

ENROLLED ORDINANCE NO. 4-09

**ORDINANCE TO ADOPT A COMPREHENSIVE DEVELOPMENT PLAN FOR THE
TOWN OF OTTAWA – 2035 PURSUANT TO SECTION 66.1001 OF THE WISCONSIN
STATUTES**

WHEREAS the Town of Ottawa has adopted Village powers, including City planning powers as set forth in Section 62.23, Wis. Stats., and

WHEREAS the Town of Ottawa has, by ordinance, established a Plan Commission for the Town of Ottawa empowered to make and adopt a Comprehensive Plan (master plan) for the physical development of the Town pursuant to Section 62.23 (1), (2), and (3), and Section 66.1001 Wis. Stats., and

WHEREAS Section 62.23 (2) and (3) of the Wis. Stats., 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, appendices, tables, figures, exhibits, 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 Wis. Stats., 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 State Legislature enacted Section 66.1001, Wis. Stats., also known as the Comprehensive Planning (Smart Growth) Law, which requires that Comprehensive Plans (master plans) be completed and adopted by local governing bodies by January 1, 2010 in order for counties, cities, villages or towns to enforce land use regulatory ordinances such as zoning, subdivision, or official mapping ordinances, and

WHEREAS Section 66.1001(2), Wis. Stats., sets forth specific requirements affecting the contents and procedures for adoption of a Comprehensive Plan (master plan) under Section 62.23 (2) or (3) of the Wis. Stats., and

WHEREAS as of January 1, 2010, Sections 62.23(3)(b) and 66.1001(3) of the Wis. Stats., require towns engaging in any of the following actions to take such actions in accordance with their adopted Comprehensive Plan (master plan):

- Official mapping established or amended under Section 62.23(6) of the Wis. Stats.;
- Local subdivision regulation under Section 236.45 or 236.46 of the Wis. Stats.;
- Zoning Ordinances enacted or amended under Section 59.69, 60.61, 60.62 or 62.23(7) of the Wis. Stats.; and/or
- Zoning of shorelands or wetlands in shorelands under Section 59.692, 61.351 or 62.231 of the Wis. Stats., and

WHEREAS the Town of Ottawa intends to continue to engage in the foregoing activities and, therefore, desires to have a comprehensive plan (master plan) that fully complies with Section 62.23 and 66.1001 of the Wis. Stats., and

WHEREAS the Plan Commission has developed a comprehensive plan (master plan) for the Town of Ottawa, that is based upon the Comprehensive Development Plan for Waukesha County – 2035, and which is attached hereto and incorporated by reference as Exhibit A and all of the attachments thereto (A Comprehensive Development Plan for the Town of Ottawa – 2035), and the Plan Commission has considered the objectives, standards and principles of the Comprehensive Development Plan for the Town of Ottawa – 2035 in conjunction with the local objectives and standards to guide growth and development, and

WHEREAS the Town of Ottawa has, for the past five (5) years, actively participated in a joint Comprehensive Development Plan update process endorsed by the State of Wisconsin Department of Administration to analyze and consider amendments to the original 1996 Waukesha County Development Plan through cooperative agreements signed by 28 municipalities in Waukesha County, including the Town of Ottawa, to formulate a new county-wide Comprehensive Development Plan for Waukesha County, entitled A Comprehensive Development Plan for Waukesha County – 2035, to be compliant with the aforementioned Smart Growth Law of 1999, and

WHEREAS a Comprehensive Advisory Committee was established, consisting of one designee from each of the 28 participating communities, as well as a member of the Waukesha County Park and Planning Commission and a member of the Southeastern Wisconsin Regional Planning Commission, along with a series of subcommittees with expanded membership focusing on Plan topic areas (elements), and

WHEREAS, the joint planning effort utilized the professional planning resources of Southeastern Wisconsin Regional Planning Commission, the University of Wisconsin-Extension and the Waukesha County Department of Parks and Land Use; and

WHEREAS Section 66.1001 requires that the governing body of a local governmental unit adopt written procedures that are designed to foster public participation during the preparation of a comprehensive plan, including open discussion, communication programs, information services, distribution of the plan, and public meetings for which advance notice has been provided, and which provided an opportunity for written comments to be received from the public and for responses to be made to such comments, and

WHEREAS on July 11, 2005, the Town of Ottawa Plan Commission adopted a Public Participation Plan by Resolution, and

WHEREAS, a citizen survey was conducted by UW-River Falls, with the results made part of the Plan; and

WHEREAS A Comprehensive Development Plan for Waukesha County – 2035 has been completed and was adopted by the Waukesha County Board of Supervisors on February 24, 2009, and is the plan upon which the Town of Ottawa's plan is based, the Town Plan Commission has determined that the Comprehensive Development Plan for the Town of Ottawa

– 2035 attached hereto and incorporated herein by reference as Exhibit A and all of the attachments thereto, complies with all nine elements of said Smart Growth Law, and Sections 62.23 and 66.1001 of the Wis. Stats., and

WHEREAS the Town Clerk provided copies of the draft plan to the governmental bodies located in whole or in part within the boundaries of the Town of Ottawa, Waukesha County, the Department of Administration, the Southeastern Wisconsin Regional Planning Commission, the adjoining municipalities, public libraries serving the town, and other entities as required by state law, and which are also available to the public electronically on the Waukesha County website at www.waukeshacounty.gov and the Town of Ottawa website at www.townofottawa.com, and

WHEREAS the Town of Ottawa Plan Commission, on March 2, 2009, recommended to the Town Board the adoption of the draft plan by a Resolution passed by a majority vote of the entire Plan Commission, whose vote is recorded in the official minutes of the Plan Commission, and

WHEREAS the Town Board of the Town of Ottawa conducted a public hearing regarding the recommended comprehensive development plan on April 13, 2009, upon due notice in compliance with the requirements of Section 66.001 of the Wis. Stats., and

WHEREAS the Town Board has reviewed the recommended plan, and

WHEREAS the Town Board of the Town of Ottawa, having carefully reviewed the recommendation of the Plan Commission for the Town of Ottawa, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, including consideration of the plan components relating to issues and opportunities, housing, transportation, utilities and communication facilities, agricultural, natural and cultural resources, economic development, intergovernmental cooperation, land use, and implementation, had determined that the comprehensive plan adopted on April 27, 2009, will serve the general purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town of Ottawa which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development.

NOW, THEREFORE, the Town Board of the Town of Ottawa, Waukesha County, Wisconsin, ORDAINS AS FOLLOWS:

SECTION 1. PLAN ADOPTION

The plan entitled “A Comprehensive Development Plan for the Town of Ottawa – 2035”, and all attachments thereto, as attached to this Ordinance is hereby adopted.

SECTION 2. DISTRIBUTION OF THE ADOPTED PLAN

The Town Clerk shall forward a copy of the adopted comprehensive development plan to all of the following entities:

- a. Every Governmental body that is located in whole or in part within the boundaries of the Town of Ottawa;
- b. The Clerk of every local government unit that is adjacent to the Town of Ottawa;
- c. The Wisconsin Land Council;
- d. The State of Wisconsin Department of Administration;

- e. The Southeastern Wisconsin Regional Planning Commission; and
- f. The public libraries that serve the Town of Mukwonago.

SECTION 3. REPEAL OF MASTER LAND USE PLAN

The plan entitled "Town of Ottawa Master Land Use Plan" with a date of 1994, 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 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 only 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 to those terms that conflict.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Adopted this 27th day of April, 2009, by a majority vote of the members-elect of the Town of Ottawa Town Board.

TOWN OF OTTAWA


RICHARD ARROWOOD, Town Chairman

ATTEST:


MELISSA KLEIN, Town Clerk

Published and posted this 28th day of April, 2009.

***A COMPREHENSIVE
DEVELOPMENT PLAN
FOR THE TOWN OF OTTAWA - 2035***

***WAUKESHA COUNTY
WISCONSIN***

Prepared by the
Waukesha County Department of Parks and Land Use
Waukesha County University of Wisconsin-Extension
Waukesha County Municipalities

Adopted by the Town of Ottawa Board of Supervisors on _____, 2009

TOWN OF OTTAWA

Smart Growth Public Participation Plan Element

SENT VIA
EMAIL

Background and Requirements

The Town has agreed to work towards compliance with Wisconsin's Smart Growth planning statutes. The Town is also coordinating its planning efforts with the County Comprehensive Development Plan Advisory Committee. Wisconsin's new Smart Growth and Comprehensive Planning law (Wisconsin Statutes, Section 66.1001(4)(a)) requires public participation throughout the comprehensive planning process. The statutes require each community preparing a plan to start the process by developing a "Public Participation Plan" in order to identify how the public will be notified and kept involved throughout the planning process. More specifically, the governing body is required to adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan. The written procedures are required to provide for wide distribution of proposed, alternative, or amended elements of a comprehensive plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments. The written procedures must describe the methods the governing body of a local governmental unit will use to distribute proposed, alternative, or amended elements of a comprehensive plan to owners of property, or to persons who have a leasehold interest in property pursuant to which the persons may extract non-metallic mineral resources in or on property, in which the allowable use or intensity of use of the property is changed by the comprehensive plan. To satisfy this statutory requirement, Waukesha County will provide updates on the planning process to the Waukesha County Mineral Extraction Advisory Committee and the Waukesha County Aggregate Producers. In addition, the Agriculture, Cultural and Natural Resources Subcommittee of the Comprehensive Development Plan Advisory Committee will include representation of the aggregate industry and will involve the industry in mapping locations of existing and planned non-mineral extractions.

Introduction

Public participation is an important part of the comprehensive planning process. For a plan to develop, decision makers need to hear ideas, thoughts, and opinions from their citizens and stakeholders. The purpose of this public participation plan is to give citizens the opportunity to participate and learn about their community.

The development of a quality comprehensive "smart growth" plan includes interaction and involvement from the citizens of the community. Good planning involves good public participation. Besides involving the public in meetings, the Town of Ottawa will provide updates to their website informing residents of past and future meetings.

The Town of Ottawa intends to be responsive with the state mandate to include public participation throughout the planning process. The Town will use this document as a guide to involve their citizenry. Citizens will have the opportunity to provide input as plan development occurs.

The Town of Ottawa Citizen Advisory Committee will take the lead in the preparation of the Comprehensive Plan, and the Town Plan Commission, chaired by the Town Chairman, will ultimately review, amend as needed, and approve of the plan. Since public participation is

- Plan Commission Meetings. In order to provide reasonable opportunity for public participation, yet limit the number of meetings, public participation will also be welcomed at all regularly scheduled Plan Commission meetings, where appropriately agendized and deemed appropriate by the Town Chairman. Plan Commission meetings are generally scheduled on the first Monday of each month.
- News Releases and/or Articles. News releases and/or articles will be used as an effective means to keep the general public and local newspapers informed of the Town of Ottawa's planning efforts, on an as needed basis. Updates and future steps of the planning process will be outlined as well as other newsworthy information and/or activities.
- Citizen Survey. A citizen survey is an effective tool to provide local residents an opportunity to present their views, ideas, opinions, concerns, and interests to the persons working on the plan. There are several means of providing citizens the opportunity to participate in the survey process. The two most common are either through an electronic survey or through a mailer. If the Town of Ottawa undertakes a survey, the results of the survey would be shared with local residents through meetings and/or the local newspaper.
- Public Informational Meeting and Public Hearing. At the end of the planning process a public informational meeting will be held to allow the general public to view the plan, ask questions, and provide comments and/or concerns. It is the goal of the public participation plan that the majority of public input into the plan will have been provided **early** in the process utilizing the four (4) methods outlined above. The informational meeting will commence with a presentation by the Town briefly summarizing the planning process. Subsequent to the public informational meeting, a public hearing will be conducted as required by Chapter 66.1001 of the Wisconsin Statutes. The public will have an opportunity to once again ask questions and provide comment on the plan. All verbal and written comments will be taken at this time and they will become part of the official record of the public hearing. The deadline for all written comments will be one week after the public hearing. A draft of the comprehensive plan will be available for review at the Ottawa Town Hall at least 30 days prior to the public informational meeting and the public hearing.

Comprehensive Development Plan for Waukesha County Advisory Committee and Subcommittees

As referenced above, a countywide Comprehensive Development Plan Advisory Committee has been established to help guide the planning process for the Smart Growth revisions to the Waukesha County Development Plan. The Committee is made up of representatives from all participating municipalities, including the Town of Ottawa. These members also have diverse interests and different occupational backgrounds. They are responsible for providing leadership and guidance during the County's Comprehensive Development Plan process and for keeping people informed in the community they represent.

Further, prior to commencing work on an individual comprehensive plan element, a subcommittee of the Comprehensive Development Plan Advisory Committee will be created to guide the gathering of information concerning that particular planning element. The subcommittees will contain membership of citizens, local officials, business representatives and local organizations with interest in the particular planning element.

EXHIBIT C

Town of Ottawa Comprehensive Development Plan amendment procedures

Application Procedures

Applicants shall complete and submit to the Town Planner (one copy of the packet) and the Town Clerk (multiple copies as required) the following information:

- (1) The Professional Services Reimbursement Form.
- (2) A scaled map of the property delineating the proposed amendment, if the request is for a map amendment.
- (3) The land use plan amendment request, in writing, including reasons justifying approval of the proposed amendment.
- (4) A fee as established by the Town Board and that may be amended from time to time.
- (5) The required number of copies of the information – contact the Town Clerk for the number of copies required.

The application packet will not be accepted or be considered complete until and unless all of the above items are submitted.

NOTE: Requests that must also be submitted to the County by January 15th of the following year are accepted by the Town through the Friday following the first Monday of August of the current calendar year. The reason for this deadline is that a 30 day hearing notice must be prepared which would mean a publication date in September for a hearing to be held in October. Any requests that must also be heard by the County that are submitted after the Town's August deadline will be held over until the following years' amendment cycle. Rare and extreme circumstances may require an amendment request to be heard out of cycle. In that rare event, and if the calendar allows, out of cycle approval must first be granted by the Town Board and only then with substantial justification from the applicant. These deadlines provide a three month window before the County's January 15th application deadline for unforeseen circumstances to occur such as a cancelled meeting, tabling of an item for additional information, and other unforeseen circumstances.

NOTE (2017): PRIOR TO NOTICING A PUBLIC HEARING, ATTY MACY BELIEVES THE PLAN COMMISSION MUST ADOPT A RESOLUTION REGARDING THE REQUEST. THIS WAS NOT PART OF THESE ADOPTED PROCEDURES, BUT ATTY MACY FEELS THIS STEP SHOULD BE TAKEN NONETHELESS. FOLLOWING THE ADOPTION OF THE RESOLUTION, THE MATTER MAY BE NOTICED.

Administrative Procedures

Following the submittal or the deadline noted above, a 30 day (joint) hearing notice is prepared for publication in accordance with Section 66.1001(4)(d) and (e) Wis. Stats., the amendment request is sent to all those required in Section 66.1001(4)(b) Wis. Stats., the Town Planner prepares a file for each amendment request, the Town Clerk places the item on the Plan Commission/Town Board agendas, and a planner report and recommendation is prepared for the public hearing packets.

Public Hearing

Although not required to be joint, the public hearing should be a joint public hearing with the Plan Commission and Town Board, as the Plan Commission generally makes a recommendation to the Town Board.

Plan Commission Action

The Plan Commission may recommend the amendment only by a resolution for each request. The resolution should include any conditions of approval or reasons for denial. The recommendation may be made at the public hearing or at a regularly scheduled Plan Commission meeting. Minutes are prepared.

Town Board Action

The Town Board adopts an ordinance for each amendment request. The ordinance should include any conditions of approval or reasons for denial. This may be done at the public hearing or at a regularly scheduled Town Board meeting. The ordinance shall be forwarded to all those required in Section 66.1001(4)(b) Wis. Stats. Minutes are prepared.

Follow up

When necessary, a copy of the ordinance and the approved minutes regarding each request shall be forwarded with a cover letter to the County prior to January 15th, so the County is aware of the Town's decisions when they begin their amendment process at the beginning of the calendar year. It is the applicant's responsibility to apply for a County Comprehensive Development Plan Amendment, when required, and in accordance with the County's Comprehensive Development Plan amendment procedures.