

SEWRPC Community Assistance Planning Report No. 295
A COMPREHENSIVE PLAN FOR THE TOWN OF POLK: 2035

Chapter I

INTRODUCTION AND BACKGROUND

INTRODUCTION

In 1999 the Wisconsin Legislature enacted a comprehensive planning law, set forth in Section 66.1001 of the *Wisconsin Statutes*. The requirements supplement earlier provisions in the *Statutes* for the preparation of county development plans (Section 59.69(3) of the *Statutes*) and local master plans (Section 62.23 of the *Statutes*). The requirements, which are often referred to as the “Smart Growth” law, provide a new framework for the development, adoption, and implementation of comprehensive plans in Wisconsin. The law includes a “consistency” requirement, whereby zoning, subdivision, and official mapping ordinances adopted and enforced by towns, villages, and cities must be consistent with the comprehensive plan adopted by the town board, village board, or common council, respectively. Zoning and subdivision ordinances adopted and enforced by a county, including shoreland zoning ordinances, must be consistent with the comprehensive plan adopted by the county board. The consistency requirement will take effect on January 1, 2010.

To address the State comprehensive planning requirements, a multi-jurisdictional comprehensive planning process was undertaken by Washington County; 11 local government partners, including the Town of Polk; UW-Extension; and the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The 11 local government partners are shown on Map I-1.

As a result of the multi-jurisdictional process, comprehensive plans that satisfy the planning requirements set forth in Section 66.1001 of the *Statutes* have been developed for the County and each local government partner. The comprehensive plan for the Town of Polk is documented in this report.

Although not all local governments partnered with Washington County to prepare a comprehensive plan, several local governments agreed to participate in the planning process by attending a series of regular intergovernmental meetings to discuss countywide issues of mutual concern. In addition, the Villages of Germantown, Newburg, and Slinger and the Town of Richfield acknowledged, through adoption of a resolution, that it is in their best interest to participate in the intergovernmental meetings for the general purpose of accomplishing coordinated, adjusted, and harmonious development within Washington County. The Village of Jackson and Town of Jackson also agreed to participate in intergovernmental meetings. The Village of Newburg, which is located partially in Ozaukee County, partnered with Ozaukee County in applying for a grant to prepare its local comprehensive plan, but also participated in the development of the Washington County plan by serving on the plan Advisory Committee. Local governments that are not full partners, but who have agreed to cooperate in the planning process, are designated as “supporting local governments” on Map I-1.

MULTI-JURISDICTIONAL PARTNERSHIP

A community workshop was sponsored by the Washington County Planning, Conservation, and Parks Committee on October 15, 2003, to discuss comprehensive planning efforts at the regional, county, and local levels. The concept of preparing a multi-jurisdictional comprehensive plan as a cooperative effort among all interested local governments, Washington County, and SEWRPC was discussed at that meeting as a way to meet the State comprehensive planning requirements in an efficient and cost-effective manner. Local governments interested in working with the County and SEWRPC were asked to notify the County by the end of 2003. Three villages and ten towns, including the Town of Polk, indicated a willingness to cooperate with Washington County in preparing a multi-jurisdictional comprehensive plan.

A comprehensive planning workgroup made up of local government representatives, County officials, and County, UW-Extension, and SEWRPC staff was formed to establish a framework for preparation of the multi-jurisdictional comprehensive plan. Through a series of nine monthly meetings held between February and October 2004, the workgroup developed a work program, public participation plan, and an application for a comprehensive planning grant. The workgroup also developed a conflict resolution process for resolving disputes pertaining to the relationship between local plans and the County plan, including future plan amendments, which was approved by the County Board.

In the fall of 2004, the Washington County Board, the Kewaskum Village Board, and the Town Boards of the Towns of Addison, Barton, Erin, Farmington, Germantown, Hartford, Kewaskum, Polk, Trenton, and Wayne each adopted a resolution agreeing to participate in a multi-jurisdictional planning process and agreeing to submit an application to the Wisconsin Department of Administration (DOA) for a comprehensive planning grant to help fund preparation of the plan. A copy of the Town of Polk resolution is included in Appendix A.

A grant was awarded in March 2005, and a grant agreement between Washington County and the DOA was signed on June 7, 2005. Prior to accepting the grant, Washington County and SEWRPC signed a three-party Cooperative Agreement with the Town of Polk and with each of the other 10 local government partners. Each Agreement is a formal commitment among the local government, Washington County, and SEWRPC to participate in a coordinated, multi-jurisdictional comprehensive planning effort. The Town of Polk agreement is available for review at the Town Hall or at the Washington County Planning and Parks Department office.

STATUTORY REQUIREMENTS

Requirements for the development and adoption of a comprehensive plan under the *Wisconsin Statutes* are summarized in this section. All of the requirements were met as part of the Town comprehensive planning process.

Nine Elements of the Comprehensive Plan

This plan contains the following nine elements, which are required by Section 66.1001(2) of the *Statutes*:

1. Issues and opportunities element
2. Land use element
3. Housing element
4. Transportation element
5. Utilities and community facilities element
6. Agricultural, natural, and cultural resources element
7. Economic development element
8. Intergovernmental cooperation element
9. Implementation element

Comprehensive Plan and Ordinance Consistency

Following adoption of this plan by the Town Board, the Town will amend its zoning, subdivision, and official mapping ordinances, as may be necessary, to bring those ordinances into compliance with the comprehensive plan. Under Section 66.1001(3), zoning, subdivision, and official mapping ordinances adopted or enforced by the Town of Polk

must be consistent with the comprehensive plan adopted by the Town Board beginning on January 1, 2010. Recommended changes to the Town zoning and subdivision ordinances are summarized in Chapter XII.

Fourteen State of Wisconsin Comprehensive Planning Goals

The nine plan elements documented in this plan address the 14 planning goals set forth in Section 16.965(4)(b) of the *Wisconsin Statutes*. The 14 planning goals are:

1. Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial, and industrial structures.
2. Encouragement of neighborhood designs that support a range of transportation choices.
3. Protection of natural areas; including wetlands, wildlife habitats, lakes, woodlands, open spaces, and groundwater resources.
4. Protection of economically productive areas, including farmland and forests.
5. Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state government, and utility costs.
6. Preservation of cultural, historic, and archaeological sites.
7. Encouragement of coordination and cooperation among nearby units of government.
8. Building of community identity by revitalizing main streets and enforcing design standards.
9. Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.
10. Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial, and industrial uses.
11. Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional, and local level.
12. Balancing individual property rights with community interests and goals.
13. Planning and development of land uses that create or preserve varied and unique urban and rural communities.
14. Providing an integrated, efficient and economical transportation system that affords mobility, convenience, and safety and that meets the needs of all citizens, including transit-dependant and disabled citizens.

Public Participation Plan

Section 66.1001(4) of the *Statutes* requires that the Town Board 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.” Proposed plan elements must be widely distributed, and opportunities must be provided for written comments to be submitted by the public to the governing body. A procedure for the governing body to respond to those comments must also be identified.

The multi-jurisdictional comprehensive planning workgroup, with assistance from County and UW-Extension staff, developed a recommended public participation plan for the multi-jurisdictional plan and each local government plan. The public participation plan was adopted by resolution of the Polk Town Board on October 12, 2004. A copy of the resolution is included in Appendix B. The public participation plan is available for review at the Polk Town Hall, at the Washington County Planning and Parks Department or Washington County UW-Extension offices, and on the comprehensive planning website (www.co.washington.wi.us/smartgrowth).

Plan Review and Adoption

Section 62.23 (the local master planning *Statute*) and Section 66.1001 (the comprehensive planning *Statute*) require that the Town Plan Commission recommend to the Town Board a comprehensive plan or plan amendment prior to Town Board adoption of a plan or plan amendment. The plan commission recommendation must be in the form of a resolution adopted by a majority vote of the entire membership of the commission. The *Statutes* further require that the Town must adopt Village powers in order to establish a Plan Commission if the Town has not previously undertaken one or both of these actions. The Town of Polk adopted Village powers on April 17, 1970. A Town Plan Commission has been established.

Section 66.1001(4) of the *Statutes* requires that a comprehensive plan or plan amendment be adopted by an ordinance enacted by a majority vote of the full membership of the Town Board. The law further requires that all nine elements be adopted simultaneously, and that at least one public hearing be held prior to adopting the plan. The *Statutes* require that an adopted comprehensive plan, or an amendment to a plan, be sent to all governmental units within and adjacent to the Town; Washington County; the DOA; the regional planning commission (SEWRPC); and the public libraries serving the Town (the Slinger Public Library and the West Bend Community Memorial Library).

RELATIONSHIP BETWEEN COUNTY AND LOCAL COMPREHENSIVE PLANS

A great deal of discussion took place during the comprehensive planning workgroup meetings in 2004 to determine how the plans developed by cities, villages, and towns would relate to the Washington County comprehensive plan. Sections 59.69(3) and 62.23(2) of the *Wisconsin Statutes* explicitly require the County to “incorporate” into the County plan those comprehensive plans and official maps that have been adopted by a city or village. The DOA has stated at comprehensive planning workshops that county plans need only incorporate city and village plans for the area within city and village limits.¹ Although State law does not require Town comprehensive plans and official maps to be incorporated into the County plan, Washington County incorporated adopted Town plans and maps into the County plan provided the land use element of the town comprehensive plan was in substantial agreement with the objectives, principles, and standards set forth in Chapter IV of the Regional Land Use Plan for Southeastern Wisconsin: 2020, as determined by the Washington County Planning, Conservation and Parks Committee. The Town of Polk land use plan was found to be in substantial agreement with the regional land use plan, and was incorporated into the Washington County Multi-Jurisdictional Comprehensive Plan. The County comprehensive plan was adopted by the Washington County Board on April 15, 2008. Further information is included in the Intergovernmental Cooperation Element Chapter (Chapter XI).

While all local comprehensive plans—cities, villages, and towns—were “incorporated” into the Washington County plan document to the extent practicable, it is recognized that Washington County may choose to disagree with one or more proposals included in a city, village, or town plan, with such disagreements relating to, for example, State mandated shoreland zoning requirements. Every effort was made to discuss and resolve issues between Washington County and the cities, villages, and towns in the County. Where conflicts could not be resolved, they were documented in the intergovernmental cooperation element of the County plan report. Washington County explicitly recognizes that cities, villages, and towns may choose to disagree with a position that the County may take. The County respects the rights of cities, villages, and towns to adopt plans that may differ from the County plan.

COMMITTEE STRUCTURE

The Town Plan Commission had the primary responsibility for reviewing this Town comprehensive plan and those aspects of the multi-jurisdictional plan that relate to the Town. Oversight was provided by the Town Board. The members of the Town Plan Commission and Town Board are listed on the inside front cover of this report.

A draft of the Town comprehensive plan was prepared for review under the guidance of the Town Plan Commission. The Town Board reviewed the draft plan and the recommendations of the Town Plan Commission. Following revisions made by the Town Board, the plan was adopted by an ordinance of the Town Board in accordance with the requirements of Section 66.1001(4) of the *Wisconsin Statutes*.

The Town also participated in the development of the multi-jurisdictional comprehensive plan for Washington County by providing comments on draft plan chapters and other materials and by serving on the advisory committee and three

¹As of 2008, the State had not provided any written guidance on whether city and village plans for extraterritorial areas are required to be incorporated into a county comprehensive plan. However, the Washington County Attorney determined that the County’s Planning and Parks Department qualifies as a “regional planning department” under Section 62.23(2) of the *Wisconsin Statutes*. As such, a city or village master plan cannot include unincorporated parts of the county, including extraterritorial areas, unless the County Board has given permission.

element workgroups established to develop the County plan. Town representatives on the County advisory committee and workgroups are also listed on the inside front cover of this report.

THE PLANNING AREA

The planning area is composed of the Town of Polk, which in 2007 encompassed a total of 20,143 acres, or about 31 square miles. The Town is located in the south central portion of Washington County. It is bordered by the Towns of Addison and West Bend on the north, by the Town of Jackson and the Village of Jackson on the east, by the Village of Richfield on the south, and by the Town of Hartford, the City of Hartford, and the Village of Slinger on the west, all located in Washington County.

REPORT FORMAT

This planning report consists of 13 chapters. Following this introductory chapter, Chapters II and III present inventory data about Existing Plans and Ordinances: 2007 (II) and Population, Household, and Employment Trends and Projections (III). Chapters IV through XII constitute the town comprehensive plan. Plan element chapters include: Issues and Opportunities (IV); Agricultural, Natural, and Cultural Resources (V); Land Use (VI); Housing (VII), Transportation (VIII); Utilities and Community Facilities (IX); Economic Development (X); Intergovernmental Cooperation (XI); and Implementation (XII). A summary of the plan is provided in Chapter XIII.

BENEFITS OF COMPREHENSIVE PLANNING

In addition to the need to address State planning requirements, there are general positive results of thoughtful comprehensive planning from which the Town of Polk and other participants in the planning process may benefit, including the following:

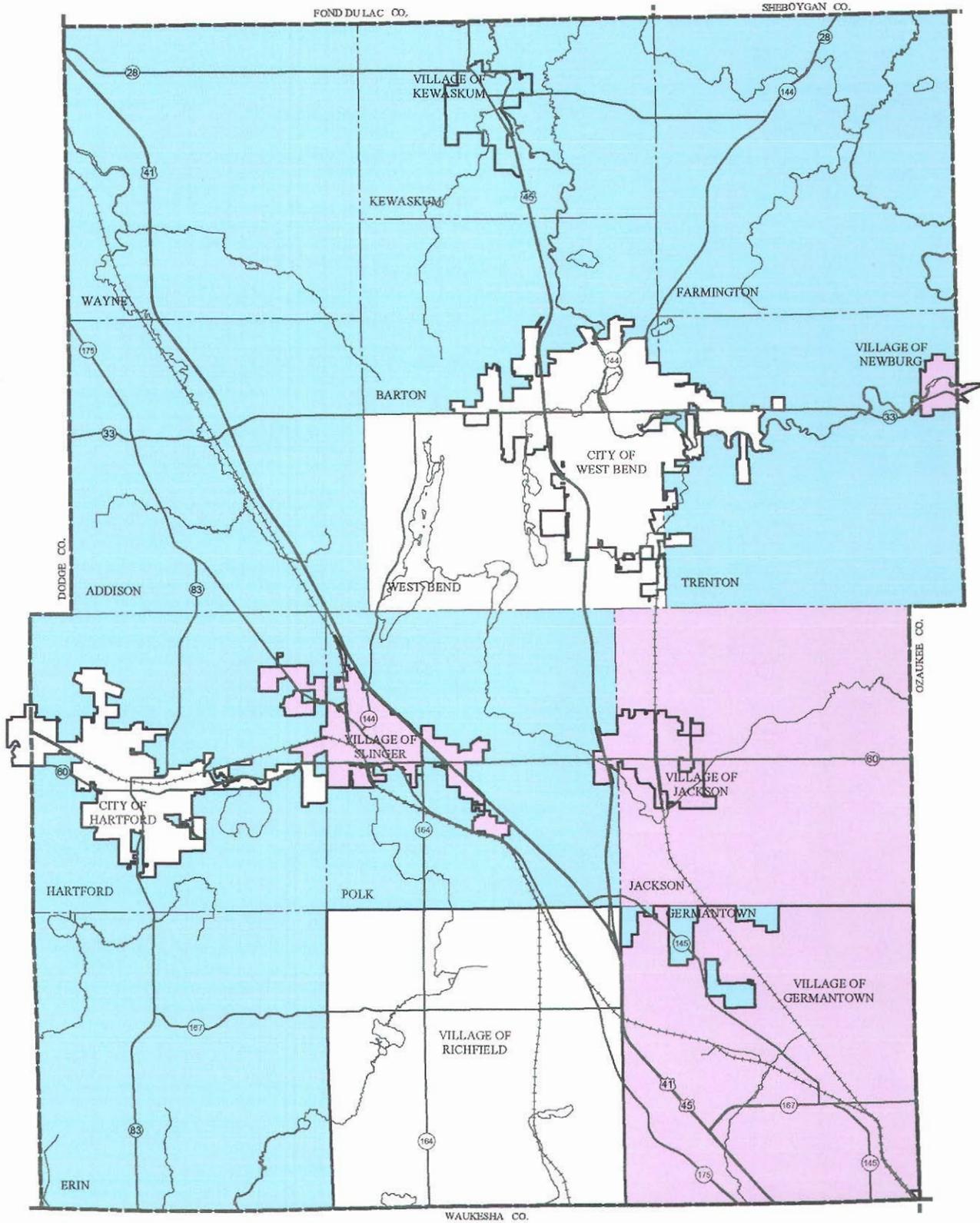
- ***Planning Helps Define the Future Character of a Community***
The physical design, setting, and arrangement of land uses can make it possible for people to carry out their daily lives and activities in an attractive and safe community environment. Land use planning and design can foster a distinctive sense of place. Planning allows a community to identify, preserve, and build upon the defining features of the community.
- ***Planning Helps Protect Natural and Cultural Resources***
Planning can help protect environmental features like wetlands, woodlands, and stream corridors which provide important public benefits, such as stormwater storage and groundwater recharge areas and recreational opportunities. Such resources would be difficult and expensive to replace if lost or damaged. Planning can also help identify and preserve prime agricultural soils, non-metallic mining resources, and historic, archaeological, and other important cultural structures and sites.
- ***Planning Can Provide a Rational Basis for Local Decisions***
Plans provide a factual and objective guide that can be used by public officials and citizens to make informed decisions about land use and development. Planning is a process that can help a community prepare for change rather than react to it.
- ***Planning Can Provide Certainty Regarding Future Development***
Plans and related maps show landowners and developers the location and type of development desired by the community, which can save them time and money in developing plans for future land uses. Planning can help increase the consistency and fairness of the development review and approval process while protecting the established property interests of existing residents.

- ***Planning Can Save Money***
Well-planned, orderly, and phased development patterns are less expensive for a community to provide public services and infrastructure than low density and scattered development patterns.
- ***Planning Can Promote Economic Development***
Planning can provide information about existing businesses and industries and help determine desirable types of new businesses. Planning can also help determine if the existing work force is sufficient to staff particular employment sectors and whether local services and housing are adequate to handle the impacts of new economic development.
- ***Planning Can Promote Public Health***
Finally, well planned development patterns and transportation options can make recreational, educational, and commercial facilities accessible to pedestrians. The ability to safely walk or bike to these facilities promotes physical health and community interaction.

While planning provides many important public benefits, it is important to recognize that an adopted plan is not an “end result,” but rather provides recommendations for future action. Plan recommendations will be fulfilled over time in generally small, incremental steps. A comprehensive plan provides a foundation and guide for many implementing tools, including the Town zoning ordinance and map, subdivision ordinance, and official mapping ordinance, which are required under State law to be consistent with the comprehensive plan. Other possible implementation tools include capital improvements programming, plans for local parks, and other local ordinances, programs, and policies.

Map I-1

PLANNING PARTNERS FOR THE WASHINGTON COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN



- PARTNERING LOCAL GOVERNMENTS
- SUPPORTING LOCAL GOVERNMENTS

SOURCE: WASHINGTON COUNTY AND SEWRPC.

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