer meet the criteria for designation as prime agricultural lands, owing to the intrusion of residential development that disrupts the extensive blocks of farmland, which once occurred throughout the County.

Rural Density and Other Agricultural Land

Areas shown in white on the recommended land use plan map consist primarily of farm and related open lands which do not meet the criteria for classification as prime agricultural lands, but which are nonetheless proposed to be retained in rural land uses. Rural land uses envisioned under the plan for these areas include continuation of existing farming activity; creation of smaller farms, including hobby farms, horse farms, or other specialty farms; and rural-density residential development.

Rural-density residential development is defined for the purpose of the land use plan as residential development at a gross density of no more than one dwelling unit per five acres of land. It is envisioned that agricultural uses would be encouraged to continue in the rural-residential and other agricultural areas delineated on the plan map to the greatest extent possible, and that rural residential development be allowed to occur in those areas only at such
time as the agricultural uses are discontinued. The determination of permitted gross residential density in such areas could be calculated on an area wide basis and would include in the calculation rural-density residential and other agricultural lands, primary or secondary environmental corridors, isolated natural resource areas, and other open lands to be preserved and major public land holdings, as designated under the recommended plan, and excluding major lakes.

Rural-density residential development could take the form of large lots for single-family dwelling units, with each lot being five acres or more in area, or could use density transfer, planned unit development, or cluster development design techniques to achieve the recommended overall gross residential density. Dwelling units could be concentrated on carefully located groupings of smaller lots, possibly as small as one acre in size, on a portion of a site to be developed, while retaining the balance of the site in agricultural or other open uses. The clusters of residential lots should be sited to preserve the rural appearance of the landscape, to facilitate the provision of sewage disposal and water supply, and to avoid the creation of problems such as poor drainage and foundation failures. This development option could include transfer of development rights between parcels of land throughout the community or adjacent to each other, resulting in higher densities of dwelling units at the development site while maintaining large areas of the landscape in open uses. Many options exist with respect to the use and ownership of the preserved open areas of a rural development, as well as for the design of the portion of the site where dwelling units are to be clustered. These options and the manner in which they are implemented are considered later in this chapter.

Under the recommended land use plan, the rural-density residential and other agricultural land use category would amount to about 44,273 acres, or about 12 percent of the total area of the County under the year 2035 plan conditions. As shown on Map VII-2, lands in this category would be widely distributed in the outlying areas of the County.
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<td>Percent of Total</td>
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Source: SEWRPC, Waukesha County and municipalities
IMPLEMENTATION RECOMMENDATIONS

The recommended land use plan presented in this chapter provides a design for the attainment of the urban and rural development and open space preservation objectives contained in the comprehensive development plan. The implementation recommendations pertaining to the urban development areas, rural development areas, environmentally sensitive areas and other land use plan implementation measures are summarized below.

Implementation Recommendations for Urban Development Areas

One of the initial steps recommended for implementation of the County land use plan as it pertains to the proposed urban development areas is the preparation of detailed development and redevelopment plans for the residential neighborhoods and special-purpose districts which comprise the proposed urban service areas.

Within the context of community-level plans, detailed neighborhood development plans should be prepared for each residential neighborhood or special district where significant growth is expected. While such plans may also vary in format and level of detail, they should generally do the following:

- Designate future collector and land access street locations and alignments, pedestrian paths and bicycle ways, and, as appropriate, the configuration of individual blocks and lots.
- Further classify residential areas as to structure type and density, with the mix of housing structure types and lot sizes resulting in an overall density for the neighborhood consistent with that recommended in the community-level and county plan.
- Identify specific sites for neighborhood parks, schools, and retail and service centers which are recommended on a general-site-location basis in the community-level plan.
- Identify environmentally significant areas to be preserved consistent with the community-level plan and county and regional plans.
- Indicate areas to be reserved for storm water management and utility easements.
- The neighborhood planning process should make full use of the many design concepts that can enhance the living environment and increase efficiency in the provision of urban services and facilities and in travel patterns. Among these design concepts are the following:

1. **Mixed-Used Development:** Residential development in mixed-use settings can provide a desirable environment for a variety of household types seeking the benefits of proximity to places of employment as well as civic, cultural, commercial, and other urban amenities. Examples of mixed-use settings include dwellings above the ground floor of commercial uses and residential structures intermixed with, or located adjacent to, compatible commercial, institutional, or other civic uses.

2. **Traditional Neighborhood Development:** The term “traditional neighborhood development” refers to very compact, pedestrian-oriented, mixed-use neighborhoods typically characterized by a grid like street system and street-oriented setbacks and building designs. The overall design, including the layout of streets and sidewalks, encourages walking and bicycling as alternatives to automobile transportation within the neighborhood.

3. **Transit-Oriented Development:** The term “transit-oriented development” refers to compact, mixed-use development whose internal design is intended to maximize access to a transit stop located within or adjacent to the development. Within the development, commercial uses and higher-density residential uses are located near the transit stop. The layout of streets and sidewalks provides convenient walking and bicycling access to the transit stop.

4. **Residential Cluster Development:** A residential development pattern characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, potential density increases, and a mix of building types. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

In addition to plans for developing neighborhoods, detailed plans should also be prepared for mature neighborhoods or special-purpose districts showing signs of land use instability or deterioration. Such plans...
should identify areas recommended for redevelopment to a different use, areas recommended for rehabilitation, any local street realignments or improvements, and other public utility and facility improvements. Special consideration should be given in such planning to overcoming contamination problems at, and reuse of, brownfields. Redevelopment plans should seek to preserve those historic, cultural, and natural features and features of the urban landscape which provide for neighborhood identity within the larger urban complex. Such plans should maximize opportunities for the provision of living arrangements and amenities that are unique to older cities in the County, such as "downtown" housing development.

Although "suburban density" development, as described previously in this chapter, is not consistent with many of the planning standards and objectives, it is recognized that a community may desire infill between existing subdivision plats consistent with adjacent developments and, also, in growth areas adjacent to incorporated municipalities, where services may be available in the future, without utilizing the cluster design concept, which may not be compatible with adjacent existing developments. In addition, for municipalities to maintain an overall residential density of no more than one dwelling unit per five (5) acres in "rural development" areas, suburban densities may be planned.

In addition, in order to support open space or conservation design developments and to preserve rural character, it would be appropriate to permit lands in the Rural Density and Other Agricultural Land category to develop at an overall density of 3.5 acres per dwelling unit, rather than no more than five (5) acres per dwelling unit, if said lands will be developed as Planned Unit Developments (PUD) or conservation design developments utilizing conservation design standards. The standard density bonus option is not applicable in the Towns of Mukwonago and Delafield, as both Towns achieve five-acre rural density using local PUD provisions. The Town of Mukwonago Land Use Plan and the Town of Delafield Land Use Plan Unit Determination Chart are referenced accordingly by Table VII-10 and Figure VII-2. The idea is that a slight increase in density in otherwise rural areas is a reasonable trade-off in order to achieve more sustainable development design that conserves natural features, creates more open space within developments, protects the rural atmosphere and causes less need for infrastructure, such as roads and storm water management facilities. In order for a development to qualify for the 3.5 acre Rural Density option, the following criteria must be met.

1. The development plan for a given site must incorporate an absolute minimum of 40 percent of the site in open space owned by the property owners or recreational use or public open space. In calculating open space, not more than 20 percent of the required open areas may be floodplain or wetland (80 percent of open space must be upland).

2. The community in which the development is located must create and map an Upland Environmental Corridor District for all upland primary and secondary environmental corridors, which allows for development at a density not greater than one unit per five acres. It is recommended that communities also include isolated natural resource areas within the Upland Environmental Corridor District.

3. Individual development projects must be developed as Planned Unit Developments or conservation design developments, which allows the community an opportunity to properly analyze project design. Communities must adopt Planned Unit Development standards within their zoning and subdivision ordinances.

4. Primary environmental corridors, secondary environmental corridors, isolated natural resource areas, wetlands and floodplains must be protected to the greatest extent possible and shall be incorporated into protected open space. If any portion of the above resources will be located on a private lot, said resource must be protected with a protective covenant or restriction. Sites that do not contain significant natural features may be conducive to prairie or wetland restorations or may be enhanced with the establishment of landscaped open spaces.

5. Where open space is mentioned as part of a conservation design residential planned unit development, said open space shall be protected as green or natural open space and no more than five (5) percent of said open space area shall be allowed to have impervious surfaces.
Conservation design development can be equally valuable within any of the residential land use categories. As detailed above, the Rural Density and Other Agricultural Land category allows for a 30 percent increase (3.5 acres per dwelling unit vs. five (5) acres per dwelling unit) in density if certain conservation design criteria are met. In order to promote conservation design in the urban and suburban residential categories, it is recommended that a 30 percent density bonus also be made available to development projects that conform with development standards #1-4 above. The following list details the resultant maximum densities that could be offered when utilizing a 30 percent density bonus for conservation designs:

- **Suburban II Density**: 2.1 acres per dwelling unit (DU) (3.0-4.9 conventional)
- **Suburban I Density**: 1.05 acres per DU (1.5-2.9 conventional)
- **Low-Density Residential**: 14,000 sq. ft. per DU (20,000 s.f.-1.4 acres conventional)
- **Medium-Density Residential**: 4,200 sq. ft. per DU (6,000-19,999 s.f. conventional)
- **High-Density Residential**: <4,200 sq. ft. per DU (<6,000 s.f. conventional)

Zoning regulations should be reviewed and adjusted, as necessary, to ensure the proper staging of development over time. In this respect, the application of urban zoning districts should proceed incrementally. The premature zoning of lands for urban use should be avoided so as to prevent inefficient use of public infrastructures, the creation of additional isolated urban enclaves and incomplete neighborhoods. Accordingly, the areas concerned should be placed in zoning districts consistent with their existing use and should be rezoned into appropriate urban districts only when development has been proposed and approved and essential facilities and services can be efficiently readily provided.

**Implementation Recommendations for Rural Development Areas**

As defined previously in this Chapter, rural development areas are sparsely developed areas where land is used primarily for farming, resource extraction, landfills, very low density residential uses (one unit per five acres or less), or other open spaces uses, and includes environmental corridors and isolated natural resource areas. Rural development areas exist in several cities, villages and towns in Waukesha County. Planning and Zoning should be carried out in such a manner as to preserve rural character. First, new residential development should be limited to an overall density of no more than one dwelling unit per five acres of open land within the planning area unless a density bonus is allowed as a result of utilizing the open space or cluster design concept as discussed earlier. This density is intended to provide a basis for determining the maximum number of additional dwelling units, which could be accommodated. Table VII-9 presents a methodology for calculating the overall density within rural development areas. The overall density is calculated by dividing by five the total acreage within the rural development area currently open use, including primary and secondary environmental corridors, isolated natural resource areas, and other open lands to be preserved and major public land holdings, but excluding major water bodies 50 acres or more in size. Table VII-10 presents the overall density within rural development areas using the aforementioned methodology for year 1996 and year 2000 conditions.

Second, to the maximum extent possible, the dwelling units, which may be accommodated in accordance with the overall five-acre density, should be developed by using residential cluster designs, in which dwelling units are grouped together on a relatively small portion of the site. The residential clusters should be limited in size, surrounded by open space, and, as may be necessary, contain open space. The clustered lots should be no larger than necessary to accommodate the residential structures, driveways, and desired yards, including, as necessary, space for an onsite soil-absorption sewage-disposal system and replacement system area. This can usually be accomplished on lots no greater than one acre in size.

Third, to the extent possible, residential clusters should be located in areas which are visually screened from public roadways, so that existing rural vistas are maintained; should be carefully adjusted to topographic and other natural features, taking full advantage of the settings provided by those features without causing undue disturbance; and should be buffered from nearby agricultural and mineral extraction lands, as appropriate, so as to minimize conflicts between farming or mining and residential uses.
Fourth, other intensive land uses should be limited to uses which are consistent with the rural character of the area or otherwise essential to the area, including, among others, animal hospitals and veterinary clinics, riding stables, and plant nurseries. In general, office, commercial, industrial, and storage uses and the types of retail and service uses that are provided as a matter of convenience and necessity in urban residential neighborhoods should not be considered appropriate within rural development areas.

Fifth, lands within the rural development areas, which are not designated for residential or other compatible intensive use, should be retained in general agricultural and other open space use. Potential agricultural uses include traditional farming, hobby farms, and community supported agriculture. Land not used for farming should be kept free of development, except for recreational trail facilities and access facilities for the benefit of those who own an interest in the land.

It should be noted that, in many cases, it will be necessary to revise zoning and subdivision control ordinances to accommodate the recommended residential cluster development designs. Clustering may be accommodated in rural areas through a variety of zoning approaches. Clustering may be permitted by conditional use or by right in a basic district or through an overlay district. In addition, when the concept of the transfer of development rights is used, residential clustering principles can be used on a community wide basis to achieve better site designs and preserve open space. Subdivision regulations regarding street improvement standards, sewer and water facilities, storm water management, landscaping, and open space preservation may also need revision to adequately promote and regulate cluster development. Residential cluster zoning provisions should require the use of legal restrictions to ensure the preservation of lands, which are to be permanently preserved in agricultural or other open space use.

Because density bonuses are increasing densities from 3.5 to 5 residential acres per unit, the density increase may outpace projected population and projected housing needs in the municipality. Therefore, the municipalities should consider additional growth management tools, such as an allotment system.

**Implementation Recommendations for Environmentally Sensitive Lands**

Areas identified as primary environmental corridors, secondary environmental corridors, and isolated natural resource areas occur within both urban and rural development areas and within prime agricultural areas. Environmental corridors and isolated natural resource areas should be placed in one of several zoning districts, depending upon the type and character of the natural resource features to be preserved and protected. All lakes, rivers, streams, and wetlands should be placed in lowland conservancy or floodplain protection districts. Undeveloped floodplains and shorelands should be protected in accordance the shoreland and floodplain zoning ordinances. Upland woodlands and areas of steep slopes should generally be placed in appropriate upland conservancy, rural-density residential, or park and recreation districts. Through proper zoning, residential development should be confined to upland portions of environmental corridors, excluding areas of steep slopes, and should be limited to a density of no more than one dwelling unit per five acres, with provisions made as may be appropriate for clustering. Zoning applied to the environmental corridors should, however, accommodate necessary public facilities, such as crossings by streets and highways, utility lines, and engineered flood control facilities, but should require that the location, design, and development of the facilities concerned be sensitive to the protection of the existing resource features, and require that, to the extent possible following construction, disturbed areas be restored to preconstruction conditions.
Table VII-9

METHODOLOGY FOR CALCULATING THE NUMBER OF DWELLING UNITS ALLOWED IN RURAL DEVELOPMENT AREAS

| Target for Rural Development Area 1 Acre Density Standard | Total Rural Development Area (acres) | minus | Water Bodies Exceeding 50 Acres in Size | minus | Existing and Planned Urban Development (Evaluate Border Agreements containing a land use component and Sewer Service Areas) | equals | Area Used to Determine Number of Dwelling Units (acres) | divided by five | equals | Number of Dwelling Units Allowed Under the County Development Plan (not counting any zoning) | equals | Number of Dwelling Units To Be Accommodated at Planned 2035 Land Use Categories |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Planned Conditions | Total Rural Development Area (acres) | minus | Water Bodies Exceeding 50 Acres in Size | minus | Existing and Planned Urban Development (Evaluate Border Agreements containing a land use component and Sewer Service Areas) | equals | Area Used to Determine Number of Dwelling Units (acres) | divided by Planned 2035 Land Use Categories (60 units per assumption) | equals | Number of Dwelling Units To Be Accommodated at Planned 2035 Land Use Categories |

How Actual Density of 2035 Town Land Use Categories is Determined

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<th>divided by</th>
<th>Number of Dwelling Units Allowed Under Proposed Land Use Categories (need to consider impact of offering density bonuses)</th>
<th>Equals</th>
<th>Density of Proposed Land Use Categories</th>
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</table>

**Assumptions**

1. Lot sizes are calculated under current zoning where conventional subdivisions are permitted. When calculating land use categories, public road right-of-ways were taken into account (1.23 acre for 1 acre zoning, 3.6 acres for 3 acre zoning, 5.7 acres for 5 acre zoning, and 10 acres at 10 acre zoning).
2. The “Total Rural Development Area” includes primary and secondary environmental corridors, isolated natural resource areas, and other open lands to be preserved and major public land holdings.
3. For the Town of Oconomowoc, the majority is in Ag Preservation or Urban Land Use categories.
4. Where development is only allowed as conservation design or planned unit development/open space development, the density allowed under the development plan was used.
5. For Suburban Density I (1-4-2.9 AC/OU), a 2.5 AC density shall be used. For Suburban Density II (1-4-9 AC/OU), a 3.6 AC density shall be used.
Table VII-10
EVALUATION OF RURAL DEVELOPMENT AREA WITH AN OVERALL 5-ACRE DENSITY STANDARD

<table>
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<th>Rural Development Area</th>
<th>Area Including Public Lands, Rural Density Lands and Environmental Corridors (Acres)</th>
<th>Year 1996 County Development Plan Density (Acres/Dwelling Unit)¹</th>
<th>Year 2000 Conditions Density (Acres/Dwelling Unit)</th>
<th>Year 2035 Maximum Permissible New Rural Area Lots</th>
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Source: Waukesha County

¹ Based on Zoning in effect at the time.
⁶ Town of Delafield Rural Area calculations include lands in Sections 25-36 only.
⁶ Town of Mukwonago calculations derived from Town of Mukwonago Land Use Plan.
⁶ The majority of the Town of Oconomowoc is in the Agricultural Preservation or Urban Use categories.
<table>
<thead>
<tr>
<th>Section</th>
<th>Total area in section (in the Town)</th>
<th>Urban development (includes right-of-way)</th>
<th>Rural Development Area for Density</th>
<th>Rural Density factor per Waukesha County</th>
<th>Number of Units using a 5 acre density</th>
<th>Area of individual parcels less than 20 acres (non PUD lands)</th>
<th>Number of units allowed on individual parcels less than 20 acres (non PUD-based on existing)</th>
<th>Area of parcels that result in 0 units due to floodplain, preserved O.S., P-1 lands and surface water</th>
<th>Area of lands that have 20 acres or more and must be developed as a PUD</th>
<th>Number of units generated by PUD's</th>
<th>Total number of units based on existing zoning</th>
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</table>

Urban Development includes SDRI, SDRII, Low Density Residential, Mixed Use, Government and Institutional and Commercial, and ROW's
Projected units of "0" is due to lands being zoned P-1 Parkland or WF-1 Floodplain or located in PEC which does not allow residential development

Projected Build-out Density: 4445.7/830 = 5.36 acres per unit

Note: The purpose of Table VII-11 is to identify the number of units in the Rural Development Areas using Waukesha County's density requirement of 1 unit per 5 acres and using current Town Zoning and potential development under the Town's PUD requirements. The table shows that if the Town develops land in accordance with current zoning and PUD...
requirements in the Rural Density Areas (Sections 25 through 36), they will meet the minimum 5 acre density requirement desired by the County.

**Implementation Measures for Other Open Lands to be Preserved**

Areas which have been identified in the Other Open Lands to be Preserved category are being mapped in both Urban and Rural areas. Lands identified in this category are mapped in part due to severe to very severe limitations for development of structures from high seasonal groundwater conditions, unstable soils, hydric or organic soil conditions or are generally poorly drained. For planning purposes, soil data available through the Soil Survey of Milwaukee and Waukesha Counties from the United States Department of Agriculture – Natural Resources Conservation Service was used.

Since the soil survey data is generalized, additional site-specific soil data analysis is necessary for individual development project review. It is recommended that the County and municipalities, through regulatory processes, provide a procedure to allow infield detailed investigation and soils analysis using the COMM 85 procedures, established in the Wisconsin Administrative Code, to assist in determining actual on-site soil conditions. Such procedures should identify and document whether or not seasonal high groundwater, soil instability, hydric or organic conditions exist. Where site-specific soil analysis indicates that soil conditions are suitable to accommodate development, an adjustment to the land use category or associated development density may be warranted and would not require a formal amendment request to an adjacent upland development land use category through the annual amendment process outlined in Chapter 9. The land use category which should be used for adjustment from the Other Lands to be Preserved category should be the adjacent upland land use category mapped on the Proposed Land Use Plan. For example, the land being adjusted from the Other Open Lands to be Preserved category are surrounded by lands in the Suburban I category and are found to be acceptable for development, not having the hydric soil conditions and high groundwater table conditions, the subject Open Lands category could be modified to the Suburban I category. There would, however, have to be a recognition and documentation of such change and the information used to justify the change so that appropriate measures are taken to incorporate the changes on the land use maps being maintained by the County and the affected municipality. A record of the documentation and information used to justify the change shall be filed with the County and the community, and an appropriate notation or identification on the Land Use Plan maps made with a reference to the location of the documentation shown on the map should be provided. It should also be noted that the new land use category, which has been modified, from the Other Lands to be Preserved category, can utilize similar densities as used for this new category as if the land were originally all designated in the new land use category.

Lands with soil conditions determined to be unsuitable for development, consistent with the planning standards detailed in Chapter 2 of this Plan, should be retained in open space uses, but can be included within lot boundaries. In addition, these lands may also be included in calculation for density standards as set forth in the Planned Unit Development or Cluster Development standards identified above. It is recommended that the County and municipalities establish, through regulatory processes, a density credit for retaining these lands in open space use. For years, the County used 20 percent of the acreage of lands in this category when calculating densities for proposed developments in the attached or adjoining upland areas. It would be appropriate that a range of 20 percent to 40 percent be used for these lands, subject to specific local community regulations. Further, it may be appropriate to grant a density of one (1) unit per five (5) acres for those lands in the Other Open Lands to be Preserved category.

**Regulatory Implementation Measures**

Land use regulatory ordinances are an important tool available to county and local units of government to shape growth and development in accordance with adopted land use objectives. Under the State comprehensive planning law (S.66.1001 of the Wisconsin Statutes), “beginning on January 1, 2010, if a local governmental unit engages in official mapping, subdivision regulation, zoning ordinance enacted or amended and zoning of shorelands or
wetlands in shorelands, those actions shall be consistent with that local governmental unit's comprehensive plan”. Accordingly, upon adoption of their comprehensive plans, the county, cities, villages, and towns should review the text of their ordinances and adjust as necessary to carry out the various implementation recommendations contained in this Plan. Such changes should include rezoning to use districts consistent with present uses so as not to prezone, consider allotment system to evaluate and grade proposed developments which carry out the recommendations in this Plan and review of proposed developments for consistency with the recommendations of this Plan.

Zoning in Urban Areas

Zoning in urban areas should be administered in accordance with county and local comprehensive plans which refine the urban-area recommendations of the regional land use plan. The application of zoning districts that accommodate residential, commercial, industrial, and other urban development should be done in a manner that is consistent with any recommendations in the local comprehensive plan regarding the staging of development over the course of the plan period. Where the local comprehensive plan includes staging provisions, the application of zoning districts that accommodate the planned urban uses should be done incrementally in accordance with the timeframe set forth in the comprehensive plan. Lands should be placed in zoning districts consistent with their existing use, or, alternatively, placed in an urban land holding district or transition district. This approach allows municipalities to determine whether the proposed development is consistent with the Comprehensive Development Plan for Waukesha County or its goals, standards and objectives at the time a project is proposed. Specifically, a development plan needs to be periodically amended to adjust to changing conditions and updated data such as population and economic projections. Prezoning lands to match a particular land use plan, can limit a municipality’s ability to respond to changing conditions and should be avoided wherever possible. Evaluations of new project developments should be reviewed and recommended on the basis of the recommendations contained in this and the local communities plan and allow development to occur where it is consistent with the recommendations contained herein.

Zoning in Rural Areas

Zoning in rural areas should be administered in accordance with county and local comprehensive plans which refine the rural-area recommendations of this Comprehensive Development Plan for Waukesha County. The following is recommended:

- Prime agricultural lands identified in county and local comprehensive plans should be placed into an exclusive agricultural zoning district, which essentially permits only agricultural and agriculture-related uses. Such a district should provide for a residential density of no more than one dwelling unit per 35 acres and should prohibit incompatible urban development.

- Other areas identified for continued agricultural use in county and local comprehensive plans should be placed into exclusive agricultural districts as defined above or into general agricultural districts with smaller minimum parcel sizes as may be appropriate for smaller agricultural operations, such as hobby farms or other specialty farms.

- Areas recommended in county and local comprehensive plans for rural residential development should be placed into a rural residential zoning district that limits development to no more than one dwelling unit per three acres and that encourages, or even requires, the use of conservation subdivision designs to accommodate the permitted development.

- Non-farmed wetlands should be placed in a lowland conservancy or shoreland-wetland zoning district, as appropriate. Farmed wetlands should remain in an agricultural zoning district as long as the parcel remains in agricultural use; with consideration given to placing a conservancy overlay zone on the wetland. Wetlands identified as farmed wetlands should be placed in a lowland conservancy district at the time farming activities on the wetland parcel cease and an application for residential or other urban development of the upland portion of the parcel is approved by the unit of government having zoning authority. Floodplains should be
placed in the appropriate floodplain zoning district (floodway, flood fringe, flood storage, or general floodplain). Primary environmental corridors should be placed, and other natural resource areas, including secondary environmental corridors and isolated natural resource areas, may be placed, in a conservancy or other appropriate zoning district (such as a park or rural residential zoning district).

**Official Mapping**

Adoption of local official maps can contribute significantly to the implementation of the recommended County land use plan. Local units of government should prepare and adopt local official maps pursuant to Section 62.23(6) of the Wisconsin Statutes, showing thereon lands needed for future public use as streets, highways, transit ways, parkways, drainage ways, parks and playgrounds. The official map should be amended from time to time to incorporate the additional street and other public land requirements identified in detailed neighborhood unit development plans or rural area development plans, as those plans are prepared over time.

**Land Division Ordinances**

Land division ordinances should be adopted by the County and local units of government as a basis for the review and approval of subdivision plats and certified survey maps. Any proposed departure from adopted land use plans should be carefully considered and approved only if such departures are found to be in the public interest and the land use plan map is amended to a category that would allow the proposed subdivision. It should be noted that the existing Waukesha County subdivision control ordinance applies only to the statutory shorelines within the unincorporated areas of the County.

In 1999, Waukesha County created a Land Development Workgroup to analyze and address issues created by land division and development processes being used at that time. The Workgroup recommended:

1. The County should modify existing county transportation related ordinances to require pre-review of potential access points prior to recording of certified survey maps and subdivision plats.

2. Municipalities and the County should uniformly apply a development review checklist prepared by the Workgroup. The intent of the checklist is to set forth consistent standards for the review of development proposals by county municipalities, and to clearly express to development sponsors what should be contained in a proper development proposal. The Workgroup further recommended that each municipality in the County amend appropriate local codes incorporating and adhering to the checklist or a more stringent version in development reviews.

3. Another issue raised by the Workgroup was the variety of subdivision definitions used by Waukesha County municipalities. The variety in definitions has led to larger scale residential developments proceeding as certified surveys as opposed to a platted subdivision.

To address this issue, the Workgroup developed a minimum definition of a subdivision to be applied in Waukesha County. The Town of Delafield refined that definition to be more restrictive. The Town’s definition of subdivision reads “The division of a lot, parcel or tract of land by the owner or his agent for the purpose of sale or building development where: the act of division creates 2 or more parcels or building sites of 5 acres each or less in area; or 2 or more parcels or building sites of 5 acres each or less in area are created by successive divisions of any part of the original property by any person within a period of 5 years. The following shall not constitute a subdivision: cemetery plats, assessor’s plats, or the sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by applicable ordinances.”

4. County staff should continue to host training workshops on land use planning and development review topics for local officials.
5. The County should define a Development Review Team process to enhance communication between the County, Towns, Cities, Villages and developers regarding land development projects and issues.

6. The County should evaluate the existing County Storm Water Management Ordinance and Program to identify opportunities for addressing watershed based storm water issues.

7. The County should engage in a process to comprehensively update the Street and Highway Width Map and Jurisdictional System Plan.

This Plan recommends that municipalities and the County continue to follow the recommendations made by the Land Development Workgroup.

**Regulation of Public Sanitary Sewerage Systems**

In Wisconsin, the comprehensive water quality management planning program has led to the development of State regulations which have the effect of requiring the preparation of sanitary sewer service area plans for each public sewage treatment plant. In the Region, these plans are prepared cooperatively by the concerned local unit of government and the Regional Planning Commission, with ultimate approval authority resting with the Wisconsin Department of Natural Resources. Sewer service area plans have now been prepared for nearly all of the public sanitary sewerage systems in the Region. These plans define sewer service limits and delineate environmentally sensitive lands within those service limits to which service should not be provided. Chapter NR 110 and Chapter Comm 82 of the *Wisconsin Administrative Code* require that the Wisconsin Department of Natural Resources, with respect to public sanitary sewers, and the Wisconsin Department of Commerce, with respect to private sanitary sewers, make a finding that all proposed sanitary sewer extensions are in conformance with adopted area wide water quality management plans and the sanitary sewer service areas identified in such plans before approving such extensions.

Under Chapter NR 121, sewer service areas must be sized in a manner that is consistent with long-range population projections. As a practical matter, this requirement is considered to be met if the buildout population of the sewer service area—that is, the population that could be accommodated if the sewer service area were completely developed at locally planned residential densities—is within the projection range envisioned under the regional land use plan. In sizing their sewer service areas, many communities choose to plan for the high end of the projected population range in order to retain flexibility in terms of the location of future urban growth.

Historically, communities in the Region, with the assistance of SEWRPC, have amended their sewer service area plans from time to time in response to changing needs and conditions. This may be expected to continue in the years ahead, particularly as communities complete their required local comprehensive plans.

As noted above, sanitary sewer service area plans are an important part of the basis for State agency review and approval of proposed sewer extensions. Policies adhered to by the Wisconsin Department of Natural Resources and Department of Commerce prohibit or otherwise limit the extension of sanitary sewers to serve development in certain environmentally significant lands identified in local sewer service area plans. The following restrictions were in effect in 2007:

- The extension of sanitary sewers to serve new development in primary environmental corridors is confined to limited recreational and institutional uses and rural-density residential development (maximum of one dwelling unit per five acres) in areas other than wetlands, floodplain, shorelands, and steep slope (12 percent or greater).

- The extension of sanitary sewers to serve development in portions of secondary environmental corridors and isolated natural resource areas comprised of wetlands, floodplains, shorelands, or steep slopes is not permitted.

**Park and Open Space Plan Implementation**
Achievement of the outdoor park and recreation and open space preservation objectives of the land use plan requires continued public interest acquisition of land for outdoor recreation and open space uses. The county park and open space plan recommends public interest acquisition (that is, acquisition by local, county, State and Federal government and by private conservancy interests) of land for recreation and resource protection purposes. The regional natural areas and critical species habitat protection and management plan also includes recommendations for public interest acquisition for most of the natural areas and critical species habitat sites identified in that plan. Moreover, cities, villages, and towns may acquire other lands for park and open space purposes as recommended in local comprehensive or park and open space plans. Each of the concerned units and agencies of government should continue or begin land acquisition programs in accordance with such plans. Private conservancy organizations are encouraged to supplement public open space acquisition efforts, as appropriate, to ensure the preservation of important natural areas. The detailed County Park and Open Space Plan is presented in Appendix A of this Plan.

Transfer of Development Rights

Under transfer-of-development-rights programs, or “TDR” programs, the right to develop a specified number of dwelling units under existing zoning may be transferred from one parcel, which would be maintained in open space use, to a different parcel, where the number of dwelling units permitted would be correspondingly increased. When the parcels are held by the same owner, the development rights are, in effect, simply transferred from one parcel to the other by the owner; when the parcels are held by different landowners, the transfer of development rights involves a sale of rights from one owner to another, at fair market value. In either case, the result is a shift in density away from areas proposed to be maintained in farming or other open use toward areas recommended for development. The transfer of development rights may be permanent or may be for a specific period of time or set of conditions.

The transfer of development rights may be implemented only if authorized under county or local zoning. To enable the transfer of development rights, the zoning ordinance must establish procedures by which the TDR technique will be administered, including the formula for calculating the number of residential dwelling units which may be transferred from the “sending” area to the “receiving” area. The zoning district map must identify the sending and receiving areas, or at least identify the districts within which development rights can be transferred from one parcel to another. As of 2007, the Waukesha County Zoning Code contains provisions for the transfer of development rights.

Municipal Boundary and Utility Extension Agreements

The recommendations of the land use plan concerning the location and density of new urban development are formulated without regard to the location of city, village, and town boundaries. Rather, those plan recommendations are based upon a consideration of such factors as the location of existing utility infrastructure, including public sanitary sewer and water supply systems; the location of environmentally sensitive lands; and the availability of lands considered to be suitable for urban development. Where cities and villages own and operate essential public utilities not provided by adjacent towns, the plan assumes that cities and villages will either annex unincorporated territory recommended in the plan for urban development and provide extensions of essential utility services to serve such development, or that the cities and villages will reach agreement with adjacent unincorporated towns on the extension of those essential services without the need for annexation and municipal boundary change.

The Wisconsin Statutes establish a number of arrangements for cooperation among communities with regard to sharing of municipal services and cooperatively determining community boundaries, as indicated below:

- Section 66.0301: This section of the Statutes provides broad authority for intergovernmental cooperation among local units of government with respect to the provision and receipt of services and the joint exercise of their powers and duties.
• Section 66.0307: This section of the Statutes allows any combination of cities, villages, and towns to determine the boundary lines between themselves under a cooperative plan, subject to oversight by the Wisconsin Department of Administration. Section 66.0307 envisions the cooperative preparation of a comprehensive plan for the affected area by the concerned local units of government and prescribes in detail the contents of the cooperative plan. Importantly, the cooperative plan must identify any boundary change and any existing boundary that may not be changed during the planning period; identify any conditions that must be met before a boundary change may occur; include a schedule of the period during which a boundary change shall or may occur; and specify arrangements for the provision of urban services to the territory covered by the plan.

• Section 66.0225: This section of the Statutes allows two abutting communities that are parties to a court action regarding an annexation, incorporation, consolidation, or detachment, to enter into a written stipulation compromising and settling the litigation and determining a common boundary between the communities.

Cooperative approaches to the identification of future corporate limits and the extension of urban services can contribute significantly to attainment of the compact, centralized urban growth recommended in the land use plan. Conversely, failure of neighboring civil divisions to reach agreement on boundary and service extension matters may result in development at variance with the plan—for example, by causing new development to leap past logical urban growth areas where corporate limits are contested, to outlying areas where sewer and water supply service are not available. Accordingly, it is recommended that neighboring incorporated and unincorporated communities cooperatively plan for future land use, civil division boundaries, and the provision of urban services, as provided for under the Wisconsin Statutes, within the framework of the land use plan.

Municipal Revenue Sharing

Additional opportunity for intergovernmental cooperation is provided under Section 66.0305 of the Wisconsin Statutes, entitled “Municipal Revenue Sharing.” Under this statute, two or more cities, villages, and towns may enter into revenue sharing agreements, providing for the sharing of revenues derived from taxes and special charges. The agreements may address matters other than revenue sharing, including municipal services and municipal boundaries. Municipal revenue sharing can provide for a more equitable distribution of the property tax revenue generated from new commercial and industrial development within urban areas and help reduce tax-base competition among communities, competition that can work against the best interests of the area as a whole.

A good example of municipal revenue sharing under this statute is the revenue sharing agreement included in the Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement entered into by the City of Racine and neighboring communities in 2002. Under this agreement, the City of Racine receives shared revenue payments from neighboring communities for use in renovating older residential areas, redeveloping brownfield sites, and supporting regional facilities like the City zoo, fine arts museum, and library. In return, the City of Racine agreed to support the incorporation of the adjacent Towns of Caledonia and Mt. Pleasant; refrain from annexations without the consent of the Towns; refrain from using extraterritorial zoning and plat review powers; and move ahead with sewerage system improvements that will accommodate growth in the Towns. It should be noted that the Towns of Mt. Pleasant and Caledonia were incorporated as villages in 2003 and 2005, respectively.

Brownfield Redevelopment

Factors contributing to the abandonment or underutilization of older commercial and industrial sites vary from site to site, but often include structures which are obsolete in terms of accommodating current manufacturing, warehousing, and office needs; inadequate site access to the freeway system; and insufficient site area for horizontally-oriented structures, contemporary parking and loading requirements, and possible future plant expansion needs.

Once abandoned, the re-use of former commercial and industrial sites is frequently constrained by contamination problems created by past industrial and commercial activities, giving rise to the term “brownfields”—sites which are underutilized or abandoned due to known or suspected environmental contamination. While brownfields tend to be concentrated in older areas, they also occur in outlying areas. Redevelopment of brownfields is often
hindered by high cleanup costs, and, even where contamination is only suspected, the potential for high cleanup costs tends to dampen private-sector interest in redevelopment.

In order to maintain the viability of existing urban areas, special efforts to promote the reuse of brownfields are required. Local units of government should include the cleanup and re-use of brownfields as a key element in their planning for the revitalization of urban areas and promote such re-use through such tools as tax-incremental financing. Limited State and Federal financial assistance has been made available in support of the cleanup and re-use of contaminated sites. Local units of government should make full use of, and assist private developers in securing, available State and Federal financial assistance.

The re-use of brownfield sites need not be limited to industrial use, but may include a mix of residential, commercial, recreational, and other development, in accordance with local development objectives. Properly carried out, the cleanup and re-use of brownfields has many potential benefits in addition to the underlying environmental benefits: elimination of blight, increase in the property-tax base, expansion of the housing stock, provision of jobs in close proximity to concentrations of the labor force, and increased use of existing public infrastructure.

**Storm Water System Planning**

Storm water runoff pollution performance standards for new development, existing urban areas, and transportation facilities are set forth in Chapters NR 151 and NR 216 of the *Wisconsin Administrative Code*. The County should coordinate with municipalities to develop a storm water management plan to coordinate the management of storm water within defined watersheds which often transcend municipal boundaries. Storm water management practices appropriate for each urban area can best be developed through the preparation of a system management plan. These practices should be developed in a manner that integrates development needs and environmental protection, including integrated water resources protection. Such practices should reflect both storm water runoff quantity and quality considerations, as well as groundwater quantity and quality protection. Practices that are designed to maintain the natural hydrology should be encouraged.

**COMMERCIAL AMD/OR OFFICE PARK**

**Standards**

The development of lands to achieve the desired land use shall consider the following general standards:

- Maintain existing trees and tree lines, natural areas and required open space
- Residential uses in adjacent districts to be 1000 feet or more from I-94, measured from the outside edge of the outside travel lane (furthest from the median)
- No sound barriers or blockage of views from I-94
- Parking shall be located on the sides and rear of buildings ("front" defined as Golf Road or Silvernail Road)
- Multiple buildings shall be linked with internal drives
- Limited signage in accordance with the Town Code and including the town logo
- Intensity of on-site activity shall be compatible with the adjacent residential uses.
EXHIBIT B
*(As amended by Ordinance 2009-004, August 11, 2009)*

SPECIFIC TOWN OF DELAFIELD
AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR
WAUKESHA COUNTY – 2035
March 27, 2009

Chapter 1, page 1-12, Public Participation: Amend the third paragraph to read as follows:

As required by the statutes a public participation plan was adopted by the Waukesha County Board of Supervisors on April 12, 2005, based on a recommended plan prepared by the Comprehensive Plan Advisory Committee. The Town of Delafield adopted the County’s public participation plan document dated March 3, 2005 on April 12, 2005.

Chapter 2

Page 2-13, Table II-12 Population Projections: Based on zoning and land use restrictions, the anticipated build-out population of the Town includes approximately 830 new units in the rural development district and approximately 100 units in the urban development district. Based on an anticipated average household size of 2.65 persons per unit, this equates to an additional 2,464 residents. By adding this increase to the current population, the resulting 2035 population is 10,750 residents.

Page 2-21, General Development Objectives: Remove and replace objective No. 4 to read:
4. A range of choice among housing designs, sizes, types, and costs, recognizing changing trends in age group composition, income, and family living habits.

Page 2-22, Specific Development Objectives: Remove and replace objective No. 1 to read:
1. Allocation of space to the various land use categories, which meets the social, physical, and economic needs of the Town population.

Page 2-22, Specific Development Objectives: Remove and replace objective No. 5 to read:
5. The availability of a range of choice among housing designs, sizes, types, and costs, recognizing changing trends in age group composition, income, and family living habits.

Page 2-22, Specific Development Objectives: Remove objective No. 7 in its entirety.

Page 2-22, Specific Development Objectives: Remove and replace objective No. 8 to read:
8. The conservation, renewal, and use of existing urban service areas of the Region and the County, where such use does not conflict with the land use plan for the Town of Delafield.

Page 2-28, Standards Remove and replace standard “e.” to read:
e. Land use patterns should be designed to discourage development of below grade structures on soils with seasonally high groundwater less than 3 feet from the surface. The intent is to allow development on these marginal soils, providing below grade structures (including basements) maintain a minimum of one foot separation from the seasonally high groundwater level, unless an engineered drainage solution acceptable to the Town can be provided to alleviate groundwater concerns.

Page 2-31, Standards, item “b”: Remove and replace the first sentence to read:
b. Park and recreation sites shall be in accordance with the Parks and Recreation Facilities Master Plan, December, 2006 and any amendments thereto (italicized portion to remain).
Page 2-33, 1. Soils, Standards Remove and replace No. 5 to read:
5. Land use patterns should be designed to discourage development of below grade structures on soils with seasonally high groundwater less than 3 feet from the surface. The intent is to allow development on these marginal soils, providing below grade structures (including basements) maintain a minimum of one foot separation from the seasonally high groundwater level, unless an engineered drainage solution acceptable to the Town can be provided to alleviate groundwater concerns.

Page 2-35, Land Use Objective No. 2, Remove and replace standard No. 4. To read:
4. Rural residential development is encouraged to be located adjacent to agricultural operations to maintain the rural character of the Town. Rural residential development should be located in such a way as to minimize conflicts attendant to dust, odors, and noise associated with farming activity that may arise when residences are located in the vicinity of agricultural operations. Rural residential development should also be located in such a way as to minimize impacts on the natural resource base including wildlife habitat.

Page 2-43, Housing Objective No. 2, Remove and replace the first sentence under Standard to read:
Communities that seek to attract jobs, as reflected in the accommodation of new commercial or industrial development, should ensure a range of housing styles, types and price ranges are provided so as to provide opportunities to minimize imbalances between job and residence locations.

*Page 2-44, Goals and Objectives for joint planning between the Town of Delafield and surrounding governmental jurisdictions.

A. The general development objectives and specific development objectives as stated on pages 2-21 and 2-22 of Exhibit A are hereby incorporated into the Town of Delafield Comprehensive Plan, except Nos. 8 and 9 of the Specific Development Objectives.

B. The following goals are in addition to the objectives referenced in Item A:

1. Establish boundary agreements with all surrounding communities and within each agreement, set forth policies and procedures to address planning, decision making and conflict resolution.
2. Continue to participate in ongoing regional planning efforts, which include:
   - The development of the Waukesha County Comprehensive Plan (28 communities)
   - Pebble Creek Watershed Protection Plan (Waukesha County, City of Waukesha, Town of Waukesha, Town of Genesee, Village of Wales)
   - Upper Fox River Watershed Communities Stormwater Discharge permit (Town/City of Waukesha, Village of Sussex, City/Village of Pewaukee, Town of Brookfield)
   - Lake Pewaukee Sanitary District (City/ Village of Pewaukee)
   - Delafield Hartland Sanitary Sewer District (City of Delafield, Village of Hartland)
   - Hartland Lakeside School District (Village of Hartland)
   - Arrowhead School District (Villages of Hartland, Merton, Chenequa and Nashotah, Cities of Delafield and Pewaukee, Towns of Lisbon, Merton, Oconomowoc)
- Kettle Moraine School District (Town of Genesee, Town of Waukesha, Village of Wales)
- Waukesha School District (City of Waukesha)

3. Work in cooperation with Waukesha County to implement the stormwater maintenance and erosion control ordinances.

4. Provide mutual aid for fire and emergency service to surrounding communities (11 communities)

5. Continue to follow State Statute requirements with respect to certified survey map and subdivision plat reviews by surrounding communities in which they have extraterritorial plat jurisdiction.

*Page 2-45 Existing and potential conflicts

The Town of Delafield has had and continues to have a good relationship with many of the surrounding communities. The Town has solidified the relationships by adopting border agreements with the Village of Wales, the City of Delafield, the Village of Hartland and City of Pewaukee to permanently fix the boundaries. The Town has friendly and courteous relationships with the Town of Summit and Town of Lisbon.

The Town is concerned with potential annexation possibilities by the City of Waukesha, located along the southeastern border of the Town. As the City grows and expands, there is a possibility that portions of the Town could be annexed to the City. A portion of the City of Waukesha's Sewer Service Area is included in the Town. The Town continues to develop a good working relationship with the City through joint planning and study efforts as noted above; however, it would be in the best interest in the Town to negotiate a border agreement to establish the ultimate municipal boundaries and address land use and sewer service issues.

Chapter 3

Page 3-35, Amend the Implementation Recommendations No. 2 to read:

2. Amend land use categories to direct development away from areas with seasonally high groundwater one-foot or less from the surface and steep slopes (12% or greater) and to discourage development of below grade structures on soils with groundwater limitations less than 3 feet from the surface. Amend applicable zoning and land division codes to establish a minimum of one-foot separation between structures (including basements) and the seasonally high groundwater level unless an engineered drainage solution acceptable to the Town can be provided to alleviate groundwater concerns.

Chapter 5

Page 5-45 Housing Supply, Remove and replace item No. 2 to read:

2. Community comprehensive plans should address the need for adequate consumer housing choices that allow for a range of housing structure types and sizes including single-family, two-family, and, in sewer service areas, multi-family.

Page 5-46 Housing Mix: Remove and replace No. 1 to read:

1. Communities that seek to attract jobs, as reflected in the accommodation of new commercial or industrial development, should ensure a range of housing styles, types
and price ranges are provided so as to provide opportunities to minimize imbalances between job and residence locations.

Page 5-46, Housing Mix Remove and revise No. 2 to read:
2. The Town may consider policies concerning housing mix to provide a range of housing choices. Consideration should include comparing housing types and affordability to existing and projected jobs and wages in establishing effective housing mix policies.

Page 5-47 Housing Affordability and Housing Costs item No. 8
Remove and replace the first word in the first sentence to read: “As opportunities present themselves, evaluate ...”

Page 5-47 Housing Affordability and Housing Costs item No. 9 Remove and replace item 9 to read:
Support the operation of home businesses or home occupations in accordance with the regulations in place in the Town zoning code, to allow for affordable housing and affordable work space for entrepreneurs.

Page 5-48, Land Use Regulation and Other Considerations, Remove and replace No. 1 to read:
The Town of Delafield codes do not exclude relatively lower cost housing.

Chapter 6


Chapter 7

Page 7-22 Basic Definitions: Remove and revise the following definition to read:
“Commercial and/or Office Park” is defined as land devoted to office parks and office buildings placed in a park like setting; park land, which includes golf courses and recreational facilities that are compatible with the surrounding residential character; and agricultural uses compatible with the surrounding area.

Page 7-39 insert a new note and table as shown below:

Note: The purpose of Table VII-11 is to identify the number of units in the Rural Development Areas using Waukesha County’s density requirement of 1 unit per 5 acres and using current Town Zoning and potential development under the Town’s PUD requirements. The table shows that if the Town develops land in accordance with current zoning and PUD requirements in the Rural Density Areas (Sections 25 through 36), they will meet the minimum 5 acre density requirement desired by the County.
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<th>Rural Density factor per Waukesha County</th>
<th>Number of Units using a 5 acre density</th>
<th>Area of individual parcels less than 20 acres (non PUD lands)</th>
<th>Number of units allowed on individual parcels less than 20 acres (non PUD-based on existing)</th>
<th>Area of parcels that result in 0 units due to floodplain, preserved O.S., P-1 lands and surface water</th>
<th>Area of lands that have 20 acres or more and must be developed as a PUD</th>
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Urban Development includes SDRI, SDRII, Low Density Residential, Mixed Use, Government and Institutional and Commercial, and ROW's
Projected units of "0" is due to lands being zoned P-1 Parkland or WF-1 Floodplain or located in PEC which does not allow residential development
Projected Build-out Density: 4445.7/830 = 5.36 acres per unit
Page 7-41 Zoning in Rural Areas, third bullet: Remove and revise to read:
- Areas recommended in county and local comprehensive plans for rural residential development should be placed into a rural residential zoning district that limits development to no more than one dwelling unit per three acres and that encourages, or even requires, the use of conservation subdivision designs to accommodate the permitted development.

Page 7-42 Land Division Ordinances, Remove and replace No. 3 to read:
1. Another issue raised by the Workgroup was the variety of subdivision definitions used by Waukesha County municipalities. The variety in definitions has led to larger scale residential developments proceeding as certified surveys as opposed to a platted subdivision.

To address this issue, the Workgroup developed a minimum definition of a subdivision to be applied in Waukesha County. The Town of Delafield refined that definition to be more restrictive. The Town’s definition of subdivision reads “The division of a lot, parcel or tract of land by the owner or his agent for the purpose of sale or building development where: the act of division creates 2 or more parcels or building sites of 5 acres each or less in area; or 2 or more parcels or building sites of 5 acres each or less in area are created by successive divisions of any part of the original property by any person within a period of 5 years. The following shall not constitute a subdivision: cemetery plats, assessor’s plats, or the sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by applicable ordinances.”

Insert the following standards at the end of Chapter 7:

Commercial and/or Office Park

Standards

The development of lands to achieve the desired land use shall consider the following general standards:

- Maintain existing trees and tree lines, natural areas and required open space
- Residential uses in adjacent districts to be 1000 feet or more from I-94, measured from the outside edge of the outside travel lane (furthest from the median)
- No sound barriers or blockage of views from I-94
- Parking shall be located on the sides and rear of buildings (“front” defined as Golf Road or Silvermilk Road)
- Multiple buildings shall be linked with internal drives
- Limited signage in accordance with the Town Code and including the town logo.
- Intensity of on-site activity shall be compatible with the adjacent residential uses
Chapter 8

Page 8-19 Map VIII-5 shall reflect CTH G in the Town of Delafield under Waukesha County jurisdiction. A following footnote is hereby added: The jurisdictional transfer of CTH G to local jurisdiction shall only be made with the specific approval of the Town Board at the time of any request of a transfer. The Town specifically does not accept the plan that shows CTH G in the Town being transferred to Town jurisdiction.

Chapter 9

All implementation changes made in Chapters 1 through 8 noted above that are re-enumerated in Chapter 9 are hereby revised to reflect the changes made in those individual chapters.
TOWN OF DELAFIELD
APPLICATION FOR PLAN COMMISSION AGENDA

1. **Owner**
   - Name: John Singer
   - Address: 81 Blanding Rd
   - City: Delafield
   - Telephone: office
   - E-mail address:

   **Applicant or Owner’s Agent**
   - Name: Bill Zach
   - Company: Zach Building Co.
   - Address: 3450 Tomahawk Dr.
   - City: Oconomowoc
   - Telephone: office
   - E-mail address: bill@zachbuildingco.com

2. **Type of Proposal**: (check all that apply)
   - Site Plan
   - Site Grading Plan
   - Lighting Plan
   - Landscaping Plan
   - Signage
   - Lot Allocation
   - Preliminary Plat
   - Final Plat
   - Certified Survey Map
   - Developer’s Agreement
   - Home Occupation
   - Land Split
   - Zoning Amendment
   - Conditional Use
   - Lot Grading
   - Plan of Operation
   - Planned Unit of Development
   - Other (explain below)

3. **Nature of Development Proposal**: (Attach additional sheets as necessary.)
   - Tax Key No:
   - Location of Development
   - Present Zoning
   - Proposed Zoning
   - Description of Proposal:

4. **Action Requested**: 
   - Approval of items marked
   - Discussion (no formal action by the Plan Commission)

Page 1 of 3
5. **Required Forms Checklist:**

- Legal Description (all applications)
- Professional Staff/Fees Chargeback Acknowledgement (all applications)
- Certification for Division of Land (Certified Survey Maps that are land splits)

6. **Submittal information:**

- One (1) copy of this application
- One (1) electronic copy of all supporting materials, i.e., drawings, plans and written documentation (via e-mail to mary.elsner@townofdelasfield.org).
- Two (2) full size hard copies of all supporting materials, i.e., drawings, plans and written documentation.

I understand that this form shall be on file in the office of the Town Clerk by 4:30 p.m. on the 21st day before the meeting on which I desire to be heard or as required in the Land Division or Zoning Ordinance, whichever is longer. Plan Commission meetings are held the first Tuesday of each month. Furthermore, I understand that any engineering or legal review fees associated with this project may be charged to me.

FAILURE TO PROVIDE ALL REQUIRED MATERIALS AND INFORMATION CAN RESULT IN THIS APPLICATION BEING WITHDRAWN FOR CONSIDERATION BY THE PLAN COMMISSION.

John T. Singer
Signature of Owner
Date 5-20-2019

Print name

(Office Use Only)

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| Zoning Amendment Publishing Date |
|----------------------------------|--------------|
TOWN OF DELAFIELD

PROFESSIONAL STAFF FEES CHARGEBACK ACKNOWLEDGEMENT

PLEASE BE ADVISED

That pursuant to the Town of Delafield Code of Ordinances, the Town of Delafield Town Board has determined that whenever the services of the Town Attorney, Town Engineer or any of the other Town's professional staff results in a charge to the Town for that professional's time and services, and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service and the fees incurred by the Town to the owner of the property. Also be advised that pursuant to the Town of Delafield Code of Ordinances certain other fees, costs and charges are the responsibility of the property owner.

*********************************************************

I, the undersigned, have been advised that, pursuant to the Town of Delafield Code of Ordinances, if the Town Attorney, Town Engineer or any other Town professional provides services to the Town as a result of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town. Also, I have been advised that pursuant to the Town of Delafield Code of Ordinances, certain other fees, costs and charges are my responsibility.

Signature of Owner

[Signature]

Date: 5-20-2019

Owner's name (please print)

JOHN T. SINGER

Form received by: ME

Date: 5/20/19