Chapter X

LAND USE PLAN

INTRODUCTION

As indicated in Chapter I of this report, county governments in Wisconsin are authorized to prepare and adopt county development plans under Section 59.97(3) of the Wisconsin Statutes. The Statutes permit county development plans to address a wide range of issues concerning the physical and economic development of a county. The development plan for Waukesha County presented in this report consists of four elements, each pertaining to a key aspect of the physical development of the County: land use, housing, transportation, and parks and open space. The land use element of the County development plan is presented in this chapter, while the housing, transportation, and park and open space plan elements are presented in Chapters XI, XII, and XIII, respectively. The land use element is the most basic of the four plan elements inasmuch as it establishes the basic settlement pattern recommended for the County, expressed in terms of land use and population, household, and employment levels. The other three plan elements were in turn developed within the framework of the recommended land use plan.

The land use, housing, transportation, and park and open space plan elements presented in this report comprise the core of a development plan for the County. This core may be supplemented, over time, through the preparation of additional plan elements for other functional areas, in response to changing needs within the County.

LAND USE PLAN DESIGN PROCESS

The process used in preparing the County development plan was heavily influenced by statutory requirements with respect to the treatment of locally adopted land use plans. Under the Wisconsin Statutes, counties are required to incorporate into the county development plan all master plans which have been duly adopted by incorporated cities and villages under the State of Wisconsin city planning enabling act. The Statutes do not, however, explicitly prescribe the treatment of plans adopted by towns acting under village powers, nor do the Statutes provide direction in the case of conflicts between any county-adopted land use objectives and local master plans. Situations in which city or village extraterritorial planning overlays town planning further complicate the preparation of a county development plan. Owing to the considerable number of local master plans adopted to date by the cities, villages, and towns within Waukesha County, as documented in Chapter VI of this report, the manner in which such plans are taken into account in the preparation of the County development plan is of paramount importance.

In an effort to adhere to both the requirements of the Wisconsin Statutes governing the preparation of county development plans and to sound planning practice, the Waukesha County Development Plan Advisory Committee determined that the following approach should be utilized in the preparation of the County development plan:

1. All duly adopted local land use plans, whether prepared by incorporated cities and villages or by towns, would be reviewed for consistency with the County development objectives and standards approved by the Advisory Committee, as presented in Chapter IX of this report. All inconsistencies would be identified and described.

2. Careful consideration would be given to areas in which cities and villages have exercised extraterritorial planning powers; any conflicts between duly adopted extraterritorial plans of the cities and villages and duly adopted town plans would be addressed.

3. A preliminary County land use plan would be prepared in a manner consistent with the Committee-approved County development objectives and standards, incorporating, to the extent possible, the provisions of all adopted city, village, and town land use plans. In areas where local land use plan recommendations were found to be inconsistent with the County development objectives, the County plan would be drafted to meet, to the extent practicable, those objectives. In areas where conflicts were found to exist between adopted city or village extraterritorial plans and adopted town plans, the County plan would be drafted

in accordance with whichever plan was most consistent with the County development objectives. In areas where no duly adopted local land use plan exists, a recommended land use pattern would be prepared in accordance with the County development objectives.

Statistical summaries of population, household, and employment levels under planned conditions would be prepared for the County. In order to assist in the review and evaluation of the preliminary plan, the population, household, and employment levels attendant to that plan would be compared to population, household, and employment projections presented in Chapter VIII of this report.

4. The preliminary County land use plan would be provided to all cities, villages, and towns in the County for review and comment. As part of this review process, conflicts identified between the preliminary County plan and local land use plans, as well as conflicts between city or village extraterritorial plans and town plans, would be addressed through intergovernmental meetings. In addressing such conflicts, efforts would be made to arrive at consensus resolutions of the identified conflicts, in cooperation with the concerned community or communities, using the preliminary County land use plan as a point of departure for the deliberations.

5. Following the local review process, the preliminary County land use plan would be revised to incorporate those changes agreed upon by the cities, villages, and towns concerned and which were found to be in accordance with the Committee-approved County development objectives.

The planning process recommended by the Advisory Committee represents a departure from conventional land use planning efforts, under which the amount of land allocated to the various major land use categories is determined, in part, on the basis of forecast increases in population, household, and employment levels over a chosen plan design period, normally 20 years. Utilizing such conventional land use planning techniques, a specific design year, or target date, can be attributed to the plan. Owing to the requirements of the Wisconsin Statutes, however, duly adopted local land use plans, rather than forecasts of population, households, and economic activity, were a major determinant of the amount of land allocated to the various land use categories in the preparation of the County land use plan. In addition, since many of the adopted local land use plans had different design years, no specific design year, or target date, could be attributed to the County plan. Accordingly, the County population, household, and employment projections presented in Chapter VIII of this report served primarily as a basis for evaluating the level of growth inherent in the locally adopted land use plans as reflected in the County land use plan.

The rest of this chapter documents the application of the plan design process approved by the Advisory Committee for use in the preparation of a County land use plan. The five major steps in preparing the County land use plan are documented in separate sections of the remainder of this chapter, with the last three sections setting forth the recommended County land use plan, the year 2010 stage of that recommended plan, and recommendations pertaining to plan implementation.

REVIEW OF LOCAL LAND USE PLANS FOR CONSISTENCY WITH COUNTY LAND USE DEVELOPMENT OBJECTIVES

Chapter IX of this report presents a set of eight specific land use development objectives, along with supporting principles and standards, as formulated by the Waukesha County Development Plan Advisory Committee for use in the preparation and evaluation of a County land use plan. The County development plan objectives, principles, and standards, hereinafter referred to as the County development objectives, are set forth in Chapter IX of this report. The County development objectives address various aspects of urban and rural development, including protection of the natural resource base and the preservation of agricultural resources. As a practical matter, the objectives and standards approved by the Advisory Committee will be substantially achieved if three conditions are met, namely, if: 1) new urban development occurs in a relatively compact form and primarily in areas which can be readily served by essential municipal facilities and services, particularly sanitary sewerage facilities and services, 2) the environmental corridors, or linear areas in the landscape containing concentrations of the best remaining elements of the natural resource base, are preserved in essentially natural, open uses, and 3) the remaining

prime agricultural lands[1] are preserved for agricultural use. These three conditions were utilized as benchmark criteria for comparing locally adopted plans with the County development objectives.

As part of this planning study, then, each duly adopted local land use plan in the County was evaluated for consistency with the three aforementioned criteria. The results of that analysis are presented in Table 119 and are graphically summarized on Map 84. The analysis indicated that there was generally good consistency between the County development objectives and the land use plans adopted to date by cities and villages within the County. All six city-adopted plans and ten of the eleven village-adopted plans, the Village of Merton being the only exception, were found to be substantially consistent with the County development objectives. The Village of Merton plan was found to be inconsistent with the County development objectives insofar as it proposed urban development without public sanitary sewerage service throughout the Village, with attendant encroachment on prime agricultural lands.

The analysis further indicated that town-adopted land use plans overall were generally less consistent with the County development objectives. Of the eleven adopted town plans, four, the plans for the Towns of Oconomowoc, Ottawa, Pewaukee, and

Table 119

CONSISTENCY BETWEEN ADOPTED LOCAL LAND USE PLANS IN WAUKESHA COUNTY AND THE WAUKESHA COUNTY DEVELOPMENT OBJECTIVES

Community	Consistency of Locally Adopted Land Use Plans With Respect to: Sound Urban Development Pattern	Protection of Important Natural Resources (Primary Environmental Corridors)	Preservation of Prime Agricultural Lands
Cities			
Brookfield	consistent	consistent	not applicable
Delafield	consistent	consistent	not applicable
Muskego	consistent	consistent	consistent
New Berlin	consistent	consistent	not applicable
Oconomowoc	consistent	consistent	not applicable
Waukesha	consistent	consistent	not applicable
Villages			
Dousman	consistent	consistent	not applicable
Eagle	consistent	consistent	not applicable
Hartland	consistent	consistent	not applicable
Lac La Belle	consistent	consistent	not applicable
Menomonee Falls	consistent	consistent	not applicable
Merton	inconsistent	consistent	inconsistent
Mukwonago	consistent	consistent	not applicable
Nashotah	consistent	consistent	not applicable
Oconomowoc Lake	not applicable	consistent	not applicable
Pewaukee	consistent	consistent	not applicable
Sussex	consistent	consistent	not applicable
Towns			
Delafield	inconsistent	inconsistent[a]	not applicable
Eagle	inconsistent	consistent	inconsistent
Lisbon[b]	inconsistent	inconsistent	inconsistent
Merton	inconsistent	inconsistent	inconsistent
Mukwonago	inconsistent	inconsistent	inconsistent
Oconomowoc	consistent	consistent	consistent
Ottawa	consistent	consistent	consistent
Pewaukee	consistent	consistent	consistent
Summit	inconsistent	consistent	not applicable
Vernon	consistent	consistent	consistent
Waukesha[b]	consistent[c]	inconsistent	inconsistent

NOTE: This table pertains only to duly adopted local land use plans. The Village of Butler and the Town of Genesee have prepared, but not formally adopted, land use plans. The Villages of Big Bend, Chenequa, Elm Grove, Lannon, North Prairie, and Wales, and the Town of Brookfield have not prepared land use plans.

[a]*In 1995, the Town of Delafield was in the process of revising its land use plan to recommend protection of upland areas of the primary environmental corridors.*

[b]*It should be noted that the Towns of Lisbon and Waukesha adopted land use plans subsequent to the inventory of land use plans and regulatory ordinances conducted in 1994 and documented in Chapter VI of this report.*

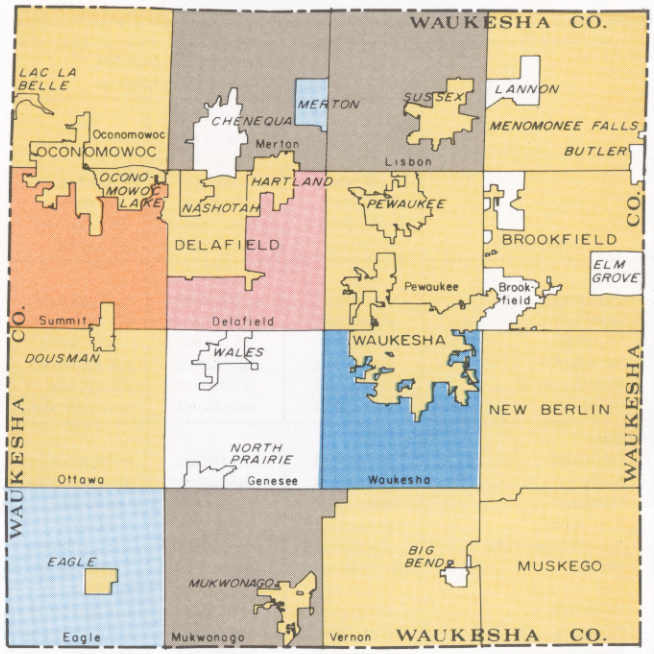
[c]*The additional urban development proposed under the Town of Waukesha land use plan would be consistent with County development objectives with respect to a sound urban development pattern only if served by urban services. The area of the Town proposed for additional urban development is located within the proposed new Waukesha urban service area, as set forth in the City of Waukesha land use plan.*

Source: SEWRPC.

[1]*It should be noted that prime agricultural land was initially identified, under the preliminary County land use plan, as farms meeting the following criteria: 1) the farm unit must be at least 35 acres in size, 2) at least 50 percent of the farm unit must be covered by soils meeting U. S. Soil Conservation Service (now U. S. Natural Resource Conservation Service) criteria for National prime farmland or farmland of Statewide importance, and 3) the farm unit must be located in a block of similar farmland of at least five square miles in size. Subsequent to review of the preliminary County land use plan, the second criterion, pertaining to soil types, was modified by the Waukesha County Development Plan Advisory Committee. The revised criteria are set forth in Chapter IX of this report and were used in preparing the recommended County land use plan, described later in this chapter.*

Map 84

CONSISTENCY BETWEEN ADOPTED LOCAL LAND USE PLANS IN WAUKESHA COUNTY AND THE WAUKESHA COUNTY DEVELOPMENT OBJECTIVES



LEGEND

LOCAL PLAN IS SUBSTANTIALLY CONSISTENT WITH COUNTY DEVELOPMENT OBJECTIVES

LOCAL PLAN IS INCONSISTENT WITH COUNTY DEVELOPMENT OBJECTIVES

- INCONSISTENT WITH COUNTY URBAN GROWTH OBJECTIVES
- INCONSISTENT WITH COUNTY URBAN GROWTH OBJECTIVES AND ENVIRONMENTAL CORRIDOR OBJECTIVES
- INCONSISTENT WITH COUNTY URBAN GROWTH OBJECTIVES AND PRIME AGRICULTURAL LAND OBJECTIVES
- INCONSISTENT WITH COUNTY ENVIRONMENTAL CORRIDOR OBJECTIVES AND PRIME AGRICULTURAL LAND OBJECTIVES
- INCONSISTENT WITH COUNTY URBAN GROWTH OBJECTIVES, ENVIRONMENTAL CORRIDOR OBJECTIVES, AND PRIME AGRICULTURAL LAND OBJECTIVES

NO ADOPTED LOCAL PLAN

GRAPHIC SCALE

0 1 2 3 4 5 6 MILES

0 10,000 20,000 30,000 40,000 FEET

Source: SEWRPC.

Vernon, were found to be substantially consistent with the County development objectives.[2] Seven of

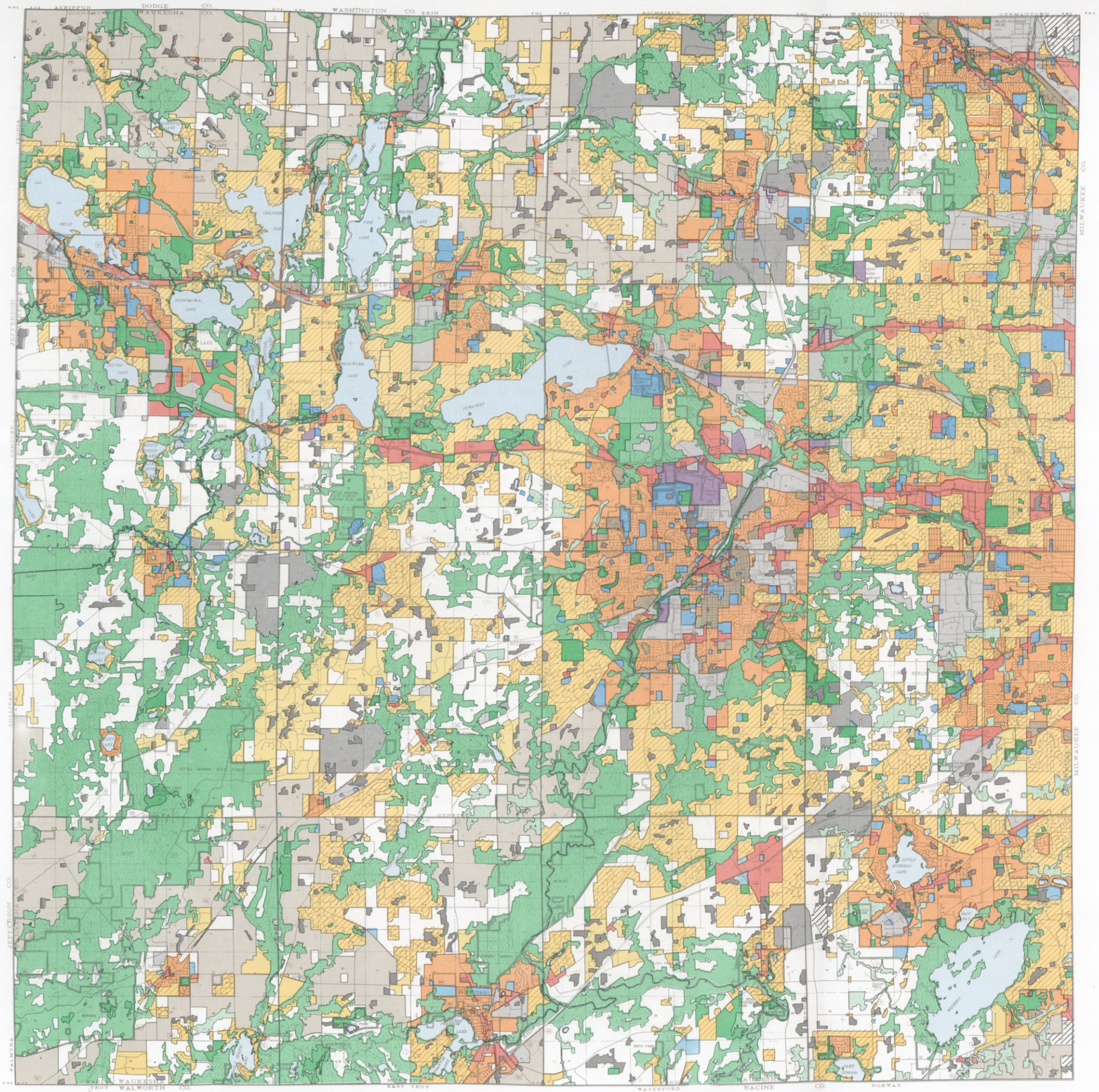
[2]*It should be noted that strict application of the prime agricultural land criteria initially approved by the Waukesha County Development Plan Advisory Committee for preparation of the preliminary County land use plan would have resulted in the delineation of prime agricultural lands in the southern portion of the Town of Vernon. Under those criteria, prime farmland soils are identified as soils meeting criteria for National prime farmland, or largely Class I and II soils, or farmland of Statewide importance, or largely Class III, soils. Much of the southern portion of the Town of Vernon is covered by Class II and Class III soils.*

The Town of Vernon land use plan does not identify any prime agricultural land within the Town. The local land use planning process for the Town included a detailed analysis of the agricultural resources, including a detailed examination of agricultural soil capability. That analysis found that the area identified as prime agricultural land on the basis of the County development plan standards includes certain areas covered by Class II soils which are not adequately drained and certain areas covered by Class III soils which have been significantly eroded. Based upon this analysis, the Town Master Planning Committee, which consisted of the Town Plan Commission and the Town Board of Supervisors, concluded that the Town land use plan should not identify any prime agricultural lands in the southern portion of the Town. The Town Master Planning Committee did, however, recommend that the area be designated under the Town land use plan for rural-density residential and other agricultural use. The preliminary County land use plan incorporates the recommendations of the Town land use plan for this area, in deference to the detailed analysis of agricultural soil capability undertaken as part of the Town planning process.

It should also be noted that the Town of Vernon land use plan identifies large scale commercial development around the intersection of STH 164 and IH 43, an area not currently served by public sanitary sewer. The Town land use plan indicates that the Town will investigate means of providing public sanitary sewer service to this area, but that if such service cannot be provided in an economically feasible manner, the Town may amend the land use plan to accommodate more limited commercial and industrial development in areas which contain soils suitable for the operation of onsite sewage disposal systems for such development. The proposed commercial development would be consistent with the County development objectives only if it were provided with public sanitary sewer service. The proposed commercial development is reflected on the preliminary County land use plan, as shown on Map 85, under the assumption that such service will be provided.

Map 85

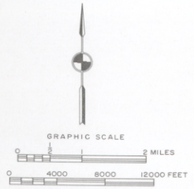
PRELIMINARY LAND USE PLAN FOR WAUKESHA COUNTY



LEGEND

GENERALIZED PLANNED LAND USE CATEGORY

- HIGH DENSITY RESIDENTIAL (LESS THAN 6,000 SQUARE FEET OF LOT AREA PER DWELLING UNIT)
- MEDIUM DENSITY RESIDENTIAL (6,000-19,999 SQUARE FEET OF LOT AREA PER DWELLING UNIT)
- LOW DENSITY RESIDENTIAL (20,000 SQUARE FEET TO 1.4 ACRES OF LOT AREA PER DWELLING UNIT)
- SUBURBAN DENSITY RESIDENTIAL (1.5 TO 4.9 ACRES OF LOT AREA PER DWELLING UNIT)
- RURAL DENSITY RESIDENTIAL, OTHER AGRICULTURAL, AND OPEN LANDS
- COMMERCIAL
- INDUSTRIAL
- GOVERNMENTAL AND INSTITUTIONAL
- RECREATIONAL
- TRANSPORTATION, COMMUNICATION, AND UTILITIES
- EXTRACTIVE
- LANDFILL
- PRIMARY ENVIRONMENTAL CORRIDOR
- SECONDARY ENVIRONMENTAL CORRIDOR
- ISOLATED NATURAL RESOURCE AREA
- PRIME AGRICULTURAL
- SURFACE WATER



Source: SEWRPC.

the town plans were found to be inconsistent with at least one of the three benchmark criteria.

Review of Table 119 indicates that plans for six towns, Delafield, Eagle, Lisbon, Merton, Mukwonago, and Summit, are designed to accommodate widespread urban residential development outside planned urban service areas, contrary to the basic County development objective that urban development should be encouraged to occur only in areas that can be readily served by essential urban facilities and services. In most of these towns, the planned urban development would encroach upon prime agricultural lands, primary environmental corridor lands, or both, contrary to the stated County development objectives.

In summary, of the 28 city, village, and town land use plans completed and adopted as of June 1995 within the County, 20 were found to be substantially consistent with the County development objectives. Under the planning approach recommended by the Advisory Committee, these plans would be incorporated directly into the preliminary County land use plan. The plans for eight communities, the Village of Merton and the Towns of Delafield, Eagle, Lisbon, Merton, Mukwonago, Summit, and Waukesha, were found to be inconsistent with one or more key County development objectives. These eight plans could be incorporated into the preliminary County land use plan only upon revision as necessary to achieve consistency with the County development objectives.

REVIEW OF CITY OR VILLAGE EXTRATERRITORIAL PLANS

Under the State of Wisconsin city planning enabling act, cities and villages in Wisconsin are authorized to include in their master plans unincorporated areas which, in the judgment of the plan commission, bear a relation to the development of the city or village. Depending upon their location, certain unincorporated areas of the County may therefore be included in both a town-adopted plan and a city- or village-adopted plan, as that city or village plan applies to an extraterritorial area, without any assurance of consistency between such plans.

The status of extraterritorial planning in Waukesha County was reported in Chapter VI of this report.[3] As indicated in Chapter VI, nine cities and villages in the County exercised an extraterritorial planning function in 1994. As part of this planning study, the areas subject to overlapping land use plans were identified, the overlapping plans were compared, and any inconsistencies between the plans were addressed.

In order to facilitate preparation of the preliminary County land use plan, it was necessary to identify recommended resolutions of any identified conflicts. This was accomplished on a case-by-case basis, utilizing the following guidelines:

1. Where either an extraterritorial plan or a town plan was found to be consistent with County development objectives and the other found to be inconsistent, the proposed County land use plan incorporated the recommendations of the former.

2. Where both an extraterritorial plan and a town plan were found to be consistent with the County development objectives, but where the extraterritorial plan and the town plan differed in matters such as the recommended residential density, the preliminary land use plan generally incorporated the plan recommendations of the city or village, particularly when the area concerned was located within an adopted planned sanitary sewer service area of the city or village. This approach recognizes the likelihood that the areas in question would eventually receive basic urban services from the city or village. This approach also recognizes that the concerned city or village is likely to have considerable influence over the characteristics of new urban development in such areas, either as the areas are annexed or through other means, such as extraterritorial plat review powers.

3. Where both an extraterritorial plan and a town plan were found to be inconsistent with the County development objectives, neither plan was incorporated into the preliminary County land use plan. In such cases, a land

[3]*Map 72 in Chapter VI of this report depicts locally planned land use reflective of extraterritorial planning; while Map 70 in Chapter VI depicts locally planned land use reflective of town-adopted plans, extraterritorial planning notwithstanding.*

use plan for the affected area was developed in accordance with the County development objectives.

The resolution of conflicts between extraterritorial city or village plans and town plans also took into account, as appropriate, the land use recommendations of the IH 94 West Freeway Corridor development plan, described in Chapter VI of this report. That plan, it should be noted, is fully consistent with the County development objectives.

PRELIMINARY COUNTY LAND USE PLAN

A proposed preliminary County land use plan was prepared in accordance with the County development objectives, incorporating, to the extent possible, the provisions of all duly adopted local land use plans. The plan was developed as follows:

1. The 20 duly adopted local land use plans which were found to be consistent with the County development objectives were incorporated directly into the preliminary County land use plan. As part of this process, the land use patterns set forth in local land use plans were adjusted, as appropriate, to reflect new urban development which had taken place, or which was known to be committed, since the preparation of the local plans.[4]

2. The eight remaining duly adopted local land use plans were incorporated into the preliminary County land use plan to the extent that they were consistent with the County development objectives. Where inconsistencies with the County development objectives were identified, the local plans were not utilized; the County land use plan was constructed to meet the County development objectives.

3. For areas subject to overlapping but conflicting city or village extraterritorial plans and town plans, the preliminary County land use plan was prepared in accordance with the plan which best met the County development objectives.

4. For areas of the County where no duly adopted local land use plan existed, a proposed land use pattern was designed to meet the County development objectives, within the framework of the population, household, and employment projections set forth in Chapter VIII of this report.

5. Salient recommendations from relevant functional plans, including the recommendations contained in the Waukesha County park and open space plan, the development plan for the IH 94 West Freeway Corridor, the sewage treatment facility and related sanitary sewer service area recommendations of the regional water quality management plan, the airport site area recommendations of the regional airport system plan, and the landfill facility recommendations of the Waukesha County solid waste management plan, were incorporated into the County land use plan.[5]

6. Areas owned or leased by mineral extraction operators for possible mining operations within the County were incorporated into the preliminary County land use plan if, based upon preliminary analysis, the proposed activity would not conflict with the County development objectives.[6]

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[4]*In several areas in the northeastern portion of the County, decisions have been made to size major trunk sanitary sewers large enough to serve lands located beyond the urban areas identified in the respective locally adopted land use plans. For these areas, the preliminary County land use plan shown on Map 85 reflects the urban areas identified on the locally adopted plans, in accordance with Section 59.97(3) of the Wisconsin Statutes. The additional urban development which could potentially be accommodated based upon the planned trunk sewer capacity is described later in this chapter.*

[5]*The Waukesha County park and open space plan, the development plan for the IH 94 West Freeway Corridor, the regional water quality management plan as it pertains to Waukesha County, the regional airport system plan as it pertains to Waukesha County, and the Waukesha County solid waste management plan were described in Chapter VI of this report.*

[6]*Information regarding existing mineral extraction operations in the County and the possible expansion of those operations was presented in Chapter IV of this report.*