

ENROLLED ORDINANCE 170-34

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF GENESEE BY REZONING CERTAIN LANDS LOCATED IN PART OF SECTIONS 25 AND 36, T6N, R18E, TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE A-E EXCLUSIVE AGRICULTURAL CONSERVANCY, E-C ENVIRONMENTAL CORRIDOR AND R-1 RESIDENTIAL DISTRICTS TO THE C-1 CONSERVANCY DISTRICT IN ORDER TO INCORPORATE THE SAYLESVILLE DAM FAILURE STUDY BOUNDARIES (SZ-1806)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Genesee Town Board on May 11, 2015, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Genesee, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to rezone certain lands located in part of Sections 25 and 36, T6N, R18E, Town of Genesee, from the A-E Exclusive Agricultural Conservancy, E-C Environmental Corridor and R-1 Residential Districts to the C-1 Conservancy District to incorporate the Saylesville Dam Failure Study boundaries, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference ZT-1806, is hereby approved.

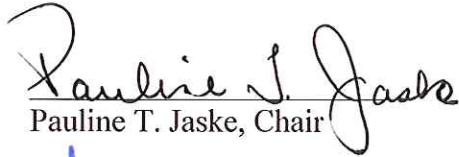
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town of Genesee Clerk.

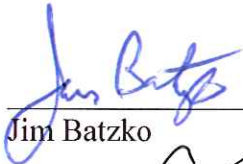
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF GENESEE BY REZONING
CERTAIN LANDS LOCATED IN PART OF SECTIONS 25 AND 36, T6N, R18E, TOWN
OF GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE A-E EXCLUSIVE
AGRICULTURAL CONSERVANCY, E-C ENVIRONMENTAL CORRIDOR AND
R-1 RESIDENTIAL DISTRICTS TO THE C-1 CONSERVANCY DISTRICT IN
ORDER TO INCORPORATE THE SAYLESVILLE DAM FAILURE
STUDY BOUNDARIES (SZ-1806)

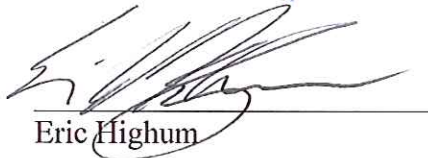
Presented by:
Land Use, Parks, and Environment Committee


Pauline T. Jaske, Chair


Jim Batzko


Jennifer Grant



Keith Hammitt


Eric Highum


William Mitchell


Thomas J. Schellinger

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

Date: 7/28/2015, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 8/4/15, 
Paul Farrow, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/28/15

RESOLUTION NUMBER-1700034

1 R. KOLB.....AYE	2 D. Zimmermann.....AYE
3 R. MORRIS.....	4 J. BATZKO.....AYE
5 J. BRANDTJEN.....AYE	6 J. WALZ.....AYE
7 J. GRANT.....AYE	8 E. HIGHUM.....AYE
9 J. HEINRICH.....AYE	10 D. SWAN.....AYE
11 C. HOWARD.....AYE	12 P. WOLFF.....AYE
13 P. DECKER.....AYE	14 C. PETTIS.....AYE
15 B. MITCHELL.....AYE	16 M. CROWLEY.....AYE
17 D. PAULSON.....AYE	18 L. NELSON.....AYE
19 K. CUMMINGS.....AYE	20 T. SCHELLINGER....AYE
21 W. ZABOROWSKI.....AYE	22 P. JASKE.....AYE
23 K. HAMMITT.....	24 S. WHITTOW.....AYE
25 G. YERKE.....AYE	

TOTAL AYES-23

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS ~~X~~

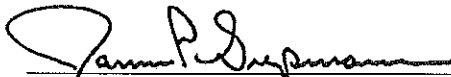
TOTAL VOTES-23

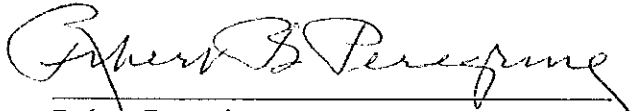
COMMISSION ACTION

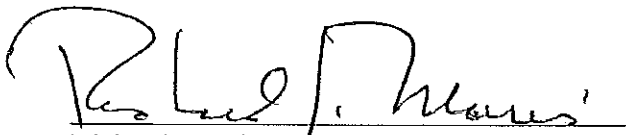
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of SZ-1806A (Text Amendment/Saylesville Dam, Town of Genesee) in accordance with the attached "Staff Report and Recommendation".

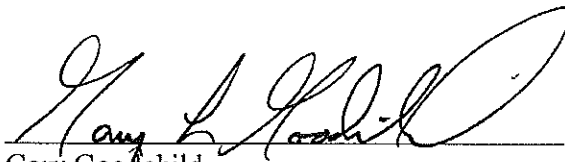
PARK AND PLANNING COMMISSION

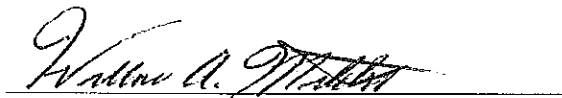
June 18, 2015



James Siepmann, Chairperson

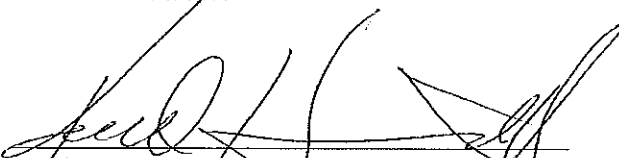

Robert Peregrine


Richard Morris


Gary Goodchild


William Mitchell


William Maslowski


Keith Hammitt

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

FILE NO.: SZ-1806 (Map) and SZ-1806A (Text)

DATE: June 18, 2015

PETITIONER: Waukesha County Park and Planning Commission
515 W. Moreland Blvd.
Waukesha, WI 53188

LOCATION:

The eight properties that are the subject of the rezone amendment are located downstream of the Saylesville Dam and are located in part of the SW ¼ of Section 25 and part of the NW ¼ of Section 36, T6N, R18E, Town of Genesee, Tax Key No's. GNT 1539.981, GNT 1539.996, GNT 1539.987, GNT 1539.995.002, GNT 1539.988.003, GNT 1539.984, GNT 1539.988.001, GNT 1582.999 (Exhibit "A"). 35.2 acres are subject to the rezone request.

PROPOSED ZONING:

Amend the text and map of the Waukesha County Shoreland and Floodland Protection Ordinance in order to adopt a new Dam Failure Analysis for the Saylesville Dam in accordance with NR 116 of the Wisconsin Administrative Code per WDNR standards. The hydraulic shadow of the Dam Failure Analysis must be mapped as a new floodplain boundary along Genesee Creek from the Saylesville Dam to approximately 2,400 ft. downstream of the dam. A portion of the area will be rezoned from the E-C Environmental Corridor, R-1 Residential, and A-E Exclusive Agricultural Conservancy Districts to the C-1 Conservancy District. Most lands that lie within the failure shadow are currently zoned C-1 because the lands are also designated as wetlands and /or FEMA floodplain. Because the County's shoreland jurisdictional limits extend to the full extent of the floodplain limits, a small area of additional shoreland jurisdiction is proposed to be created where the floodplain extends further than 300 ft. from a stream or 1,000 ft. from Saylesville Pond.

PUBLIC HEARING DATE:

April 27, 2015.

PUBLIC REACTION:

Several residents asked general questions about the rezone and asked if regulations changed on their individual properties.

TOWN OF GENESEE PLAN COMMISSION ACTION:

On April 27, 2015, the Town of Genesee Plan Commission recommended approval to the Town Board to amend the text and zoning maps of the Waukesha County Shoreland and Floodland Protection Ordinance to adopt the Dam Failure Analysis and Assessment of the Saylesville Dam and create a new C-1 Conservancy District boundary along Genesee Creek between the dam and approximately 2,400 ft. downstream of the dam.

TOWN OF GENESEE BOARD ACTION:

On May 11, 2015, the Town of Genesee Board recommended approval of the map amendment, see attached Resolution 15-10R. On May 11, 2015, the Town of Genesee Board recommended approval of the text amendment, see attached Resolution 15-11R.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF GENESEE LAND USE PLAN:

Prevention of flooding is a key natural resource protection recommendation of both land use plans, and the proposed rezoning will protect the newly studied floodplain from fill and prevent future property damage and personal injury for the portion of the properties to be rezoned and on the properties upstream and downstream of the subject area.

BACKGROUND ANALYSIS:

The Saylesville Dam is located within the Town of Genesee and is owned and operated by Drake and Evelyn Reid. The dam is located at the mouth of Genesee Creek and serves as a control structure for the 45-acre Saylesville Millpond. The dam is more specifically located northwest of Saylesville Road between Ridgefield Road and Rockwood Trail. The dam consists of an earthen embankment extending approximately 445 ft. southwest and 155 ft. northeast of the principal spillway. The principal spillway consists of a concrete overflow structure measuring 47 ft. long and 15 ft. tall with approximately 19 inches of stoplogs. The elevation at the top of the earthen embankment is 800 ft. amsl NAVD 88 and the elevation at the top of the spillway is 796.6 ft. amsl NAVD 88.

The WDNR required that the property owner complete a dam failure analysis in accordance with Wisconsin Administrative Code NR 333. The results of a dam failure analysis allow the WDNR to assume a dam hazard rating according to NR 333. The purpose of NR 333 is to ensure that dams are designed, constructed and reconstructed so as to minimize the danger to life, health and property

A dam failure analysis determines the hydraulic shadow for the failure of a dam, which is the area that would flood during a regional flood if the dam failed. A "regional flood" is defined as a flood with a one (1) percent chance of being equaled or exceeded in any given year. In accordance with Wisconsin Administrative Code NR 116, the hydraulic shadow is then required to be regulated as floodway and be placed in the appropriate zoning category by the local floodplain regulatory entity as part of the community or county's floodplain zoning program. Once the dam failure analysis is approved by the WDNR and floodplain zoning is established, the dam hazard rating can be lowered, if appropriate. There are three (3) dam hazard ratings established by the Wisconsin Administrative Code: high hazard, which indicates a potential loss of life if the dam fails; significant hazard, which indicates a potential for structural loss if the dam fails; and low hazard, which indicates that there would only be environmental impacts if the dam fails. Insurance costs are higher and design and maintenance requirements are greater with higher hazard ratings.

The required dam failure analysis was completed by Bloom Companies, LLC on July 9, 2014 and was approved by the WDNR on July 14, 2014. Eight parcels are affected by the proposed dam failure floodplain shadow and are located within approximately 2,400 ft. downstream or southeast of the dam. The lands affected are largely regulated as wetland and existing floodplain and no structures appear to be located within the dam failure shadow. Because it was determined by the WDNR that there are no residences within the newly determined dam failure floodplain (hydraulic shadow) exist, the WDNR determined that the dam, as improved, could be rated as a low-hazard dam if the hydraulic shadow for the dam failure is adopted by Waukesha County. Without an amendment to the zoning designation, the dam would need to be rated as high-hazard and insurance and maintenance costs would be increased.

There are a total of 35.2 acres proposed to be rezoned, but only 0.38 acres are not already designated in a lowland conservancy zoning category because most of the subject acreage is already mapped floodplain or wetland. Below is a table that quantifies and describes the existing zoning designations relative to the affected lands.

Current Zoning Designation of Affected Lands and Acreage of Current Zoning Designation

Existing Zoning District	Acreage
A-E Exclusive Agricultural Conservancy	0.07
E-C Environmental Corridor	0.16
R-1 Residential	0.15
Remains in the C-1 Conservancy District (currently DNR wetland and/or FEMA floodplain)	34.82

All of the land area that is being rezoned from an upland district to the C-1 Conservancy District is located on the Reid property (dam owners) and the Murn property. The Murn property is proposed to be developed as a Planned Unit Development subdivision and the affected acreage is proposed to be preserved in common open space.

As noted above, the areas that would be inundated by a dam failure are required to be regulated as floodway, since flowing floodwater will be discharged downstream as part of a dam failure. The dam failure floodplain boundary covers a slightly larger area than the existing FEMA floodplain boundary downstream of the dam. However, FEMA does not acknowledge the dam failure floodplain boundary in its regulatory maps. Therefore, the existing FEMA floodplain boundary and associated elevations are still valid for flood insurance purposes.

As required per Wisconsin Administrative Code NR 116, Waukesha County must also add the Dam Failure Analysis to the list of Official Studies identified in Section 6(b)1.B.ii. of the Waukesha County Shoreland and Floodland Protection Ordinance. The table in Section 6(b)1.B.ii of the ordinance will be repealed and re-created in its entirety (see Exhibit "B").

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. Because adoption of the dam failure study is required by the WDNR under NR 116 of the Wisconsin Administrative Code, adoption of the flood study by text reference and incorporation of the floodplain boundaries into the Waukesha County Shoreland and Floodland Protection Ordinance brings the Saylesville Dam into compliance with State standards and provides the public with the most current and accurate information. Rezoning the dam failure shadow as floodway on the County zoning map prevents development within said areas, which ultimately protects the subject landowners and upstream and downstream property owners and their improvements from flooding and danger. The 0.38 upland acres proposed to be rezoned to conservancy categories are already primarily unbuildable because of hydric soil conditions and effective wetland and floodplain setback regulations. Therefore, the change in zoning results in very little practical change as to how the owners of the 0.38 acres can use said areas.

Respectfully submitted,

Amy Barrows

Amy Barrows
Senior Land Use Specialist

Enclosures: Exhibits "A" and "B", Rezone Map (SZ-1806)

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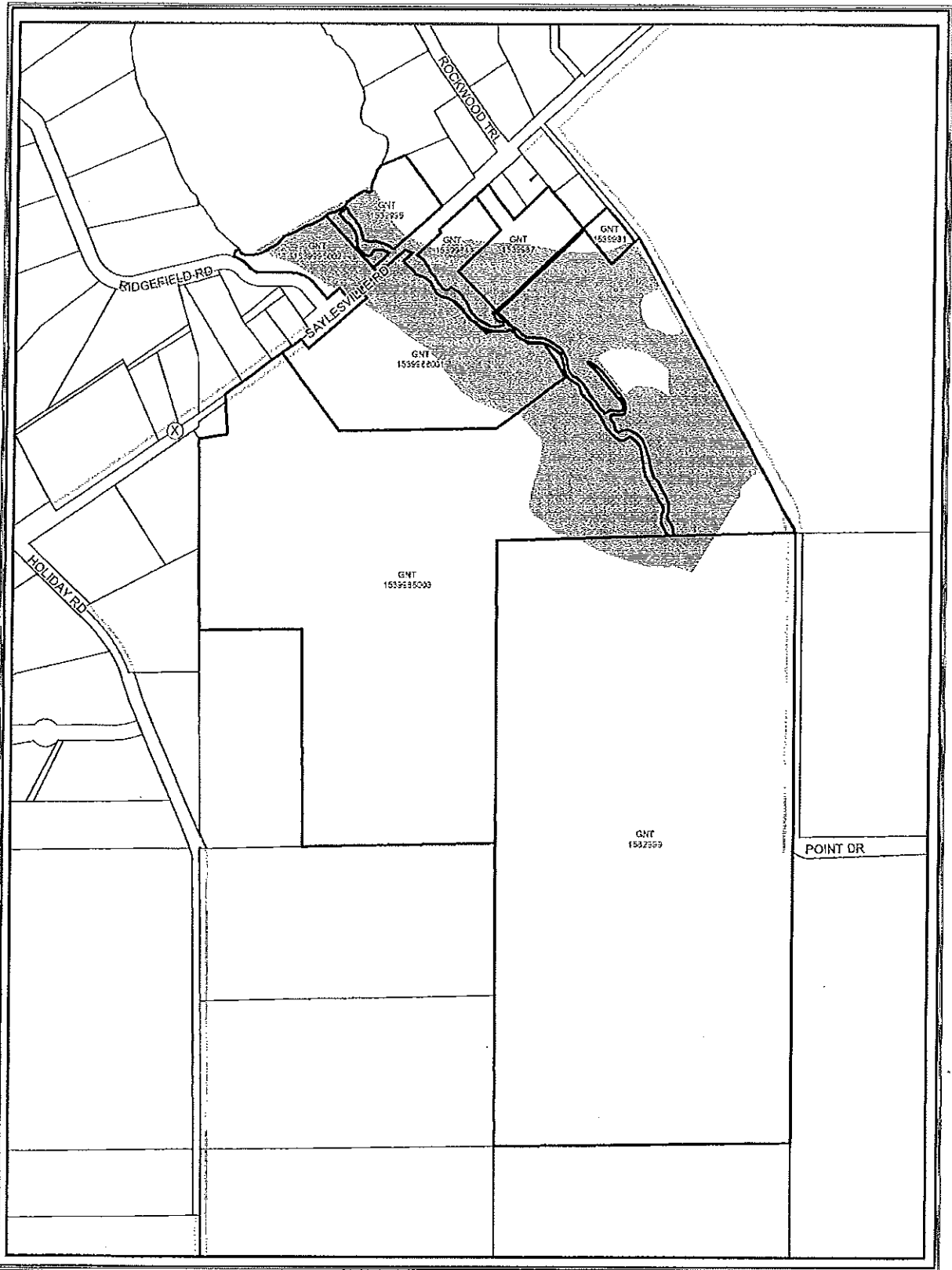


EXHIBIT A

SECTIONS 25; & 36
T 06; N - R 18; E
TOWN OF GENESEE

Hydraulic Flood Shadow (Floodway)

Parcel Boundary

1 inch = 400 feet

Prepared by the Waukesha County Department of Parks and Land Use

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

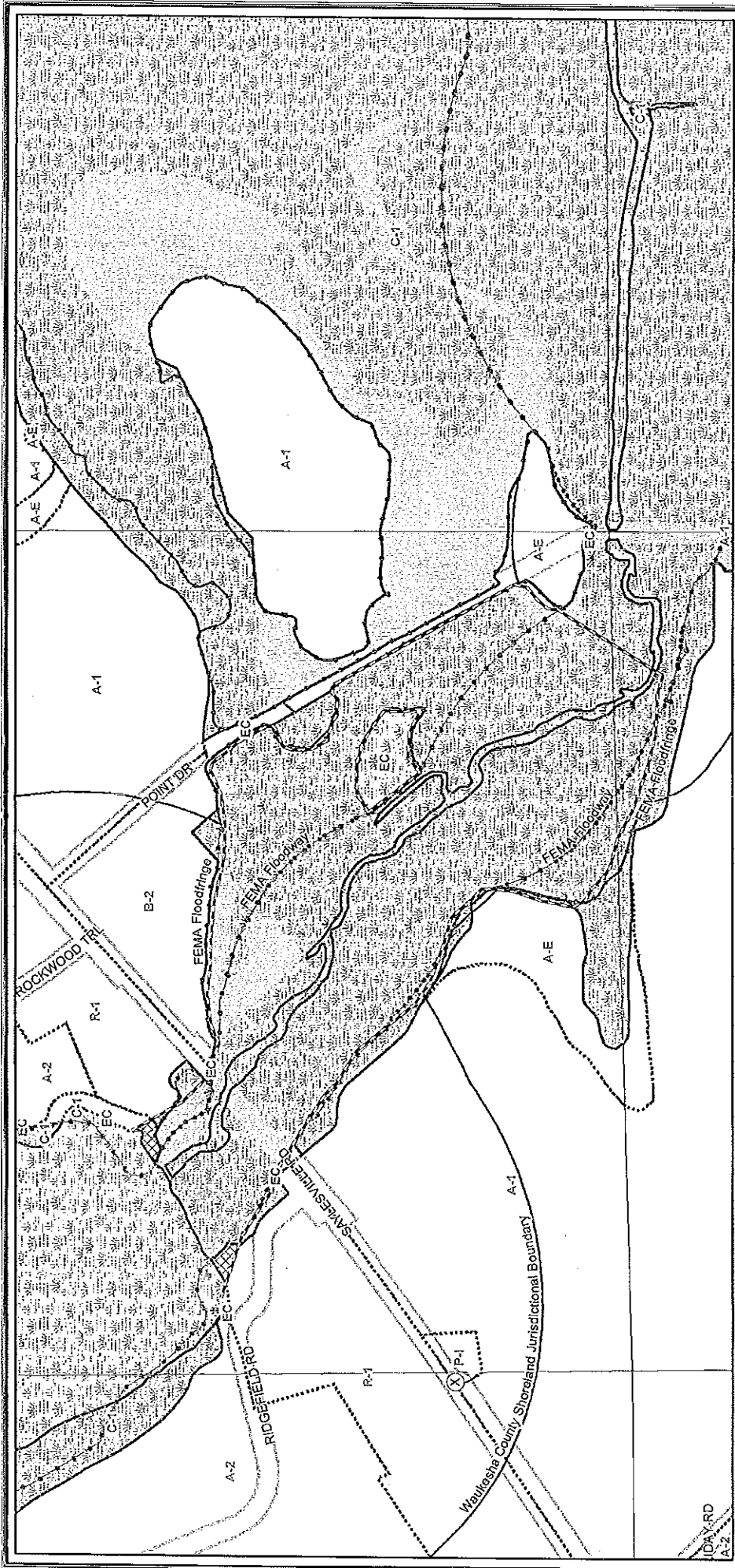
Notes: *Text to be added appears in italics. Some formatting may change as the Editor incorporates the proposed amendments into the existing code.*






Table 6(b)1.B.ii.

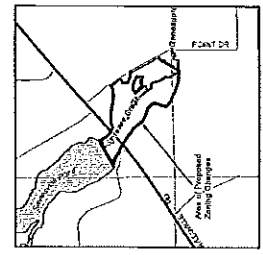
List of Official Maps Based Upon Other Studies to be Used in Conjunction with the Waukesha County Shoreland and Floodland Protection Ordinance Zoning Maps is as follows:

1. Dam Failure Analysis and Emergency Action Plan for Wambold and Kroll Dams on Eagle Spring Lake, prepared by Graef, Anhalt, Schloemer & Associates, Inc., revised April 2002. Approved by the WDNR in April of 2002 and adopted by the Waukesha County Board on April 13, 2004.
2. Dam Failure Analysis and Proposed Dam Capacity Analysis-Monches Dam, Hey and Associates, Inc., April 17, 2006; amended on October 13, 2006 by Hey and Associates, Inc.; further amended on May 17, 2011 by the Waukesha County Department of Public Works; and further amended by R.A. Smith National on January 19, 2012. Approved by the WDNR on January 24, 2012 and adopted by the Waukesha County Board on March 27, 2012.
3. Dam Failure Analysis – Monterey Dam, prepared by Kunkel Engineering Group, LLC on September 2, 2011. Approved by the WDNR and adopted by the Waukesha County Board on December 18, 2012.
4. Dam Failure Analysis – Mukwonago Dam, prepared by Mead & Hunt, June 2012. Approved by the WDNR on July 11, 2012 and adopted by the Waukesha County Board on November, 26, 2013.
5. Waukesha County Flood Storage District Maps, Panels 1, 2, 3, 4, 5, 6, 7, 8, 11, 12. Dated November 05, 2014. Prepared by the WDNR. Approved by the WDNR.
6. *Saylesville Dam Failure Analysis and Assessment, prepared by Bloom Companies, Inc. on July 9, 2014. Approved by the WDNR on July 14, 2014 and adopted by the Waukesha County Board on _____.*

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1806 and 1806A Saylesville Dam text exhibit gnt.doc

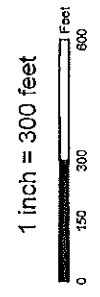


-  Shoreland Zoning to C-1 Conservancy District (Hydraulic Flood Shadow) (0.38 acres)
-  Hydraulic Flood Shadow (Floodway)
-  100-Yr. Floodplain from 2014 FEMA DFIRM Maps
-  C-1 Conservancy District to remain unchanged (includes 2010 DNR Wetlands Inventory & 2014 FEMA Floodplain)
-  County Zoning District Boundary



ZONING MAP AMENDMENT

SECTIONS 25 & 36
T 06 N - R 18 E
TOWN OF GENESEE



File Number: 170-O-034

Referred on: 07/09/15

Prepared by the Waushara County Department of Parks and Land Use
Referred to: LU 10