

ENROLLED ORDINANCE 168-94

REPEAL AND RECREATE TABLE 6(b)1.B.i OF THE WAUKESHA COUNTY  
SHORELAND AND FLOODLAND PROTECTION ORDINANCE TO  
INCORPORATE THE FEMA LETTER OF MAP REVISION FOR  
THE SUSSEX CREEK STREAM LOCATION PROJECT (SZ-1768)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Floodland Protection Ordinance on January 23, 1970, and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such ordinance pursuant to Section 59.692, Wisconsin Statutes, and

WHEREAS, the subject matter of this ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 of the Wisconsin Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA  
ORDAINS:

Table 6(b)1.B.i of the Waukesha County Shoreland and Floodland Protection Ordinance is repealed and recreated to read as follows:

**Table 6(b)1.B.i.**

**Official Maps (Based on the FIS)**

**Waukesha County Flood Insurance Rate Map (FIRM), panel numbers 55133C0016F, 55133C0017F, 55133C0018F, 55133C0019F, 55133C0029F, 55133C0033F, 55133C0034F, 55133C0036F, 55133C0037F, 55133C0038F, 55133C0039F, 55133C0041F, 55133C0042F, 55133C0043F, 55133C0044F, 55133C0053F, 55133C0054F, 55133C0061F, 55133C0063F, 55133C0083F, 55133C0088F, 55133C0089F, 55133C0091F, 55133C0093F, 55133C0131F, 55133C0132F, 55133C0151F, 55133C0152F, 55133C0156F, 55133C0168F, 55133C0169F, 55133C0181F, 55133C0182F, 55133C0183F, 55133C0186F, 55133C0187F, 55133C0188F, 55133C0189F, 55133C0191F, 55133C0193F, 55133C0194F, 55133C0201F, 55133C0202F, 55133C0206F, 55133C0207F, 55133C0208F, 55133C0214F, 55133C0216F, 55133C0217F, 55133C0218F, 55133C0219F, 55133C0259F, 55133C0270F, 55133C0285F, 55133C0290F, 55133C0291F, 55133C0292F, 55133C0293F, 55133C0294F, 55133C0301F, 55133C0302F, 55133C0303F, 55133C0304F, 55133C0306F, 55133C0307F, 55133C0308F, 55133C0309F, 55133C0311F, 55133C0312F, 55133C0314F, 55133C0316F, 55133C0317F, 55133C0318F, 55133C0319F, 55133C0326F, 55133C0327F, 55133C0328F, 55133C0329F, 55133C0331F, 55133C0336F, 55133C0338F, 55133C0339F, 55133C0385F, 55133C0405F, 55133C0406F, 55133C0407F, 55133C0408F, 55133C0409F, 55133C0426F, 55133C0427F, 55133C0431F, 55133C0432F, 55133C0451F, 55133C0452F, 55133C0453F, 55133C0454F, dated November 19, 2008; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated February 19, 2014, volume numbers 55133CV001B, 55133CV002B, and 55133CV003B.**

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**dated February 19, 2014; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated February 19, 2014, volume numbers 55133CV001B, 55133CV002B, and 55133CV003B.**

**Revisions to the Waukesha County Flood Insurance Rate Map (FIRM) Panel Numbers:**

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**BE IT FURTHER ORDAINED** that this Ordinance shall be in full force and effect upon passage, approval and publication.

**BE IT FURTHER ORDAINED** that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

REPEAL AND RECREATE TABLE 6(b)1.B.i OF THE WAUKESHA COUNTY  
SHORELAND AND FLOODLAND PROTECTION ORDINANCE TO  
INCORPORATE THE FEMA LETTER OF MAP REVISION FOR  
THE SUSSEX CREEK STREAM LOCATION PROJECT (SZ-1768)

Presented by:  
Land Use, Parks, and Environment Committee

Absent  
James A. Heinrich, Chair

Jim Batzko  
Jim Batzko

Walter Kolb  
Walter Kolb

Pamela Meyer  
Pamela Meyer

Fritz Ruf  
Fritz Ruf

Thomas J. Schellinger  
Thomas J. Schellinger

David D. Zimmermann  
David D. Zimmermann

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 3/25/2014, Kathleen Novack  
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed:

Date: 3/28/2014, Daniel P. Vrakas  
Daniel P. Vrakas, County Executive

Digitally signed by Daniel P. Vrakas  
DN: cn=Daniel P. Vrakas, o=Waukesha County, ou=Waukesha County  
Executive, email=countyexec@waukesha-county.gov, c=US  
Date: 2014.03.28 11:18:57 -0500

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Date: 3/25/2014, Kathleen O. Novack  
Kathleen Novack, County Clerk

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Approved: \_\_\_\_\_  
Vetoed: \_\_\_\_\_  
Date: \_\_\_\_\_,  
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-03/25/14

(ORD) NUMBER-1680094

1 . . . . .

3 R. MORRIS . . . . . AYE

5 J. BRANDTJEN . . . . . AYE

7 J. GRANT . . . . . AYE

9 J. HEINRICH . . . . . AYE

11 F. RUF . . . . . AYE

13 P. DECKER . . . . . AYE

15 W. KOLB . . . . . AYE

17 D. PAULSON . . . . . AYE

19 C. CUMMINGS . . . . . AYE

21 W. ZABOROWSKI . . . . . AYE

23 K. HAMMITT . . . . . AYE

25 G. YERKE . . . . . AYE

2 D. Zimmermann . . . . . AYE

4 J. BATZKO . . . . . AYE

6 . . . . .

8 P. HAUKOHL . . . . . AYE

10 D. SWAN . . . . . AYE

12 P. WOLFF . . . . . AYE

14 P. MEYER . . . . . AYE

16 M. CROWLEY . . . . . AYE

18 L. NELSON . . . . . AYE

20 T. SCHELLINGER . . . . . AYE

22 P. JASKE . . . . . AYE

24 D. DRAEGER . . . . . AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

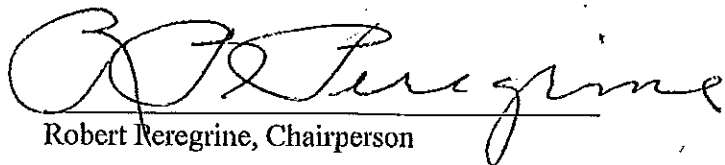
TOTAL VOTES-23

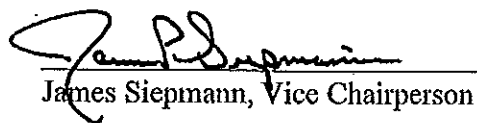
COMMISSION ACTION

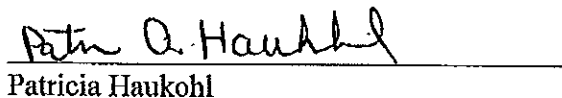
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of (SZ-1768 Text Amendment-Sussex Creek Stream Location Project, Town of Lisbon) in accordance with the attached "Staff Report and Recommendation".

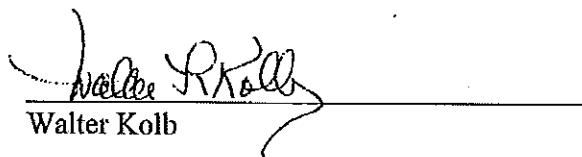
PARK AND PLANNING COMMISSION

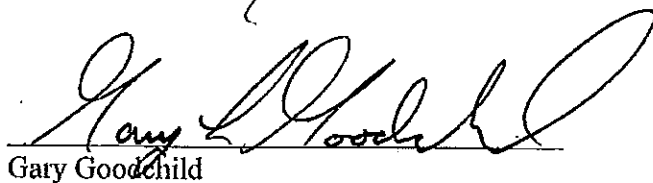
February 6, 2014

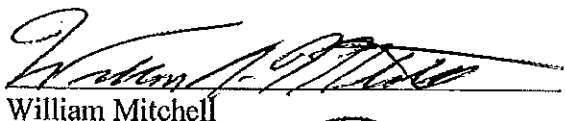
  
Robert Reregine, Chairperson

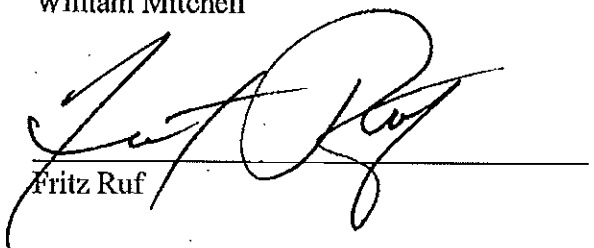
  
James Siepmann, Vice Chairperson

  
Patricia Haukohl

  
Walter Kolb

  
Gary Goodchild

  
William Mitchell

  
Fritz Ruf

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENT**

**FILE NO.:** SZ-1768 (Text)

**DATE:** February 6, 2014

**PETITIONER:** Waukesha County  
Dept. of Parks and Land Use  
515 W. Moreland Blvd., Room 230AC  
Waukesha, WI 53188

**PROPOSAL:**

Text amendment to the Waukesha County Shoreland and Floodland Protection Ordinance (SFPO) to incorporate a Federal Emergency Management Agency (FEMA) Letter of Map Revision (LOMR) that reflects a Sussex Creek stream relocation project that took place in 2007 on the Halquist Stone Company properties located on the north and south sides of C.T.H. "K" west of S.T.H. "74". The text amendment specifically references the FEMA-LOMR and FEMA Flood Insurance Rate Map (FIRM) Panels and Flood Insurance Study (FIS) affected.

**PUBLIC HEARING DATE:**

February 6, 2014.

**PUBLIC REACTION:**

Public comments will be accepted and considered at the February 6, 2014 public hearing. The related FEMA LOMR has previously been the subject of a formal FEMA appeals period between September 9, 2013 and December 8, 2013, a period of 90 days. If comments raised during the hearing cannot be addressed at the same February 6, 2014 meeting, action can be tabled to the February 20, 2014 meeting, if necessary. Because of the narrow window of time that FEMA provides for map adoption, the public hearing and proposed zoning ordinance text amendment have both been scheduled for the same date (February 6, 2014).

**COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:**

The County Development Plan calls for protection of one hundred year (1% chance) floodplains and recommends that new development not be allowed within floodplain areas. The proposal to adopt the new FEMA floodplain mapping and related studies into the SFPO will ensure that areas subject to flooding as a result of the stream relocation are adequately protected and that those areas that are no longer subject to flooding are removed from unnecessary floodplain regulations.

**STAFF ANALYSIS:**

In 2006, Halquist Stone Company obtained the necessary approvals from the Waukesha County Department of Parks and Land Use, including a Storm Water Permit, Conditional Use Permit, and Zoning Amendment, to relocate Sussex Creek, make road improvements to the haul road into the quarry operations and C.T.H. "K", construct two (2) new bridges, and modify storm water facilities for the creation of a new parking lot. The properties affected by the project are all owned by Halquist Stone Company and are located on the north and south sides of C.T.H. "K" west of S.T.H. "74". The Southeastern Wisconsin Regional Planning Commission (SEWRPC) reviewed the details of the project and determined that the floodplain elevation was not impacted on adjacent properties upstream or downstream. The project was completed in 2007.

In working on Countywide map modernization a few years ago, the Waukesha County Planning and Zoning Division Staff identified that the Sussex Creek stream relocation project was not reflected on the new FEMA maps. The Planning and Zoning Division Staff determined that although the proposed floodplain study had been reviewed and approved by multiple review entities, a LOMR submittal had not been made in time for the project to be captured in the new FEMA mapping, which meant that the LOMR would be further complicated because a new floodplain model would now need to be considered. Therefore, Halquist Stone Company and SEWRPC, at Waukesha County's request, worked together to collect necessary as-built data and SEWRPC completed the required floodplain analysis with regards to the newly effective FEMA floodplain model as it relates to the completed stream relocation and bridge project. The final floodplain study was sent to WDNR and FEMA for review and approval and was recently approved in 2013 as part of a FEMA-Letter of Map Revision. The updated floodplain study was incorporated in the FEMA FIRM panels and Flood Insurance Study and is the subject of this text amendment. A zoning map amendment is not required since the project was previously considered in 2006 (SZT-1628) and only a few technical refinements are required to incorporate the final adopted floodplain boundaries on the County's Shoreland and Floodland Protection Ordinance Zoning Map. The attached Exhibit "C" shows the minor floodplain boundary adjustments that result.

A copy of the text amendment that identifies the additional language within Table 6(b)1.B.i. in italics is attached as Exhibit "A" and a clean copy of the text amendment is attached as Exhibit "B".

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that the proposed text amendment ordinance be **approved**. The text amendment will adhere to FEMA and DNR requirements for the County's administration and protection of floodplain areas. The incorporation of the revised FEMA floodplain mapping into the County ordinance will accurately reflect the new Sussex Creek floodplain conditions and will appropriately reference the new LOMR. The adoption of more detailed and modern floodplain mapping is consistent with County Development Plan and zoning ordinance provisions.

Respectfully submitted,

*Amy Barrows/kb*

Amy Barrows  
Senior Land Use Specialist

Enclosures: Exhibits "A", "B" and "C"



**PROPOSED AMENDMENT  
TO THE WAUKESHA COUNTY  
SHORELAND AND FLOODLAND PROTECTION ORDINANCE**

Notes: *Text to be added appears in italics. Some formatting may change as the Editor incorporates the proposed amendments into the existing code.*

**Table 6(b)1.B.i.**

**Official Maps (Based on the FIS)**

**Waukesha County Flood Insurance Rate Map (FIRM), panel numbers 55133C0016F, 55133C0017F, 55133C0018F, 55133C0019F, 55133C0029F, 55133C0033F, 55133C0034F, 55133C0036F, 55133C0037F, 55133C0038F, 55133C0039F, 55133C0041F, 55133C0042F, 55133C0043F, 55133C0044F, 55133C0053F, 55133C0054F, 55133C0061F, 55133C0063F, 55133C0083F, 55133C0088F, 55133C0089F, 55133C0091F, 55133C0093F, 55133C0131F, 55133C0132F, 55133C0151F, 55133C0152F, 55133C0156F, 55133C0168F, 55133C0169F, 55133C0181F, 55133C0182F, 55133C0183F, 55133C0186F, 55133C0187F, 55133C0188F, 55133C0189F, 55133C0191F, 55133C0193F, 55133C0194F, 55133C0201F, 55133C0202F, 55133C0206F, 55133C0207F, 55133C0208F, 55133C0214F, 55133C0216F, 55133C0217F, 55133C0218F, 55133C0219F, 55133C0259F, 55133C0270F, 55133C0285F, 55133C0290F, 55133C0291F, 55133C0292F, 55133C0293F, 55133C0294F, 55133C0301F, 55133C0302F, 55133C0303F, 55133C0304F, 55133C0306F, 55133C0307F, 55133C0308F, 55133C0309F, 55133C0311F, 55133C0312F, 55133C0314F, 55133C0316F, 55133C0317F, 55133C0318F, 55133C0319F, 55133C0326F, 55133C0327F, 55133C0328F, 55133C0329F, 55133C0331F, 55133C0336F, 55133C0338F, 55133C0339F, 55133C0385F, 55133C0405F, 55133C0406F, 55133C0407F, 55133C0408F, 55133C0409F, 55133C0426F, 55133C0427F, 55133C0431F, 55133C0432F, 55133C0451F, 55133C0452F, 55133C0453F, 55133C0454F, dated November 19, 2008; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated February 19, 2014, volume numbers 55133CV001B, 55133CV002B, and 55133CV003B.**

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Approved by: The WDNR and FEMA

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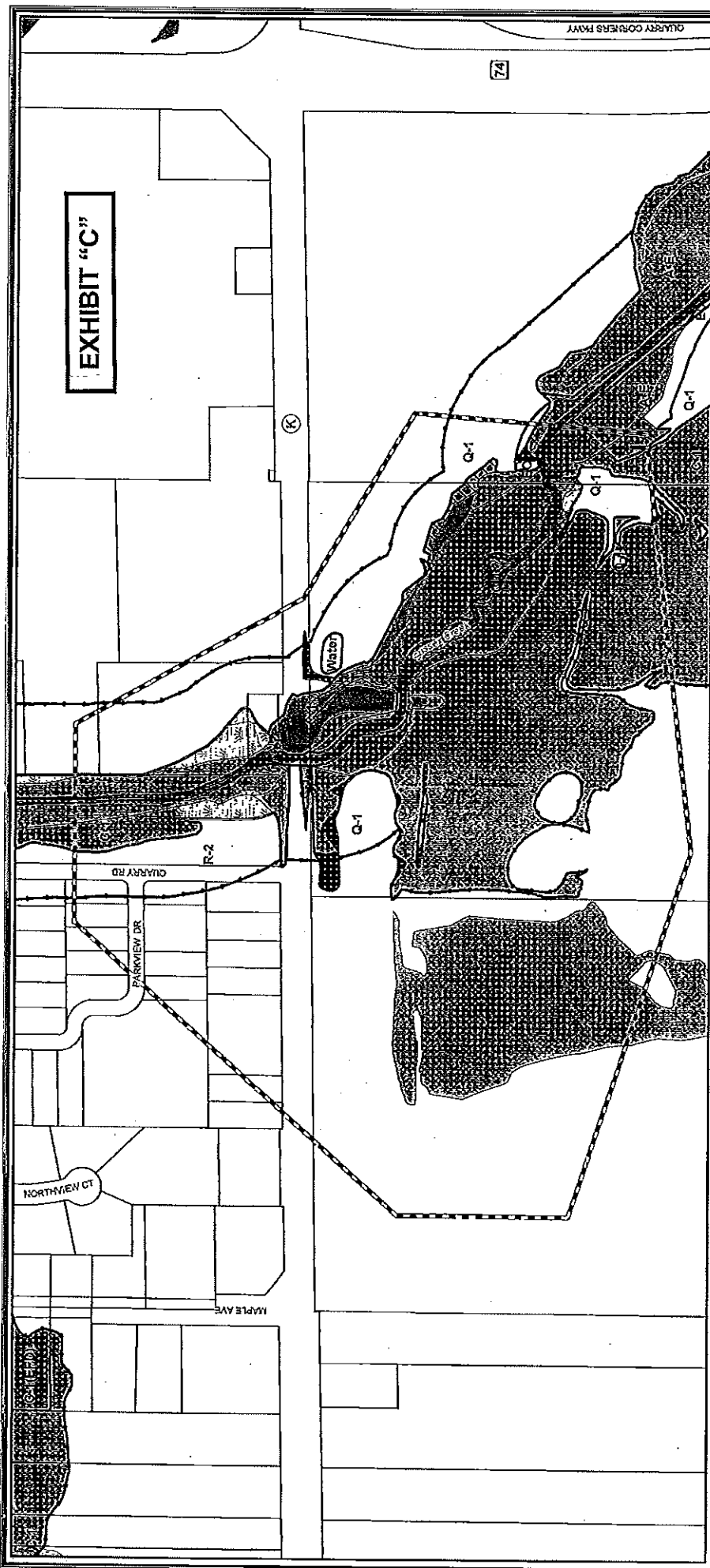
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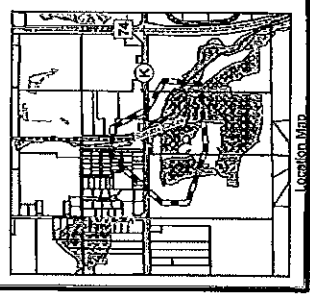
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Approved by: The WDNR and FEMA



**EXHIBIT "C"**



- LOMR Area
- 100-Yr FEMA Floodplain (LOMR)
- 100-Yr FEMA Floodplain



1 Inch = 300 feet

**SUSSEX CREEK LOMR PROJECT AREA**  
**SECTION 35,**  
**TOWN OF LISBON**

Prepared by the Whitesha County Department of Parks and Land Use

- EXPANDED FLOODPLAIN - FEMA LOMR
- REDUCED FLOODPLAIN - FEMA LOMR