

**AN ORDINANCE TO ADOPT THE COMPREHENSIVE PLAN
FOR THE VILLAGE OF DOUSMAN**

WHEREAS, the Village of Dousman, Waukesha County, Wisconsin, has by ordinance established a Plan Commission, pursuant to Section 62.23(2) and (3); and Wisconsin Statutes; and

WHEREAS, the Village of Dousman is authorized and required to prepare and adopt a Comprehensive Plan as defined in Section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

WHEREAS, the requirement to adopt a Comprehensive Plan is known as the Smart Growth Law; and

WHEREAS, on or about April 11, 2005, the Village Board met and adopted written procedures designed to foster public participation in every stage of the preparation of a Comprehensive Plan for the Village of Dousman, 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 Village to respond to such comments; and

WHEREAS, on November 14, 2002 the Village of Dousman signed a Cooperative Agreement with Waukesha County and the Southeastern Wisconsin Regional Planning Commission to jointly participate in the preparation of a multijurisdictional Comprehensive Plan for all of Waukesha County (hereinafter "County-wide plan") to meet the requirements of the Smart Growth Law; and

WHEREAS, 28 of 37 municipalities within Waukesha County chose to participate and become an active participant throughout the preparation of the County-wide Smart Growth Plan; and

WHEREAS, the Cooperative Agreement specified establishment of an Advisory Committee with a representative from each participating municipality that directed planning policy; and

WHEREAS, the Village of Dousman was represented on the Advisory Committee by Village Planner Bruce Kaniewski; and

WHEREAS, the Plan Commission, Village Board and Village staff were provided regular updates on the progress of Plan preparation and were encouraged to review Plan policy on the website of Waukesha County Department of Parks and Land Use; and

WHEREAS, the Plan Commission, Village Board and Village staff periodically provided feedback and direction to Mr. Kaniewski; and

WHEREAS, on April 5, 2006 the Village of Dousman adopted the Village of Dousman Land Use Plan that updated previous plans and provided direction of land use policy in the Village in response to changing conditions and updated a Land Use Plan map for the Village that provided direction to the County-wide Plan; and

WHEREAS, during the preparation of the Village Land Use Plan, the Plan Commission and Village Board reviewed the Plan at publicly noticed meetings and presented opportunity for public input, and Plan drafts were made available for review by neighboring government jurisdictions, school districts and the general public all in accordance with the Village adopted Public Participation Plan as required by the Smart Growth Law; and

WHEREAS, during preparation of the County-wide Plan all meetings of the Advisory Committee and various subcommittees were open to the public and public comment was readily accepted all in accordance with the adopted Public Participation Plan; and

WHEREAS, on behalf of all participating municipalities the County applied for and received a matching grant in the amount of \$812,390 from the State of Wisconsin to assist with plan preparation and the Village utilized its grant portion to prepare the Land Use Plan and participate on the Advisory Committee; and

WHEREAS, the Advisory Committee commissioned a random sample survey of County residents, asking opinions about various subjects relating to growth and development, with the survey providing statistically significant results for all participating municipalities as part of the public participation process; and

WHEREAS, on December 11, 2008 the Waukesha County Parks and Planning Commission held an open house and a public hearing soliciting comments regarding the County-wide Plan; and

WHEREAS, on January 22, 2009 the Waukesha County Parks and Planning Commission considered all written and verbal public comments and recommended to the County Board of Supervisors adoption of the County-wide Plan, that for purposes of Waukesha County conformance to State law will be called the Comprehensive Development Plan for Waukesha County - 2035; and

WHEREAS, on February 24, 2009 the County Board of Supervisors adopted the County-wide Plan; and

WHEREAS, the Village of Dousman Plan Commission commenced review of the County-wide Plan at a regular scheduled and publicly noticed meeting; and

WHEREAS, the Plan Commission, with assistance from the Village Planner, discussed and considered minor differences of policy between the County-wide Plan and the Village Land Use Plan; and

WHEREAS, on March 4, 2009 the Plan Commission recommended to the Village Board of Trustees adoption of the County-wide Plan incorporated with local adjustments and the Village's Land Use Plan that provides additional detail in the interest of the health, safety and welfare of the general public; and

WHEREAS, on April 21, 2009 the Village Board of Trustees held a public hearing to consider public comments regarding adoption of the County-wide Plan, following due notice being provided in compliance with the requirements of Wisconsin Statutes Sections 66.1001(4)(d), 66.1001(4)(e), 66.1001(4)(f); and

WHEREAS, the Village Board for the Village of Dousman, having carefully reviewed the recommendation of the Village Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, including consideration of the plan components related to issues and opportunities, housing, transportation, utilities and community facilities, agricultural, natural and cultural resources, economic development, intergovernmental cooperation, land-use, and implementation, has determined that the comprehensive plan will serve the general purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the Village of Dousman which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development.

NOW, THEREFORE, the Village Board of the Trustees of the Village of Dousman do hereby ordain as follows:

Section 1: The Village of Dousman Comprehensive Plan attached hereto and incorporated herein as Exhibits A, B, and C is hereby adopted.

Section 2. Notice. The Village Clerk is directed to provide a copy of this ordinance and a copy of the Village of Dousman Comprehensive Plan that is hereby adopted to the persons and entities described in Wisconsin Statutes Section 66.1001(4)(b), as required by Wisconsin Statutes Section 66.1001(4)(c).

Section 3. Repeal. The Village of Dousman Land Use Plan dated April 5, 2009, including all revisions and amendments adopted from time to time regarding such plan, is hereby repealed in its entirety.

Section 4. Severability. The several sections and portions of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 5. Effective date. This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

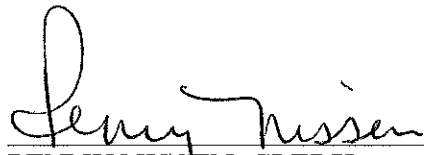
ADOPTED THIS 21st day of April, 2009

BY THE VILLAGE BOARD, VILLAGE OF DOUSMAN



JACK NISSEN, VILLAGE PRESIDENT

ATTEST:



PENNY NISSEN, CLERK

EXHIBIT A

The Comprehensive Development Plan for Waukesha County—2035, dated February 24, 2009, on file in the office of the Village Clerk, with all background demographics and information required by 66.1001 of the State Statutes and planning objectives and policy subject to the comprehensive planning jurisdictional authority of the Village of Dousman authorized by State Statutes, is incorporated herein by reference, except as modified by Exhibit C attached hereto.

EXHIBIT B

Land Use Plan for the Village of Dousman, dated April 5, 2009, on file in the office of the Village Clerk.

EXHIBIT C

SPECIFIC VILLAGE OF DOUSMAN AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY—2035

1. The Land Use Plan Map for the Village of Dousman shall be the map approved within the Land Use Plan on April 5, 2006. The Village Land Use Plan and Map provides additional detail for policy direction of land use density and intensity.

County Plan: A Land Use Plan Map is provided in the Waukesha County Comprehensive Development Plan.

Village Replacement: Map 5 from the Village of Dousman Land Use Plan to be inserted.

2. Chapter 2 of the County-wide plan; Agricultural, Natural and Cultural Resources Objective No. 3, Standard b.; states "Other park and recreation sites should be provided within a maximum service radius of one mile of every dwelling unit in an urban area, and should have a minimum gross site area of five acres. (*Standard to be refined through working with municipalities; SEWRPC standard for neighborhood parks, include a standard for one community park with a min. site area of 25 acres in each Town.*) Suggested text from SEWRPC "*In rural areas, a minimum of one community park having a minimum gross site area of 25 acres should be provided by each Town.*" The Village supports this policy but favors a centralized community park that is slightly out of the one-mile range of each dwelling unit.

County Plan: The phrase "*within a maximum service radius of one mile of*" to be deleted.

Village Replacement: The word "*and available for residents of*" to be inserted.

3. Chapter 2 of county-wide plan; Agricultural, Natural and Cultural Resources Objective No. 5, Soils Standards No. 1 and 2; refers to the "detailed operational soil survey". The Village policy recommends that a detailed and site specific soils analysis be completed prior to new construction on any property.

County Plan: The phrase "*detailed operational soil survey*" to be deleted.

Village Replacement: The phrase "*detailed and site specific soils analysis be completed prior to new construction on any property*" to be inserted.

4. Chapter 2 of the county-wide plan; Land Use Development Objective No. 3, Standard 4; states "Transportation terminal facilities, such as off-street parking, off-street truck loading, and public transit stops, should be located in proximity to the principal land uses to which they are accessory." Village policy requires off-street parking and off-street loading to be located on-site.

County Plan: The phrases "*and public transit stops*" and "*in proximity*" to be deleted.

Village Replacement: The phrase "*on-site*" to replace "*in proximity*".

5. Chapter 2 of the county-wide plan; Land Use Development Objective No. 7; states "Land developed or planned to be developed for urban high, medium- density residential and commercial use should be located in areas serviceable by existing or planned public transit facilities." Currently there is not a public transit system within the Village nor is there sufficient demand or funding to support a public transit system. If a public transit system becomes a feasible mode of transportation within the Village and region, the Village will support the introduction of public transit for residents.

Village Replacement: The phrase "*if such a system becomes available*" to be inserted after "public transit facilities"

6. Chapter 3 of the county-wide plan; Implementation Recommendations No. 6; states:

To protect and encourage the preservation of high quality agricultural tillable lands, (U.S.D.A. Class I and II soils) contained in the Prime Agricultural and Rural Density and Other Agricultural Land plan categories, discourage residential development on agriculturally productive and environmentally sensitive areas, provide for some marketability of such lands and encourage more economical use of lands suited to limited and controlled residential development by permitting more intensive use of such lands without changing overall rural character, it is recommended land use tools such as residential density transfer opportunities be provided. Within land use regulatory codes, these opportunities, with the following components, should be provided:

- a. Through development design techniques, including but not limited to Planned Unit Developments and conservation design developments, high quality agricultural tillable lands can be preserved.
- b. The density transfer technique would permit variable lot sizes in the utilization of the most desirable terrain for housing sites while encouraging preservation of high quality agricultural tillable lands worthy of such preservation.
- c. To transfer residential density opportunities to promote the preservation of the rural character of the County by encouraging farm fields, pastures, orchards, and natural open spaces to be retained either as common open spaces, or as part of a farm operation. The transfer of residential development rights from one area of a parcel to another, from one tract of land to another, and from the

Prime Agricultural and Rural Density and Other Agricultural Land plan categories thereby is recommended allowing the increase in density of development on suitable lands for development in exchange for establishing the preservation of more desirable agriculturally productive lands.

- d. In order to preserve the rural character as well as the efficiency and safety of existing road systems, the inappropriate development of lots strung out along such roads with individual driveway accesses from each lot should be minimized. The goal of this objective is to encourage grouping of lots on an interior street, which will then access the existing road system.
- e. Any land claimed in addition to the actual described residential lots, for credit toward meeting the density factor requirement, would have its status established, and guaranteed, either by dedication to the public, or by appropriate covenants running with the lands, through the conveyance of agricultural easements. Such covenants and easements would be recorded in the office of the Register of Deeds and would restrict the property against any development or use except as is consistent with its preservation as high quality agricultural tillable land or as a form of common open space unless the zoning of the property is changed in accordance with an update to the Comprehensive Development Plan for Waukesha County. The preserved land status of any parcel would be indicated on official zoning maps.

County Plan: Subsections a, b, c, d, and e to be deleted.

Village Replacement: The paragraph *"The Village supports productive agricultural uses and has agreed to Boundary Agreements with the Town of Ottawa to limit future urban development. The Village also utilizes planned unit developments to allow for limited residential density transfer opportunities; however, the size of the Village precludes more expansive residential transfer opportunities"* to be inserted.

7. Chapter 4 of the county-wide plan; Implementation Recommendation No. 8; states "In 2000, the Waukesha County Land Development Workgroup, consisting of many of the municipalities in the County, addressed several issues created by current land division and development processes. The goal was to create a consistent definition for land development projects to be considered subdivisions as well as a uniform checklist for the review of subdivisions. Municipalities in the County should continue to consistently use and cooperatively amend the review checklist as necessary."

County Plan: The last sentence *"Municipalities in the County should continue to consistently use and cooperatively amend the review checklist as necessary."* to be deleted.

Village Replacement: The sentences *"The Village will consider creating review checklists to allow for consistent reviews and will include the applicable sections from the checklist created by the Waukesha County Land Development Workgroup."* to be inserted.

8. Chapter 5 of the county-wide plan; Housing Affordability and Housing Costs Standard No. 3; states "Communities within the County should consider and explore the creation of incentives for the development of affordable housing units. Options to consider include density bonuses and waiver of fees."

Village Replacement: The sentence "*The Village supports affordable housing within the Village and currently does not charge fees for development applications.*" to be inserted.

9. Chapter 5 of the county-wide plan; Housing Affordability and Housing Costs Standard No. 8; states "Study the potential to integrate other types of specialty housing, where applicable, such as "cooperative housing" (sometimes called "coop-housing or co-habiting housing"),⁵ "cohousing"⁶ and university or campus-related housing for seniors,⁷ which may also socially support and help seniors and/or persons with disabilities be self-sufficient." pertaining to senior housing in the form of cooperative housing, cohousing, or campus-related housing.

Village Replacement: The sentence "*An existing senior housing complex is located within the Village that offers varying levels of support for persons with disabilities. The Village would support future senior housing, but does not wish to specifically identify a particular form of future senior housing development.*" to be inserted.

10. Chapter 5 of the county-wide plan; Housing Affordability and Housing Costs Standard No. 9; states "Support the inclusion of accessory units and "live-work-units"⁸ (sometimes called "flex units"), where suitable, to help provide affordable housing as well as affordable office or work space for entrepreneurs (i.e. small businesses and home-based businesses)."

Village Replacement: The sentence "*The Village supports home occupations and has policies to allow for such uses; however, the Village policies supports standards for home occupations to protect the neighborhood environment of the Village.*" to be inserted.

11. Chapter 7 of the county-wide plan; Land Use Element; and specifically Table VII-2 lists the Village boundary agreement with the Town of Ottawa. The State of Wisconsin Department of Administration requested additional information regarding intergovernmental cooperation activities.

Village Additional Language: The Village's boundary agreement with the Town of Ottawa set provisions for a specific ultimate boundary between the jurisdictions, set criteria for property attachments, set the criteria and cooperation between the Village and the Town of the Village providing public sanitary sewer to Town properties when requested by the Town, and set a joint committee structure for meeting and resolving potential conflicts. Furthermore, the Village and the Town have cooperated toward the Southeastern Wisconsin Regional Planning Commission approval of an amended Section 208 Plan (Sanitary Sewer Service Area) that facilitates that

providing of Village sanitary sewer to specific areas of the Town, and the Village and Town have been long time partners, with parts of the Town of Summit, with the Dousman Fire District.

The Village and the Town of Summit are nearing completion of a boundary agreement with similar provisions to the agreement with the Town of Ottawa that fosters cooperation. After endorsement of the agreement with the Town of Summit, the Village will take steps to amend this Comprehensive Plan within the text and mapping of the Land Use Plan referenced in Exhibit B to reflect the agreement provisions and amended planning area. Completion of the agreement with the Town of Summit will complete agreements with all surrounding municipalities.

Each element within this Comprehensive Plan presents goals, objectives, policies and programs that reflect the Village's intent to strongly support opportunities for cooperation with other jurisdictions, and the Village will continue to seek avenues for expanding cooperation opportunities. At the present time, the Village does not have a conflict with any other jurisdiction to which the Village has contact or communications. If any contact arises in the future, the Village fully intends to resolve the conflict quickly, and if needed, will utilize all potential assistance to resolve such conflict, with a strong reliance on the goals, objectives, policies and programs of this plan.

12. Chapter 4, Community Facilities and Utilities Element indicates the Village is served by the Kettle Moraine School District, along with other private schools and institutions. As indicated in the goals, objective, policies and programs indicated throughout this Comprehensive Plan, the Village will continue support of the goals and missions of other jurisdictions and agencies that provide services to Village residents and businesses.