

Resolution No. _____

APPROVED 3/24/09
PLAN COMMISSION

**RESOLUTION TO ADOPT A COMPREHENSIVE PLAN
FOR THE TOWN OF DELAFIELD PURSUANT TO
APPLICABLE WISCONSIN STATUTES**

WHEREAS, the Town of Delafield has by ordinance established a Plan Commission for the Town of Delafield pursuant to Section 60.62, 61.35 and 62.23, Wisconsin Statutes; and

WHEREAS, the Town Plan Commission is empowered to recommend to the Town Board the adoption of a Comprehensive Plan for the physical development of the Town, pursuant to Sections 60.62, 62.23(1), (2) and (3), and Section 66.1001 of the Wisconsin Statutes; and

WHEREAS, Section 62.23(2) and (3) of the Wisconsin Statutes provide that it is the duty of the Plan Commission to adopt a master plan for the physical development of the Town which, together with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the Plan Commission's recommendations for such physical development; and

WHEREAS, Section 62.23(3)(a) of the Wisconsin Statutes provides that the master plan shall be made "with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development"; and

WHEREAS, in 1999, the Wisconsin Legislature enacted a comprehensive planning law, which is set forth in Section 66.1001 of the Wisconsin Statutes, that requires that master plans (which are referred to under Section 66.1001 as "comprehensive" plans; referred to herein as "comprehensive master plan") be completed and adopted by local governing bodies by January 1, 2010, in order for a county, city, village, or town to enforce its zoning, subdivision, or official mapping ordinances; and

WHEREAS, Section 66.1001(2) of the Wisconsin Statutes sets forth specific requirements affecting the contents and procedures for adoption of a comprehensive master plan under Section 62.23(2) or (3) of the Wisconsin Statutes; and

WHEREAS, as of January 1, 2010, Sections 62.23(3)(b) and 66.1001(3) of the Wisconsin Statutes require, in part, that Towns engaging in any of the following actions to take such actions in accordance with their comprehensive master plan:

- Official mapping established or amended under Section 62.23(6) of the Wisconsin Statutes;

- Local subdivision regulation under Section 236.45 or 236.46 of the Wisconsin Statutes;
- Zoning ordinances enacted or amended under Section 62.23(7) of the Wisconsin Statutes; and

WHEREAS, the Town of Delafield intends to continue to engage in the foregoing activities and, therefore, desires to have a comprehensive master plan that fully complies with Sections 62.23 and 66.1001 of the Wisconsin Statutes; and

WHEREAS, the Town of Delafield has actively participated in the process to prepare a Waukesha County-wide Comprehensive Plan on behalf of 28 participating municipalities, called the Comprehensive Development Plan for Waukesha County – 2035; and

WHEREAS, on or about April 12, 2005 the Town Board met and adopted written procedures designed to foster public participation in every stage of the preparation of a Comprehensive Plan for the Town of Delafield, in conjunction with the County-wide Comprehensive Planning process, which included provisions for wide distribution of the proposed elements of the Comprehensive Plan, and provided an opportunity for written comments to be received from the public and for the Town to respond to such comments; and

WHEREAS, the Comprehensive Plan for Waukesha County – 2035 has been completed for consideration; and

WHEREAS, the Plan Commission has carefully considered goals, objectives and policies of the Comprehensive Development Plan for Waukesha County – 2035 in conjunction with local goals, objectives and policies to guide growth and development; and

WHEREAS, the Plan Commission has developed a comprehensive master plan for the Town of Delafield that is based upon the Comprehensive Development Plan for Waukesha County – 2035, which is attached hereto and incorporated by reference as Exhibits A and B; and

WHEREAS, the Plan Commission has determined that the comprehensive master plan attached hereto and incorporated herein by reference as Exhibits A and B complies with the requirements of Sections 62.23 and 66.1001 of the Wisconsin Statutes.

NOW, THEREFORE, be it hereby resolved by the Plan Commission of the Town of Delafield:

- A. That the Plan Commission hereby adopts the Comprehensive Plan for the Town of Delafield consisting of Exhibits A and B attached hereto and incorporated herein by reference, and recommends adoption of the same by the Town Board, by ordinance, following notice and a public hearing, in the manner provided for in Section 66.1001(4) of the Wisconsin Statutes; and
- B. That upon approval of this Resolution by a majority vote of the entire Plan Commission, a copy of the Comprehensive Plan for the Town of Delafield, including all Exhibits incorporated herein, shall be sent to the Town Board for the Town of Delafield and to each entity listed in Section 66.1001(4)(b) of the Wisconsin Statutes.

C. That the vote of the entire Plan Commission concerning this Resolution shall be recorded in the official minutes of the Plan Commission.

Be it further resolved that the Town Plan Commission Chair and the Secretary of the Plan Commission shall sign this resolution and shall further certify a copy of such to the Town Board.

Dated this _____ day of _____, 2009.

Tom Oberhaus, Town Plan Commission Chair

Mary Elsner, CMC, WCMC, Plan Commission Secretary

EXHIBIT A

That part of the Comprehensive Development Plan for Waukesha County – 2035 as approved by the Waukesha County Board on February 24, 2009, on file in the office of the Town Clerk, that is subject to the jurisdictional authority of the Town of Delafield, is incorporated herein by reference, except as modified by Exhibit B attached hereto.

EXHIBIT B

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.

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

Page 6-28, Government Services and Taxes, Eliminate in its entirety.

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.

Table VII-11											
Town of Delafield Land Use Plan Unit Determination (3/4/09)											
Section	Total area in section (in the Town)	Calculation of maximum number of units using Waukesha County's 5 acre per unit density requirement				Calculation of anticipated number of units using existing Town Zoning and PUD requirements					
		Urban development (includes right-of-way)	Rural Development Area for Density	Rural Density per Waukesha County	Number of Units using a 5 acre density	Area of individual parcels less than 20 acres (non PUD lands)	Number of units allowed on individual parcels less than 20 acres (non PUD-based on existing zoning)	Area of parcels that result in 0 units due to floodplain, preserved O.S., P-1 lands and surface water	Area of lands that have 20 acres or more and must be developed as a PUD.	Number of units generated by PUD's	Total number of units based on existing zoning
	acres	acres	acres	ac/unit	units	acres	units	acres	acres	units	units
25	649.14	387.85	261.29	5	52	15.81	4	69.2	176.28	64	68
26	651.16	464.13	187.03	5	37	0	0	66.96	119.9	39	39
27	514.03	214.46	299.57	5	59	134.88	17	91.03	73.66	26	43
28	655.58	561.83	93.75	5	18	15.67	4	78.08	0	0	4
29	659	53.26	605.74	5	121	14.51	3	568.66	22.57	8	11
30	517.66	229.83	287.83	5	57	50.57	12	237.26	0	0	12
31	611.17	223.83	387.34	5	77	48.91	16	5.83	332.6	120	136
32	645.18	242.2	402.98	5	80	70.37	13	332.61	0	0	13
33	650.16	414.48	235.68	5	47	33.13	9	158.76	43.79	15	24
34	650.03	88.67	561.36	5	112	211.42	17	51.96	297.98	106	123
35	646.38	100.5	545.88	5	109	82.68	23	43.5	419.7	139	162
36	650.41	73.36	577.05	5	115	91.33	28	24.6	461.93	167	195
TOTALS	7499.9	3054.4	4445.5		886		146		1948.4	684	830

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 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

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.