

RESOLUTION #4-2016

A RESOLUTION SUPPORTING THE SHORES OF DELAVAN LAKE SUBDIVISION

WHEREAS, for more than five (5) years, members of the Staff of the Town of Delavan (the "**Town**"), as well as members of both the Town Plan Commission and Town Board, have discussed and debated the appropriate land use, zoning, and platting for the proposed development known as "The Shores of Delavan Lake" (the "**Shores Subdivision**"), which Shores Subdivision is located within the geographic boundaries of the Town, and also, within the extraterritorial plat approval jurisdiction area of the City of Delavan (the "**City**"); and

WHEREAS, the current development plan, required zoning approvals, and Preliminary Plat for the Shores Subdivision were all found to be consistent with the applicable land use plans of both the Town and Walworth County (the "**County**"); and

WHEREAS, the Shores Subdivision, as designed, will, when implemented, also provide significant environmental benefits to Delavan Lake, and adjacent residential subdivision development, by incorporating storm water management facilities to "capture" and direct storm water, which will, in turn, alleviate flooding and mitigate the entry of pollutants into Delavan Lake; and

WHEREAS, the Town Plan Commission, and Town Board, did unanimously recommend approval of the Preliminary Plat for the Shores Subdivision; and

WHEREAS, the City Plan Commission has recommended to the City Common Council that the City Common Council deny approval of the Preliminary Plat for the Shores Subdivision, pursuant to the City's extraterritorial plat approval authority, apparently on the basis that the City's extraterritorial plat approval ordinance requires that a subdivision in the City's extraterritorial plat approval jurisdiction area result in lots that will be a minimum of five (5) acres in size; and

WHEREAS, a five-acre-minimum-lot-size requirement, if imposed by the City upon the Shores Subdivision, may make sewer, residential development of the Shores Subdivision financially impracticable; and

WHEREAS, the Delavan Lake Sanitary District (the "**DLSD**") has already installed, and currently maintains, oversized sewers and lift stations with excess capacity to serve the Shores Subdivision with sanitary sewer to an urban density, having placed this infrastructure under the assumption and expectation that the future development of the Shores Subdivision would occur in accordance with: (i) the sewer, residential zoning classifications currently imposed by the County and Town; (ii) applicable long-range comprehensive plans adopted by the County and Town; and, (iii) existing sanitary sewer service area plans adopted by WalCoMet and DLSD, and ratified by the Southeastern Wisconsin Regional Planning Commission ("**SEWRPC**"); and

WHEREAS, the Preliminary Plat, as submitted, reflects the developer's and DLSD's expectations that 379 lots (and six outlots) would be developed on approximately 260 acres of land, which is consistent with the DLSD sewer service area plan; and

WHEREAS imposition of a five-acre minimum-lot-size-requirement by the City would dramatically curtail the number of possible lots in the Shores Subdivision; and

WHEREAS, the Town Engineer worked with the DLSD Engineer to approve a sanitary sewer collection system that will efficiently and affordably be maintained within the DLSD and its approved sewer service area, including the area of the Shores Subdivision; and

WHEREAS, the Town is of the opinion that a five-acre-minimum-lot-size requirement may make residential, sewer, development economically non-viable for the Shores Subdivision, and therefore, may effectively prohibit residential use, as contemplated by the existing WalCoMet and DLSD Water Pollution Control Act Section 208 plans, within the area described by the Shores Subdivision Preliminary Plat;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Delavan, Wisconsin, that the DLSD, acting by and through its Commissioners, consider whether the DLSD concurs with the above findings made by the Town Board, and whether the DLSD can similarly make the following findings, conclusions, and recommendations, and so advise the City Council for the City of Delavan, to wit:

- 1) That the DLSD respectfully submits that a five-acre-minimum-lot-size requirement conflicts with:
 - i) the County's R-2, R-3, and R-5a zoning of the Shores Subdivision land, because each of those zoning classifications requires, or at least allows, sewer, residential development;
 - ii) the County's designation of the Shores Subdivision land as "Urban Density Residential (Less than 5.0 Acres Per Dwelling)" in the County's Comprehensive Plan;
 - iii) the fact that the Shores Subdivision land is designated as being within a planned sanitary sewer service area in both the DLSD and SEWRPC Section 208 plans; and
 - iv) DLSD's expectations, when it designed and placed the existing sanitary sewer infrastructure for the Shores Subdivision, that the Shores Subdivision land would be developed with far more lots than would be allowed if the density limitations recommended by the City Plan Commission are adopted by the City Council; and

- 2) That the DLSD finds that even assuming the Shores Subdivision developer intended (which it does not) to develop all 260 acres of the Shores Subdivision with residential lots, a five-acre-minimum-lot-size restriction would limit the Shores Subdivision to 52 lots, which is less than one-seventh the number of lots anticipated by the developer, and the sewer service area plans adopted by DLSD and WalCoMet; and
- 3) That in the opinion of the DLSD, its Commissioners, and Staff, if the de facto density standard created by a five-acre-minimum-lot-size requirement is imposed upon the Shores Subdivision, the cost to provide sewer to the Shores Subdivision could not be spread out among enough lots to make the installation of required infrastructure financially feasible and therefore, may effectively prohibit sewer residential development; and
- 4) That the DLSD recommends that the City Common Council decline to apply a five-acre-minimum-lot-size requirement to the Preliminary Plat for the Shores Subdivision, and thereby allow for sewer residential development within the Shores Subdivision, in accordance with the adopted County, Town, DLSD, WalCoMet, and SEWRPC land and sewer service area plans.

Dated this 3rd day of March, 2016.

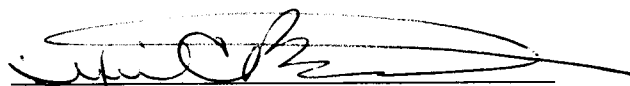
TOWN OF DELAVAN

By:


Ryan Simons, Town Chairman

Ayes 5 Noes 0

ATTEST:


Dixie Bernsteen, Town Clerk