

## Chapter 9

### **LAND USE ELEMENT**

#### **INTRODUCTION**

Information regarding land use and regulations, historic and existing land use and land use development patterns is essential to any sound comprehensive planning effort. This chapter presents the findings of the land use inventories and analyses conducted in support of the preparation of the Comprehensive Development Plan for the Town of Genesee. Specifically, this chapter describes regulations; historic growth within the Town; describes the existing land use base and changes in that base; and presents detailed analyses of the planned land uses within the Town. During the plan preparation process, data and planning standards and objectives from previous chapters were used to prepare the land use element.

The Town of Genesee is still essentially a rural community. From the earliest date of record (1850) through the first century of development, the community has shown a slow rate of population growth. Over this time, land in the Town remained essentially in agricultural use, with concentrations of urban land uses in the Villages of Wales, North Prairie and in the Depot. Even during the two decades from 1920 to 1940, when the Villages of North Prairie and Wales were incorporated into the Town, the Town maintained a relatively stable population level. It wasn't until the 1960's that the Town population increased at the relatively high rate of about 4 percent annually. In the 1970's The Town of Genesee's population grew at an even higher rate, over 6 percent annually. This recent period of rapid growth was accompanied by a significant increase in platting activity in the Town. More than 500 lots were platted between 1960 and 1975. This significant increase accounts for all of the plats in the Town prior to 1975 except one, containing 29 lots, platted in 1953. Between 1980 and 1990, the Town of Genesee grew by 1.7 percent annually and between 1990 and 2000, the population of the Town grew 2.2 percent annually. If the Town is to preserve its natural and cultural heritage, as well as avoid serious developmental, environmental, and fiscal problems, it will have to plan carefully for this growth.

#### **LAND USE PLAN ANALYSIS**

If it is to be sound and realistic, any long-range land use plan must be based upon careful consideration of the existing land use pattern as well as upon the physical character of the land itself. To identify existing land uses, the Southeastern Wisconsin Regional Planning Commission's (SEWRPC) land use studies from 1963 to 2000 were utilized. This data was charted and analyzed to provide an important basis for the determination of an approximate pattern of future land use development in the Town of Genesee. The land use studies, prepared by SEWRPC, also included those portions of the Village of North Prairie and the Village of Wales, which were in the original boundaries of the Town of Genesee.

The total surface area of the original Town is 23,091 acres, or approximately 36 square miles. Of this total, 3,781 acres are now located within the corporate limits of the Villages of North Prairie and Wales and therefore, technically are not part of the study area. However, in order

to present a comprehensive picture of land use in the study area, the existing County Development Plan (Build Out) map does include these two communities. In 2000, urban or developed uses accounted for 28.2 percent of the land use in the study area, and agricultural and open lands accounted for 71.8 percent of the combined total Town area (Map R).

The Southeastern Wisconsin Regional Planning Commission's Land Use Inventories prepared between 1963 and 2000, classified urban-type land uses as being residential, retail service, manufacturing, transportation, communications and utilities, public uses, and recreational. The rural type land uses in those Inventories, were farmland, wetlands, woodlands, surface water, extractive, landfills and dumps, unused urban, and unused rural.

### Urban Land Use

Urban land uses by definition include those areas wherein houses or other buildings have been constructed in relatively compact groups or where a closely spaced network of minor streets has been constructed, thereby indicating a concentration of residential, commercial, industrial, governmental, or institutional land uses. In 2000, urban development totaled 28.2 percent or 5,761 acres of the total area of the Town, 61.7 percent of North Prairie, and 74.4 percent of Wales.

In the 1975 SEWRPC's Land Use study, urban land uses accounted for 13.8 percent or 2,877 acres of the land in the Civil Township and rural type uses accounted for 86.2 percent or 17,968 acres of land use.

### Residential Land Use

Of all the elements of a community plan, which naturally holds the most interest to the largest number of residents is that portion dealing with residential land use. Since this element of a land use plan exists primarily to provide a safe, attractive, and comfortable setting for residential development, it is appropriate that this area of interest be given particularly careful consideration. In the Town of Genesee, residential land use accounts for approximately 75.1 percent of the urban area but only 21.2 percent of the total area of the Town.

In 1963 the amount of land within the Town developed and under development for residential use was 405 acres. Of this total, 357 acres were developed and in residential use. By 1975, the amount of land developed and under development for residential land use had increased to a total of 2,465 acres, of which 1,522 acres were developed and in residential use. Between 1963 and 1975, a considerable amount of land, 937 acres in 1975 as compared to 357 acres in 1963, was added to the under-development residential category. By 2000 residential uses accounted for 4,326 acres an increase of 3,921 acres since 1963.

A review of the platting activity in the Town of Genesee between 1963 and 2001 indicates that the subdivision platting process has created 1,386 lots. Between 1963 and 1975, 523 new lots were platted in the Town of Genesee. In the period from 1976 to 1985, 15 new subdivision plats were recorded with 344 lots on 1,045 acres. All of the lots in those

subdivisions were between 1 and 3 acres in size. Twelve (12) subdivision plats were recorded between 1986 and 1995, which had 301 lots on 805.8 acres at an approximate density of 1 unit for every 2.67 acres. Between 1996 and 2001, seven (7) new subdivisions have been recorded creating 218 new lots on 566.4 acres.

An important consideration in any review of the platting activity in the Town of Genesee is annexations, which have occurred from the unincorporated Town to the Villages of North Prairie and Wales. The two Villages have annexed several properties in the last ten (10) years. The Village of North Prairie annexed approximately 360 acres in Section 31 of the Town of Genesee. These 360 acres resulted in the development of a golf course community, which includes an 18-hole golf course and over 150 single family residential home sites. The Village of Wales also annexed approximately 450 acres, which was developed into a golf course community. These two (2) annexations result in a major loss to the tax base of the Town of Genesee. In May of 2000, the Town of Genesee and the Village of Wales entered into a boundary agreement. The boundary agreement sets forth those areas to be detached from the Town of Genesee and attached to the Village of Wales, immediately upon adoption of the boundary agreement, those lands that upon adoption of the border agreement were detached from the Town of Genesee and attached to the Village of Wales, upon issuance of the appropriate licenses and approval of the plans of operations by the Village of Wales in order that the entities may continue to operate in the same manner as they operated in the Town of Genesee and those lands that will be detached from the Town of Genesee and attached to the Village of Wales at the request of the property owners or upon development of the properties.

On June 14, 1999, the Town of Genesee and the Village of North Prairie entered into a boundary agreement that establishes their common border. Procedures have been set-up for the attachment of property to the Village of North Prairie and detachment from the Town of Genesee for area specified in the plan. Those areas outside the maximum external Village boundary shall not be annexed into the Village unless detachment is approved by resolution of the Town Board.

The foregoing data presented dealt with lots that were created by recording subdivision plats as defined in Chapter 236 of the Wisconsin State Statutes, which does not include metes and bounds descriptions or Certified Survey Map creations. Those additional lots further increase the amount of land needed for residential use.

Another indication of how the Town is developing is the number of Residential Building Permits issued. Between 1991 and 2000, 643 Building Permits were issued for new residential living units. These figures resulted in an average of 64 new living units per year.

It should be noted that the foregoing discussion has dealt only with those lots that were created by recorded subdivision plats as defined in Chapter 236 of the Wisconsin Statutes. There have been, and will probably continue to be, building lots created and recreated in the Town by "metes and bounds" descriptions and by certified survey map. These additional lots further increase the amount of land available for residential development in the Town.

## Other Urban Land Uses

As shown in Table IX-1 commercial, industrial, transportation, governmental and institutional, and recreational land uses presently account for about 1,437 acres or 24.9 percent of the urban area, but only 7.1 percent of the total area of the Town. The Town of Genesee has two areas that encompass the majority of the commercial development, the unincorporated Villages of Genesee and Genesee Depot. Commercial uses account for .9 percent or 58 acres of the urban area. While commercial land uses represent a minimal use of land for the size of the population residing in the Town of Genesee, a number of shopping areas are available to residents of the Town in nearby North Prairie, Wales, Cities of Delafield and Waukesha, and metropolitan Milwaukee.

Industrial uses account for approximately 1 percent of the urban area of the Town and almost 0.3 percent of the total area of the Town. These may also be considered to be of two types: light industrial uses and mining-related uses such as sand and gravel pits and rock quarries. The later type accounts for the majority of industrial acreage in the Town, with a heavy concentration of this type of industrial use in the northwest corner of the Town. Other industrial uses are scattered throughout the Town of Genesee.

In the Town of Genesee, transportation and utility land uses are limited to lands devoted to the highway network, railroad right-of-way, and electric power transmission and distribution facilities. In the civil Township in the 2000 Land Use Study, 1,072 acres are designated for transportation-type uses. In total, these uses account for approximately 18.6 percent of the total urban uses and 5.2 percent of the total acreage of the Town in 2000.

Governmental and institutional land uses represent 57 acres and account for 1.0 percent of the urban area of the Town. The majority of the land in this category is owned by the various churches located in the Town. The Town Hall, Post Office, and cemeteries complete the uses in this category.

Identifiable recreational land uses presently account for 3.4 percent of the urban area of Town and only 1.0 percent of the Town's total area. Recreational land uses have increased in the Town from 33 acres in 1975 to 197 acres in 2000.

## Rural Land Use

The rural land use categories discussed in this section are agricultural lands as well as wetlands, surface water, woodlands, and unused land. Combined, these rural land use categories account for 80.7 percent of the total area of the Town.

According to SEWRPC'S 2000 Land Use Study, 49.2 percent or 7,226 acres of the rural type uses are devoted to agricultural purposes and 2,287 acres being other rural lands (Table IX-1). This figure does not include 3,298 acres of wetlands, 1,752 acres of woodlands, or surface water resources consisting of 112 acres. Those areas designated as Agricultural are 35.4 percent of the total area of the Town. The Agricultural category includes: croplands, pasture lands, orchards, nurseries, fowl and fur farms, and special use farms. When

SEWRPC delineated these areas, they did not include farm dwellings, which were classified as rural farmsteads and then assigned a site of approximately 30,000 square feet, which are included in the urban use category. All other buildings were included in the Agricultural Land category.

Generally, the Town of Genesee does not have an overabundance of woodlands and wetlands in its 32 square mile land area. There appears to be no significant concentrations in any one area of the Town with the following exceptions: relatively large tracts of wooded lands are concentrated along the western edge of the Town adjacent to the Kettle Moraine State Forest area and relatively large tracts of wetlands are concentrated in the southeastern corner of the Town adjacent to the Vernon Marsh.

**Table IX-1  
Existing Land Use in the Town of Genesee: 2000**

Urban													
Residential		Commercial		Industrial		Transportation, Communication and Utilities		Governmental and Institutional		Recreational		Subtotal	
Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total
4326	21.2	58	0.3	53	0.3	1,072	52	57	0.3	197	1.0	5,761	28.2

Nonurban													
Agricultural		Wetlands		Woodlands		Surface Water		Other		Subtotal		Total Area	
Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total
7,226	35.4	3,298	16.1	1,752	8.6	112	0.5	2,287	11.2	14,675	71.8	20,436	100.0

Source: SEWRPC

### Trends in Land Values

According to the US Census Bureau, the average home value in 1990 was \$112,000.00 and increased to 202,000.00 in 2000. According to various sources including the Waukesha County Treasurers Office, the Wisconsin Multiple Listing Service for recent sales of homes in the Town of Genesee between 2000 and 2005, the average home sold for over \$275,000. Most vacant lots sold for over \$100,000.00, with some vacant lots selling for over 200,000.00.

## Redevelopment Areas

Cities and villages are authorized under Section 66.431 of the Wisconsin Statutes to create redevelopment authorities for the purposes of carrying out renewal programs. Such authorities have the power to prepare redevelopment plans and to undertake and carry out redevelopment plans and renewal projects within the corporate limits of the community. Unfortunately, the Town of Genesee does not fall under Section 66.431 of the Wisconsin Statutes. However, the Town encourages redevelopment of older (non-historic) areas of the Town. The commercial area designated on the south side of S.T.H. 83 in the depot area is currently single-family homes. It is anticipated that as commercial development demands increase in this area, existing homes will be converted to commercial uses or replaced with newer commercial establishments. The existing areas being quarried will eventually want to develop and reclamation and redevelopment will take place.

## Current and Future Land Use Conflicts

Although the Town has some large areas of commercial and industrial land uses in the Town of Genesee, most of those areas are separated from residential developments by natural features such as wetland areas and/or wooded areas. However, conflict can occur just about anywhere. Potential conflicts can occur between existing commercial areas and proposed subdivision developments. Long time businesses may be the source of complaints from new neighbors in the area, where previously no one complained.

Conflicts can occur where environmental corridors have been allowed to develop in the past and are now grandfathered. The current land disturbance and vegetation removal provisions in the corridors should be continued in the Zoning Ordinance.

Lastly, the Town of Genesee does not control the land in the immediate adjacent communities of the Village of Wales and Village of North Prairie. Conflicts can arise between the land uses proposed and the communities themselves

## Summary

According to the Land Use Inventories, 28.2 percent of the Town of Genesee is in urban land uses and 71.8 percent is in rural land uses. Generally, lots that have been created in the Town in the last 32 years have been between one and three acres in size. Using the population forecast of the Wisconsin Department of Administration (Chapter 2), the Town will need an additional 1,357 living units through the year 2035, which averages to 38.8 new living units per year.

Based on SEWRPC's Land Use Statistics, farmland has decreased in the Township by 6,375 acres between 1975 and 1995 and the unused rural land has increased from 176 acres in 1975 to 2,388 acres in 1995.

## **EXISTING LAND USE REGULATIONS**

All land development and building activity in the Town of Genesee is regulated by Zoning Regulations, Building Codes, Health Regulations and Subdivision Control Ordinances. Land use regulation is intended to restrict or curtail development in areas where there are limitations in either the natural resource base (for example, soil and slope conditions with severe erosion potential or poor drainage) or the public utility base (for example, inadequate water supply or sewage disposal capabilities). The Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance regulate land uses. The Waukesha County Shoreland and Floodland Subdivision Control Ordinance and the Town of Genesee Land Division and Development Ordinance regulate land development activities for the Town of Genesee. Additionally, all land disturbing activities other than those related to 1 and 2-family construction, are regulated by the Waukesha County Construction Site Erosion Control and Storm Water Management Ordinance. Health Regulations in regard to private on-site sewage disposal systems, restaurant and food service facilities, and animal welfare issues are regulated by Waukesha County Code under the direction of the Waukesha County Department of Parks and Land Use, Environmental Health Division. Construction of 1 and 2-family dwellings is regulated by the Uniform Dwelling Code under the Department of Commerce, Chapters 20 thru 25.

### **Zoning Ordinances**

A zoning ordinance is a public law, which regulates and restricts the use of property in order to advance the public health, safety, and welfare. A zoning ordinance divides a community into districts for the purpose of regulating the use of land and structures; the height, size, shape, and placement of structures; and the density of population. Zoning seeks to confine certain land uses to areas of the community, which are particularly well suited to those uses, thereby encouraging the most appropriate use of land throughout the community. Zoning seeks to assure adequate light, air, and open space for each building; to reduce fire hazard; and to prevent the overcrowding of land, traffic congestion, and the overloading of the utility systems. Zoning also provides an important means for protecting and preserving the natural resource base.

The Waukesha County Zoning Code, which became effective on February 26, 1959, has jurisdiction in all of the Town of Genesee lying outside the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance. The Waukesha County Shoreland and Floodland Protection Ordinance, which became effective on July 16, 1970, has jurisdiction within 1,000 feet of any lake or pond, 300 feet of any stream or river, or to the landward side of the 100-year recurrence interval floodplain, if it is greater. The Waukesha County Department of Parks and Land Use and the Town of Genesee administer the Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance, under Wisconsin law, jointly.

Under the provisions of the above zoning regulations, there are 25 different zoning categories (Table IX-2 & Map B) including conservancy/wetland, agricultural, residential, commercial, and industrial uses. These zoning ordinances are to be minimum requirements adopted to

promote the health, safety, morals, comfort, prosperity, and general welfare of the Town of Genesee residents. Among other purposes, such provisions are intended to provide for adequate light, air, sanitation, drainage, convenience of access, conservation of wetlands, safety from fire and dangers; to promote the safety and efficiency of the public streets and highways; to aid in conserving and stabilizing the economic values of the community; to preserve and promote the general attractiveness and character of the community environments; to guide the proper distribution and location of population in the various land uses; and other-wise provide for the healthy and prosperous growth of the community.

To ensure an orderly development of the Town, it is the intent of the Town to prevent urban sprawl by appropriately zoning those areas in the Town to discourage such activity and retain the rural character of the Town. This is sound public policy in that it does not put any land in any urban use category unless development is imminent and thereby, gives the community the opportunity to review all changes from rural to urban uses prior to such conversion and to use the Adopted Comprehensive Development Plan to guide the community in sound, future land use decisions.

If the Town government wishes to prevent such urban sprawl, it will be necessary for the Town Board to petition the County to amend the County ordinance as well as to redistrict the Town. Through appropriate zoning amendments the Town can discourage future urban diffusion and retain the rural character of the Town. A sound policy to follow is to not put any land in an urban use zoning district unless such development is imminent, thereby giving the Town Plan Commission and Town Board the opportunity to review all changes from rural to urban use prior to such conversion and to use the adopted Comprehensive Development Plan to guide the Commission and Board actions.

The Town also has sound provisions requiring recording of minor land divisions. This requirement provides that any division of land other than a subdivision resulting in the creation of two parcels, and not more than five (5) parcels to be surveyed and a certified survey map to be approved by the Town Board and recorded at the Waukesha County Register of Deeds Office. The Town also requires that assignment of any new tax key numbers or the combination of tax key numbers be completed following the minor land division process with the approval of a Certified Survey Map.

Table IX-2

Zoning Districts	Description	Minimum Lot Size	Total Acreage in the Town
C-1	Conservancy/ Wetland	No Minimum	2821.84
A-E	Exclusive Agricultural Conservancy	No Minimum	1835.44
A-P	Agricultural Land Preservation	35 Acres	413.64
A-B	Agricultural Business	5 Acres	63.67
A-O	Existing Agricultural Overlay	No Minimum	----
A-T	Agricultural Land Preservation Transition	35 Acres	----
AD-10	Agricultural Density -10	1 Acre	----
A-5	Mini-Farm	5 Acres	9.51
E-C	Environmental Corridor	1dwelling/5 Acres	----
A-1	Agricultural	3 Acres	715.65
A-1a	Agricultural	1 Acre	----
A-2	Rural Home	3 Acres	8,432.98
A-3	Suburban Estate	2 Acres	514.67
A-4	County Estate	1.5 Acres	----
RRD-5	Rural Residential Density District 5	1 Acre	----
R-1	Residential	1 Acre	2,758.53
R-1a	Residential	1 Acre	----
R-2	Residential	30,000 SF	115.07
R-3	Residential	20,000 SF	170.29
FLOODPLAIN	Existing Floodplain Development Overlay	No Minimum	----
P-1	Public and Institutional	No Minimum	344.10
B-1	Restricted Business	30,000 SF	44.06
B-2	Local Business	20 - 30,000 SF	103.94
B-3	General Business	30,000 SF	99.10
B-4	Community Business	Unsewered - 10 acres Sewered 20,000 SF	----
BP	Mixed Use Business Park	Unsewered - 40,000 SF Sewered 20,000 SF	----
Q-1	Quarrying	3 Acres	528.10
M-1	Limited Industrial	1 Acre	409.20
M-2	General Industrial	1 Acre	426.21

## Subdivision Control Ordinances

The division and improvements of lands within the Town of Genesee are regulated by the Town of Genesee Land Division and Development Ordinance, which most recently was amended on March 13, 2006, and the Waukesha County Shoreland and Floodland Subdivision Control Ordinance, most recently amended on May 17, 1983, which has jurisdiction in the same areas as the Waukesha County Shoreland and Floodland Protection Ordinance. The Town's Land Division and Development Ordinance requirements are more restrictive than Section 236 of the Wisconsin State Statutes, as it requires formal platting of lands when a division creates five (5) or more parcels or building sites inclusive of the original remnant parcel of less than 1.5 acres each or less in area, or where the act of division creates five (5) or more parcels or building sites inclusive of the original remnant parcel of 1.5 acres each or less in area by successive division of any part of the original property by any person within a period of five (5) years or where the division creates six (6) or more parcels or building sites for residential development of any size within five (5) years.

## Storm Water Management and Erosion Control Ordinance

The Waukesha County Storm Water Management and Erosion Control Ordinance became effective on May 5, 1992 and most recently was amended in March of 2005. It regulates all earth-altering activities in the Town other than those associated with 1 and 2-family home construction. The Ordinance requires a submittal of an erosion control plan and/or storm water management plan, and issuance of a permit prior to commencement of land disturbing activities. Generally, the Waukesha County Department of Parks and Land Use, Land Resources Division reviews these plans.

## Building Code

The Town of Genesee administers the Uniform Dwelling Code, which defines construction standards and inspection procedures as outlined in the Wisconsin Administrative Code, Department of Commerce Chapters 20 thru 25. Provisions of this Code apply to the construction and inspection procedures used for 1 and 2-family dwellings, manufactured homes, and newly constructed community based residential facilities providing care, treatment, and services for 3 and 8 unrelated persons.

## Health Code

The Waukesha County Environmental Health Division of the Waukesha County Department of Parks and Land Use is in charge of administering all portions of the Waukesha County Code pertaining to public and community health issues in the Town. The Environmental Health Division is in charge of regulating the following:

- Private on-site waste disposal systems
- Animal welfare issues
- Restaurant & retail food establishments
- Campgrounds

- Public swimming pools
- Mobile home parks
- Dance halls

They also offer the following services:

- Water testing
- Radon related concerns
- Hazardous materials

### Official Mapping

Official mapping powers, granted to local units of government under Section 62.23(6) of the Wisconsin Statutes, are an important but historically under-utilized plan implementation tool. An official map prepared under Section 62.23(6) can be used to identify precisely, the location and width of existing and proposed streets, highways, historic districts, parkways, railroad rights-of-way, waterways, public transit facilities, airports, and the location and extent of parks and playgrounds. The official map prohibits the construction of buildings and associated improvements on lands that are for future public use identified on the map. The Town of Genesee has not adopted an official map.

### Extraterritorial Zoning Regulations

The *Statutes* authorize cities and villages to adopt extraterritorial zoning regulations for adjacent unincorporated areas, in cooperation with the adjacent town, within three miles of a city of the first, second, or third class, and within 1.5 miles of a city of the fourth class or a village. A city or village can initiate preparation of an extraterritorial zoning ordinance and map at any time. Initiation of the extraterritorial zoning ordinance freezes existing zoning in the extraterritorial (town) area for two years, while the city or village and affected town or towns jointly develop an extraterritorial zoning ordinance and map. A joint committee made up of three representatives from the city or village and three representatives from each affected town is formed to develop the ordinance. The time period can be extended for one additional year at the end of the two-year period. Currently, the Town of Genesee is not involved in extraterritorial zoning with any of its neighboring communities.

### **RECOMMENDED LAND USE**

The year 2035 Town of Genesee comprehensive land use plan was developed to meet the established planning objectives and standards presented in Chapter 2 of this Plan insofar as practicable, using the plan design concepts set forth in the previous sections of this Chapter. The plan was designed to accommodate the intermediate population, household and employment projections for the County. Map Q presents the recommended land use plan for the Town of Genesee for the year 2035.

## **Planned Land Use**

The land use plan map shows urban areas in the Town as envisioned under the plan including sub-urban areas, which are neither truly urban or rural in character; primary environmental corridors—i.e., areas containing concentrations of the best remaining elements of the natural resource base—which are recommended for preservation in essentially natural open uses; and rural areas consisting of prime agricultural land, other agricultural land, rural-density residential land, and other open lands. The various components of the land use plan, as depicted on Map Q, are described in this section.

## **Urban Land Use**

The recommended land use plan envisions a 45.6 percent increase in urban land use within the Town. Urban land uses, consisting of lands devoted to residential, commercial, industrial, governmental and institutional, recreational, and transportation, communication, and utility uses, encompassed about 5,761 acres and comprised about 28.2 percent of the total area of the Town in 2000. Under the plan, the area devoted to urban uses would increase by about 2,628 acres, or about 45.6 percent, to about 8,389 acres by the plan design year 2035. By year 2035, urban land uses would account for about 42.5 percent of the total area of the Town (Table IX-3).

## **Residential Land Use**

The Plan Map identifies three (3) density classifications for residential land uses: Low-Density Residential, Suburban I Density Residential, and Suburban II Density Residential. It is felt that 1 – 3 acre densities would be appropriate in areas where “infill” of exiting patterns of development would occur or in areas deemed appropriate for future development within the Town. Most areas beyond the “infill” zones should be developed with minimum 5-acre densities to be consistent with the recommendations of the Waukesha County Development Plan.

Under the recommended land use plan, urban residential land use would increase by about 54.2 percent, from 4,326 acres in 2000 to about 6,672 acres by year 2035. Under the plan, the proportion of the Town devoted to urban residential use would increase from 28.2 percent to 42.5 percent.

A total of 2,407 acres of vacant land is proposed for 5-acre residential in the proposed plan by the year 2035. Of the total planned urban residential land, about 1,754 acres would occur at low density (20,000 square feet to 1.4 acres of area per dwelling unit), 137.11 acres at suburban density I (1.5 to 2.9 acres per dwelling unit), 4,899 acres at suburban density II (3.0 to 4.9 acres per dwelling unit).

If sanitary sewer service becomes available, development of those lands located within such a designated area, may be considered and allowed based upon the fact that such services will be provided in the future. If Sewer Service is not available, but the land is located within a designated sanitary sewer service area, development may be allowed based upon proper areas being set aside on all proposed parcels which meet current regulations regarding onsite waste

disposal systems. Consideration should be given to such developments for the future provisions of sanitary sewer facilities when developing these areas.

### Commercial, Industrial Land and Mixed Use

The recommended Land Use Plan depicts a variety of areas devoted to commercial land uses by the year 2035. This designation encompasses approximately 181 acres of vacant lands within the Town of Genesee. The plan envisions significant increases in economic activity as represented by the commercial and industrial uses on Map Q. Although the population of the Town of Genesee is not forecast to reach a level necessary to support a full range of commercial services, the planning committee feels that given the location of S.T.H. 83 and S.T.H. 59 and the vast improvements to S.T.H. 83, increased commercial activity will follow. Neighborhood commercial services are presently available within the Town and community wide services are available in Delafield, Waukesha and in the Milwaukee metropolitan area. It is felt that the expanded commercial area should meet the commercial land use needs of the Town through the year 2035. It is the intent of this plan to encourage the redevelopment and improvement to the Genesee Depot area. New mixed-use commercial areas should help the existing businesses and also provide additional opportunities for new business endeavors. Approximately 159 acres are planned in a mixed use category.

### Industrial Land Uses

An expansion of the existing industrial area known as wolf paving property is proposed in the northwest corner of the plan. As resources and quarry activities lessen and areas of the quarry are restored, new industrial development is proposed. Residential development is not possible, since no area exists for on-site sewage disposal systems. Sanitary sewer is not proposed for this area. Therefore, a logical option is for additional industrial type uses on proposed holding tanks. With the exception of industrial development in the Village of North Prairie and a few manufacturing uses located randomly in the Town, industrial land use acreage in the Town is limited to sand and gravel quarry operations. It is not anticipated that a strong demand to attract industry is likely over the next 25 years; however, the Town has increased the amount of industrial land area from 53 acres to 504 acres.

### Governmental, Institutional, and Educational Uses

Governmental and institutional lands represent areas for government and public and private institutional buildings, facilities and grounds such as schools, churches, libraries, cultural facilities, nonprofit charitable organizations, hospitals, and police and fire stations, that have a direct bearing on the quality of life and on public safety.

The recommended plan recognizes the existing Town facilities located on the south side of S.T.H. 83 in the Genesee Depot as well as the Ten Chimneys property and existing school sites. No proposed additional governmental-institutional uses have been included in the plan because of the insignificant amount of additional land area that is expected to be required for these uses over the next 20 years. Such possible additions as schools or churches can be incorporated into the proposed urban areas of the Town and, if properly located and designed, will not be in conflict with the plan goals and objectives. In total, there are 100

acres of existing and proposed lands available for such governmental and educational purposes, which should meet the general standards of 12 acres per 1000 population through 2035. It is important to note that a possible Wales/Genesee Fire Department Sub-Station may be proposed in the near future. However, until a final decision is made on the Wales/Genesee Fire Department having jurisdiction over the entire Town of Genesee, no formal action has been taken on finding potential sub-station locations. If the Town determines that a sub-station is necessary for the Fire Department, it is anticipated that the proposed location would be in the southeast quadrant of the Town of Genesee.

### Park and Recreation Uses

The Town of Genesee should become active in trying to acquire additional recreational sites in the Town. A Comprehensive Outdoor Recreation Plan, adopted by the Town of Genesee, was prepared in November of 1996 by Welch Hanson & Associates. The Plan sets forth recommendations for the Town of Genesee. One recommendation was to acquire additional lands. The Town of Genesee at that time was deemed deficient in community type parkland. The plan recommends the Town acquire additional lands to meet the present and future area requirements as well as continue to upgrade and improve their facilities.

In reviewing other programs operated by other Townships in Waukesha County, needs for baseball diamonds and soccer fields are apparent. In order to accommodate the need for additional recreational play fields for the citizens of the Town, it would be appropriate that the Town look at expanding current facilities and acquiring and developing additional lands within the Town of Genesee. Currently the Town of Genesee has two (2) existing park sites.

The Waukesha County Board Adopted Park and Open Space Plan for Waukesha County recommends that the Department of Natural Resources acquire an additional 55 acres in Section 28. The plan also indicates Waukesha County should acquire 80 additional acres in Section 1 to increase the size of Retzer Nature Center.

The Park and Open space element of Plan also delineates the areas along Brandy Brook and Genesee Creek as being preserved in essentially natural open space uses for resource preservation and unlimited outdoor recreational purposes. This can be accomplished through deed restrictions as developments occur in the Town. The Town should consider updating the existing Comprehensive Outdoor Recreation Plan, which will provide recommendations for future actions to be considered by the Town and said Plan would be considered a further refinement of the proposals and concepts set forth herein.

### Transportation Systems

An efficient arterial street and highway network provides the necessary means of access from both rural and urban areas to supporting shopping, institutional, employment, recreational, and cultural centers. It is essential, therefore, that land use development be designed with the objectives of preserving the capacity, safety, and efficiency of the arterial street and highway system and of effectively utilizing the existing systems.

The road network system in the Town of Genesee provides efficient access to the transportation system serving the entire region via U.S.H. 18, S.T.H. 59 and S.T.H. 83. U.S.H. 18 is located along the northern boundary of the Town of Genesee. It is located in the northwest quadrant of the Town and provides an alternative route from the City of Waukesha to Madison. S.T.H. 59 runs diagonally through the southern ¼ of the Town. It provides a connection from the City of Waukesha to Jefferson County and runs through North Prairie and the Village of Eagle. S.T.H. 83 runs north and south and bisects the Town into two (2) halves and runs through the Genesee Depot Business area. S.T.H. 83 provides the only direct north/south connection between Interstate 94 and Interstate 43 in Waukesha County, except for S.T.H. 67 located on the west side of Waukesha County. Access to Interstate 94 can be gained by a drive of about two and one-half miles from the northern boundary of the Town. These State Trunk Highway facilities furnish good access to Interstate 94 and Interstate 43 and to the Milwaukee Metropolitan area. It is anticipated that within the few years S.T.H. 83 may be improved and widened from the Town of Mukwonago to the Genesee Depot business area. It has been discussed that the substantial improvements to S.T.H. 83 will include reducing the number of hills and valleys, changing controlled intersections from stop lights to possible round-a-bouts and widening the road through land acquisitions.

State Trunk Highways, including portions of U.S.H. 18, S.T.H's. 59 and 83, comprise 17.5 miles of the existing arterial network in the Town. U.S.H. 18 provides a primary east-west route through the Town; STH 59 provides a northeast-southwest primary route through the Town; and STH 83 provides a primary north-south route through the Town. The Town is also bisected by the Wisconsin & Southern Railroad, which runs in similar direction as S.T.H. 59.

### **Nonurban Land Uses**

Under recommended land use plan, nonurban land uses, consisting of environmentally sensitive lands, other open lands to be preserved, prime agricultural lands, rural-density residential and other agricultural lands, would comprise about 11,351 acres of the total area of the Town (Table IX-3). Owing to the amount of urban development envisioned under the plan, the area dedicated to nonurban land uses would decrease from about 14,675 acres in 2000 to the planned 11,351 acres by year 2035.

### **Environmentally Sensitive Lands**

The most important remaining elements of the natural resource base are concentrated within areas identified on the recommended land use plan map as primary environmental corridors, secondary environmental corridors, and isolated natural resource areas. The environmental corridor concept and the pattern of existing environmental corridors and isolated natural resource areas in the Town are described in Chapter 3 of this Plan.

Primary environmental corridors are linear areas in the landscape that contain concentrations of high-value elements of the natural resource base, including almost all of the best remaining floodlands, woodlands, wetlands, and wildlife habitat areas. By definition, these corridors are at least 400 acres in area, two miles long, and 200 feet in width. The plan proposes the preservation of all remaining primary environmental corridors in essentially

natural, open uses. Under the plan, development within these corridors would be limited to that needed to accommodate required transportation and utility facilities, compatible outdoor recreation facilities, and, on a limited basis, carefully sited rural-density residential use. The plan further envisions that certain adjacent floodlands that are currently in agricultural or other open uses will over time be allowed to revert to a natural condition, becoming part of the environmental corridor network as urbanization of abutting upland areas proceeds.

Under the recommended land use plan, the primary environmental corridor area in the Town would consist of about 4,673 acres of about 23.7 percent of the total land area in year 2035.

Secondary environmental corridors also contain a variety of resource elements, often being remnants of primary corridors that have been partially converted to intensive urban use or agricultural use. By definition, secondary environmental corridors are at least one mile long and 100 acres in area. The Town land use plan recommends that secondary environmental corridors be considered for preservation in natural, open uses or incorporated as drainageways or local parks within developing areas. Such areas may, at the discretion of the Town Plan Commission, also accommodate intensive urban uses. Caution must be exercised when considering development within such areas, however, since Federal, State, or local natural resource protection regulations concerning wetlands, floodlands, shorelands, stormwater management, and erosion control, among others, may effectively preclude development within lowland portions of such corridor areas. Under the recommended Town land use plan, the secondary environmental corridor area would consist of about 521 acres or about 2.6 percent of the total land area in year 2035.

Isolated natural resource areas consist of smaller pockets of wetlands, woodlands, or surface water that are isolated from the primary and secondary environmental corridors. By definition, isolated natural resource areas are at least five acres in size. The land use plan recommends that these areas be preserved in natural, open uses insofar as is practicable, recognizing that such areas are often well suited for use as public or private parks and open space reservation. Such areas may, at the discretion of town plan commission, also accommodate intensive urban uses. Caution must be exercised when considering development within such areas, however, since Federal, State, or local natural resource protection regulations concerning wetlands, floodlands, shorelands, stormwater management, and erosion control, among others, may effectively preclude development within lowland portions of isolated natural resource areas. Under the recommended land use plan, the isolated natural resource areas would consist of about 749 acres or about 3.8 percent of the total land area in year 2035.

As indicated in Chapter 3 of this Plan, the preservation of these environmentally sensitive areas, particularly the primary environmental corridors, is essential to the maintenance of the overall quality of the environment. Moreover, because these areas are typically unsuitable for urban development, their preservation in natural, open uses can help to prevent such new developmental problems as failing foundations for pavement and structures, wet basements, excessive clear water infiltration into sanitary sewerage systems, and poor drainage.

## Extraction Lands

As noted in Chapter 3, the Town of Genesee contains a large quantity of nonmetallic mineral resources, the mining of which may be necessary to provide the sand, gravel, and dimensional stone needed in support of the continued development of the area. The recommended land use plan recognizes that while the Town contains a large quantity of such resources, efforts to extract sand and gravel or dimensional stone are increasingly constrained by the continued urbanization of the Town. The plan seeks to preserve and protect lands for mineral extraction purposes before the lands are developed for urban use or effectively precluded from extractive use by further urban development of adjacent areas.

Waukesha County solicited input from the Aggregate Producers of Waukesha County, an association of mineral extraction operators in the County. Members of that association provided information regarding the extent of lands now owned or leased for mineral extraction purposes as well as adjacent lands having the potential for mining activity. The areas so identified are shown on the recommended Town land use plan (Map H). In incorporating these areas into the land use plan, adjustments were made as necessary to ensure that the proposed activity would not encroach upon environmental corridors or isolated natural resource areas.

The areas identified for extractive use under the recommended plan encompass about 898 acres or about 4.5 percent of the total area of the Town. It should be recognized in this respect that mineral extractive activity is an interim use, and further, that mining activity at any given site usually proceeds in phases, with early phases undergoing restoration while later phases are being mined. Accordingly, the total area of the Town being actively mined at any point in time may be expected to be significantly less than 300 acres.

## Other Open Lands to Be Preserved

Other open lands proposed to be preserved under the recommended land use plan are lands usually adjacent to, but outside, identified primary and secondary environmental corridors and isolated natural resource areas, including lands within the 100-year recurrence interval floodplain, open lands within existing County or State park and open space sites, small wetlands less than five acres in size, and other lands covered by soils with a high water table, poorly drained soils, or organic soils. Such lands, which should be considered unsuitable for development of any kind, amount to about 2,276 acres, or about 11.5 percent of the total area of the Town under year 2035 plan conditions.

## 5-Acre Residential Land

About 12.2 percent (2,407 acres) of the 5-acre residential land would occur at a density of one unit per five (5) acres. However, if a parcel is developed as a residential cluster type development a higher density may be allowed consistent with the Residential Cluster Development described in this chapter of the plan. No land is specifically designated for multi-family uses as a result of this plan.

The 5-acre residential area consists of mainly 1 to 5 acre parcels for single-family living units while maintaining an overall density of one (1) unit per 5 acres. This category represents a density range based upon existing land use patterns developed in the past and proposed development areas with steep slopes and/or high ground water conditions. It is felt though; any further development below a 5-acre density may represent a deviation from that recommended in the Waukesha County Development Plan.

The 5-acre residential areas shown on the recommended Town land use plan map consist primarily of farm and related open lands which do not meet the criteria for classification as prime agricultural lands, but which are nonetheless proposed to be retained in rural land uses. Rural land uses envisioned under the plan for these areas include continuation of existing farming activity; creation of smaller farms, including hobby farms, horse farms, or other specialty farms; and rural residential development.

Residential development (5-Acre Residential) is defined for the purpose of the land use plan as residential development at a gross density of no more than one dwelling unit per five acres of land. It is envisioned that agricultural uses would be encouraged to continue in the 5-acre residential area delineated on the plan map to the greatest extent possible, and that rural residential development be allowed to occur in those areas only at such time as the agricultural uses are discontinued. The determination of permitted gross residential density in such areas could be calculated on an area wide basis and would include in the calculation rural residential lands, primary or secondary environmental corridors, isolated natural resource areas, other open lands to be preserved and major public land holdings, as designated under the recommended plan, and excluding major lakes.

Rural residential development could take the form of large lots for single-family dwelling units, with each lot being five acres or more in area, or could use density transfer, planned unit development, or cluster development design techniques to achieve the recommended overall gross residential density. Dwelling units could be concentrated on carefully located groupings of smaller lots, possibly as small as one-quarter acre in size, on a portion of a site to be developed, while retaining the balance of the site in agricultural or other open uses. The clusters of residential lots should be sited to preserve the rural appearance of the landscape, to facilitate the provision of sewage disposal and water supply, and to avoid the creation of problems such as poor drainage and foundation failures. This development option could include transfer of development rights between parcels of land throughout the community or adjacent to each other, resulting in higher densities of dwelling units at the development site while maintaining large areas of the landscape in open uses. Many options exist with respect to the use and ownership of the preserved open areas of a rural development, as well as for the design of the portion of the site where dwelling units are to be clustered. These options and the manner in which they are implemented are considered later in this chapter.

Under the recommended land use plan, the 5-acre residential land use category would amount to about 2,407 acres or about 12.2 percent of the total area of the Town under year 2035 plan conditions. As shown on Map Q, lands in this category would be widely distributed in the outlying areas of the Town.

**Table IX-3  
Planned Land Use in the Town of Genesee: 2035**

Community	Urban									
	Commercial and Office Park		Governmental and Institutional		Highway Rights of Way		Industrial		Landfill	
	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total
Genesee	181	0.9	100	0.5	0	0.0	504	2.6	0	0.0

Community	Urban									
	Mixed Use		Recreational		Residential		Transportation, Communication and Utilities		Subtotal	
	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total
Genesee	159	0.8	298	1.5	6,672	33.8	475	2.4	8,389	42.5

Community	Non-Urban								
	Extractive		Other Open Lands to be Preserved		Primary and Secondary Environmental Corridor and Isolated Natural Resources Area		Prime Agricultural		
	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	
Genesee	898	4.5	2,276	11.5	5,651	28.6	0	0.0	

Community	Non-Urban							
	Rural Density and Other Agricultural Land		Surface Water		Subtotal		Total Area	
	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total	Acres	Percent of Total
Genesee	2,407	12.2	119	0.6	11,351	57.5	19,740	100.0

The adopted Plan should represent a commitment by the Town Plan Commission and Town Board to strive for the selected land use objectives. In order to provide the community with the best spatial arrangement of required land uses, the existing and historic development conditions in the Town as well as the natural resource base and certain other important determinants of land use patterns were carefully studied. Based on the resulting information, a Land Use Plan was developed for the Town. The Plan represents a concept that the area should be formed, developed and spatially organized to represent the development goals and objectives of the Town. The Plan was designed to meet the following goals:

- A provide a balanced allocation of space to each of the various land use categories, which meets the social, physical, and economic needs of the Town.
- To provide a spatial distribution of the various land uses that results in a compatible relationship and arrangement between existing and proposed land uses.
- Protection of the environment and the natural resource base of the Town.
- The proper distribution of the various land uses as they relate to transportation and public utility systems in order to assure the economical provision of public services.
- To accommodate a broad range of new residential development with a physical environment that is healthy, safe, convenient, and attractive, while attaining the projected growth of the Town.
- Establishment of new industrial and commercial sites, while preserving and complimenting the existing industrial and commercial sites.
- Preservation of open space to enhance the overall quality of the environment.
- Preservation of the remaining primary environmental corridor lands in the Town and, to the greatest extent practicable, to preserve the remaining secondary environmental corridor lands and isolated natural resource areas in the Town in order to maintain the overall quality of the environment; to protect opportunities for recreational and educational activities; to avoid serious environmental and development problems.
- Preservation of economically viable agricultural lands within the Town and to preserve the rural character of the farming areas to the extent practical.
- The attainment of good soil and water conservation practices to reduce water runoff, control erosion and prevent surface water and groundwater contamination.

The recommended land use plan (Map Q) as presented indicates both those areas within the Town in which residential development now exists and those areas in which such development can be permitted in accordance with the stated land use development goals and objectives. New urban development in the Town, as indicated on the plan map, is proposed to occur through expansion of existing enclaves of urban development.