

ENROLLED ORDINANCE 168-3

REPEAL AND RECREATE SECTION 6(b) OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND CREATE AN APPENDIX INCLUDING TABLES 6(b)1.B.i AND 6(b)1.B.ii THAT INCORPORATE TEXT AMENDMENTS THAT IDENTIFY NEW FLOODPLAIN STUDIES BY REFERENCE (SZ-1746)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Floodland Protection Ordinance on June 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 has 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 that Section 6(b) of the Waukesha County Shoreland and Floodland Protection Ordinance is hereby amended to repeal and recreate Section 6(b) of the Waukesha County Shoreland and Floodland Protection Ordinance and to create an Appendix to include Tables 6(b)1.B.i and 6(b)1.B.ii that incorporate text amendments to identify new floodplain studies by reference. The amendments are more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference SZ-1746.

BE IT FURTHER ORDAINED that the Editor of the Code, under the authority of Section 42(h) of the Shoreland and Floodland Protection Ordinance, when creating the Appendix and Tables, may make changes to the numbering, lettering, organization or formatting of the Appendix and Tables, as needed to create a consecutive sequence and orderly format.

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

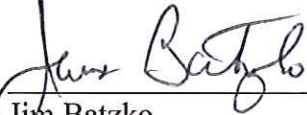
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

REPEAL AND RECREATE SECTION 6(b) OF THE WAUKESHA COUNTY SHORELAND  
AND FLOODLAND PROTECTION ORDINANCE AND CREATE AN APPENDIX  
INCLUDING TABLES 6(b)1.B.i AND 6(b)1.B.ii THAT INCORPORATE  
TEXT AMENDMENTS THAT IDENTIFY NEW FLOODPLAIN  
STUDIES BY REFERENCE (SZ-1746)

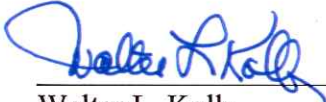
Presented by:  
Land Use, Parks, and Environment Committee

(ABSENT)


James A. Heinrich, Chair



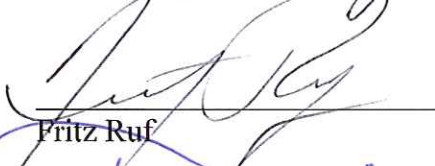
Jim Batzko



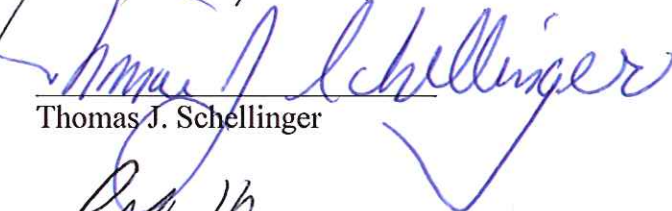
Walter L. Kolb



Pamela Meyer



Fritz Ruf




Thomas J. Schellinger




Peter M. Wolff

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

Date: 4/24/2013,   
Kathleen Novack, County Clerk

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

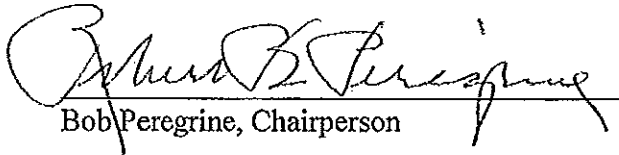
Approved: X  
Vetoed: \_\_\_\_\_  
Date: 4-30-13,   
Daniel P. Vrakas, County Executive

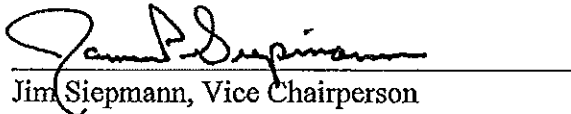
COMMISSION ACTION

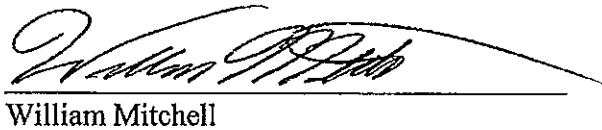
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of SZ-1746 (**Text Amendments Incorporating New Floodplain Studies**) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION


March 7, 2013

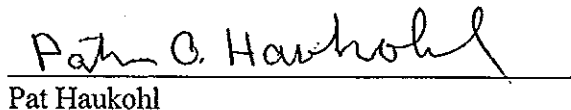
  
Bob Peregrine, Chairperson

  
Jim Siepmann, Vice Chairperson

  
William Mitchell

Absent  
Gary Goodchild

  
Walter Kolb

  
Pat Haukohl

  
Fritz Ruf

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

**FILE NO.:** SZ-1746 (Text) and SCZ-1746A (Map)

**DATE:** March 7, 2013

**PETITIONER:** Waukesha County Department of Parks & Land Use

**LOCATION:**

The map amendments pertain to all shoreland areas, Countywide, that are subject to the Waukesha County Shoreland and Floodland Protection Ordinance. The map amendments also pertain to the non-shoreland portions of the Towns of Genesee, Oconomowoc, Ottawa and Vernon that are subject to the Basic County Zoning Code. Specifically, the amendments affect shorelands within unincorporated areas and shorelands within recently annexed or incorporated areas throughout the County. Shorelands are lands that are located within 1000' of public lakes or ponds, lands within 300' of navigable streams or to the full extent of the associated 100-year floodplain if the floodplain extends a distance greater than 1000' from a lake or public pond or 300' from a navigable stream, respectively.

**PROPOSED ZONING:**

The proposed Countywide map modernization would rezone lands to and from various zoning categories. The mapping updates encompass revisions to the thirteen township zoning maps for the communities within the County that are subject to County shoreland and floodplain zoning or general County zoning. The associated proposed text amendments to the shoreland and Floodland Protection Ordinance incorporate various new floodplain studies by reference, as required by State law (See Exhibits "A" and "B").

**PUBLIC HEARING DATE:**

February 21, 2013.

**PUBLIC REACTION:**

No comments were offered by the public at the March 7, 2013 public hearing. The Planner for the Village of Mukwonago and the Village of Dousman spoke in support of the maps and indicated that he had shared comments with Planning and Zoning Division Staff in advance of the hearing. The County also held two public information open houses that were open to all members of the public on February 14, 2013 and February 18, 2013. The open houses were attended by approximately 25 people. Planning and Zoning Division Staff has incorporated a number of comments that were received at the open houses or were submitted before or after the public hearing. Comments that have been addressed and incorporated include changing the designation for several properties in the Town of Oconomowoc to the P-I Public and Institutional District to recognize recent local government land acquisitions, removing a vacated right-of-way from base mapping in the Town of Genesee, establishing zoning along a recently determined navigable stream in the Town of Eagle, and updating Business Park zoning designations in the vicinity of I-43 in the Village of Mukwonago.

The Town of Genesee has submitted written correspondence asking that developed parcels that contain Isolated Natural Resource Areas (INRAs) not be mapped to the Environmental Corridor District within the Town (see Exhibit "C"). In response, Staff has communicated with SEWRPC staff and confirmed that SEWRPC does not map developed or smaller parcels differently from larger undeveloped parcels that

contain Environmental Corridor or Isolated Natural Resource lands. As an alternative to removing developed INRAs from the Town of Genesee map, Staff has followed up with the Town Planner and offered to meet with him in the next couple of weeks to consider drafting amendments to the Environmental Corridor District section of the County zoning codes in order to propose specific development provisions for smaller or developed parcels that contain Environmental Corridors or INRAs. The Town Planner has indicated that he is agreeable to such a meeting.

#### **COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY:**

The proposed map update implements several key recommendations of the County Development Plan. Wetlands and floodplains are proposed to be protected with lowland zoning classifications. Upland Environmental Corridors and Isolated Natural Resource Areas are proposed to be protected with Environmental Corridor zoning. Hydric soils with very high groundwater conditions are proposed to be protected with the AE Exclusive Agricultural Conservancy District category designation. Lands within the shoreland jurisdictional areas located along newly navigable streams are proposed to be zoned as used to appropriate categories, in accordance with plan recommendations.

#### **OTHER CONSIDERATIONS:**

The thirteen proposed zoning maps (see maps on Planning and Zoning Division web page) will, if approved, serve as the official zoning maps of the Waukesha County Shoreland and Floodland Protection Ordinance. In addition, the maps for the Towns of Genesee, Oconomowoc, Ottawa and Vernon would serve as the official Basic Zoning Code maps for these four towns that are subject to the Basic Zoning Code. As noted above, Waukesha County's shoreland zoning regulations apply within all eleven unincorporated towns within the County. Pursuant to State law, the County's shoreland zoning provisions also apply to shorelands that were annexed to cities or villages after May 7, 1982 and to shorelands that have been incorporated after April 30, 1994. Cities and villages have the option to adopt their own shoreland regulations that are at least as restrictive as NR115 (State Shoreland zoning rules) and the County Shoreland ordinance that was in place on the date lands were attached to a city or village. The Village of Dousman is the only community within Waukesha County that has adopted such local shoreland regulations. All shoreland areas within the City of Pewaukee and the Village of Summit are subject to County shoreland zoning, as these communities incorporated in their entirety after the above referenced 1994 date. Portions of the Cities of Waukesha and Oconomowoc and the Villages of Big Bend, Hartland, Lac la Belle, Merton, Mukwonago, Oconomowoc Lake, Pewaukee, Sussex and Wales are also subject to County shoreland zoning standards, and such areas continue to be identified on the thirteen township area maps that are being proposed.

This map modernization effort was initiated for several reasons:

- Complete the transition of all County zoning maps to digital map format.
- Make all County zoning data layers accessible via County Internet Mapping Site (IMS)
- Incorporate new available natural resource inventories (flood studies, wetlands, environmental corridors, high groundwater soils).
- Consistent mapping of environmental corridors and high groundwater soils to protective categories.
- Incorporate new map features (Planned Unit Developments, enhanced floodplain data, floodways)

Of particular importance, this project will make zoning information more readily available to the public, the development community, and local and regional staff and officials by bringing the maps into a format that will allow them to be displayed as a data layer on the County Internet Mapping Site. The last of the town maps that had not yet been modernized to a digital format have now been brought into a digital format, which now makes it possible to display Countywide zoning data on the County IMS. With the availability of the new zoning layer, Planning and Zoning Division Staff is working towards making zoning file components, such as staff reports, enrolled ordinances and zoning maps available to the public via the IMS site. This will reduce the County's document storage and retrieval costs and make more zoning information available without the need for a call to or trip to the County offices, which will save the public time and expense.

The project was also initiated in order to incorporate newly available digital natural resource inventory sets into the zoning maps. In the past several years, the DNR and SEWRPC have released new wetland and environmental corridor inventories. In addition, FEMA released new Countywide floodplain mapping in late 2008 and there have been a number of additional floodplain studies approved since that time. The 2005 DNR wetland inventory mapping has been used to re-define C-1 Conservancy District and other conservancy district boundaries. The FEMA floodplain mapping and other new floodplain studies have been incorporated and affected lands have been zoned to either the C-1 Conservancy District, EFD Existing Floodplain Development Overlay District or the A-E Exclusive Agricultural Conservancy District, as appropriate. Refined wetland and floodplain boundaries also cause many lands to no longer be zoned to conservancy districts, and such lands have been placed in the appropriate upland zoning district category, as appropriate.

As referenced in the above public comments section, upland Environmental Corridors and Isolated Natural Resource Areas, which are typically wooded in nature, are being proposed to be zoned EC Environmental Corridor District. Environmental Corridors and INRAs had not yet been zoned to a protective category in some towns, whereas regional, County and local land use plans have long recommended their protection. Undeveloped lands with hydric soils (groundwater less than one foot from the ground surface) are proposed to be zoned AE Exclusive Agricultural Conservancy District. Many poorly drained lands were already zoned to this category on the existing zoning maps, but the availability of digital soils inventories allowed County Staff to better refine the high groundwater soil boundaries. The AE zoning designation will help prevent basement flooding and will alert landowners and prospective buyers to limiting soil factors.

Staff also researched and digitized all Planned Unit Development (PUD) project boundaries within the County as part of this effort, because PUDs allow for flexed dimensional standards such as reduced setbacks, increased allowable floor area ratio, etc. Therefore, it is important that the zoning maps contain data that alerts the map reader that there are special conditions applicable within the respective PUD boundaries.

As required per Wisconsin Administrative Code NR 116, Waukesha County must list FEMA map panels and dam failure analysis studies in the Shoreland and Floodland Protection Ordinance. Staff has worked with Corporation Counsel to propose the required text amendments to complement the new maps (see Exhibits "A", "B"). Staff is proposing to relocate the full list of floodplain studies to the back of the Shoreland Ordinance so that the addition of new studies over time does not affect the page numbering of the entire ordinance, which will save paper and expense.

Staff prepared and distributed draft maps and an explanatory memorandum for this mapping project to all affected communities in April, 2011. Numerous comments were provided back by community planners and changes were incorporated to address the concerns or questions that were raised. Final draft maps were then prepared and distributed to communities a second time in January of this year. In addition, as referenced above, two open house meetings were held to give County residents an opportunity to comment in advance of the public hearing. The proposed zoning designations were also made viewable to the public on the County IMS site in advance of the open house meetings. Staff has received comments from staff representatives of each of the thirteen township areas that are subject of this project and has addressed comments, as appropriate. The lack of public comments offered at the recent public hearing gives Staff confidence that submitted community concerns have been successfully addressed in the final maps being presented. As noted in the public comment section of this report, Staff will continue to work with Town of Genesee Staff to address their written comments regarding developed Isolated Natural Resource Area parcels. Staff has offered to the Town of Genesee Planner that Staff is willing to meet with him to craft ordinance text amendments to improve the clarity of the Environmental Corridor District standards with regards to existing small lots of record within Isolated Natural Resource Areas and Environmental Corridors.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be approved. The modernized zoning maps fulfill statutory obligations with the incorporation of required effective floodplain and wetland mapping. The modernized maps also serve to implement key recommendations of the County Development Plan by consistently zoning Environmental Corridors and high groundwater soils to protective zoning categories. The updated map format will allow for zoning information to become much more widely available, as the mapping information will now be available on the County IMS. With the new format, Staff will be able to continue to make additional zoning datasets viewable to the public and the development community through additional automation efforts that are already underway.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning & Zoning Manager

Enclosures: Exhibit "A"  
Exhibit "B"  
Exhibit "C"

Maps (The thirteen proposed zoning maps are available on the Waukesha County website ([www.waukeshacounty.gov](http://www.waukeshacounty.gov)) on the Planning and Zoning Division web page under "Mapping Resources.")

PROPOSED AMENDMENTS  
TO THE WAUKESHA COUNTY  
SHORELAND AND FLOODLAND PROTECTION ORDINANCE

Notes: *Text to be deleted appears in strikethrough font. Text to be added appears in gray shading. Some formatting may change as the Editor incorporates the proposed amendments into the existing code.*

Repeal and recreate Section 6(b) as follows:

(b) **Zoning map**

1. Districts mapped: The boundaries of zoning districts are shown upon maps as referred to in Section 3 of this Ordinance for all of the unincorporated towns of Waukesha County, and entitled Waukesha County Shoreland and Floodland Protection Ordinance Zoning Maps which are made a part of this Ordinance and adopted by reference.

A. Wetlands: The Final Wisconsin Wetlands Inventory Maps for Waukesha County, dated September 6, 1984 and subsequently amended, were utilized to assist in the preparation and identification of wetlands identified on the aerial photographs and accordingly are made a part of this Ordinance and are adopted by reference. All the notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said maps were all fully described herein. Said maps shall be kept on file in the offices of the county zoning agency and are periodically updated as amendments are made, and are for general informational purposes only. For the purpose of local administration, a copy of the appropriate maps shall also be kept on file in the office of each town.

All other wetlands subsequently identified by the Zoning Administrator, Zoning Agency, SEWRPC, ACOE or the WDNR within the shoreland boundaries but not noted on the Wisconsin Wetland Inventory Maps, are subject to regulations contained in the C-1 Conservancy District. Said newly determined areas shall be noted on the Shoreland and Floodland Protection Ordinance Zoning Maps as a C-1 designated area within six (6) months of said determination.

B. Floodplains: The boundaries of the floodplains shall be those areas designated as such on the FEMA Flood Insurance Rate Maps, including all areas covered by the regional or base flood and those floodplains identified in the Floodplain Appendix ~~as an Official Map below~~, or as depicted as C-1 Conservancy District, EFD Existing Floodplain Development Overlay District and A-E Exclusive Agricultural Conservancy District on the Waukesha County Shoreland and Floodland Protection Ordinance Zoning Maps referenced in Section 3(a) of this Ordinance, whichever boundary designates a greater floodplain area. Base flood elevations are derived from the corresponding flood profiles published by FEMA, Flood Insurance Study, effective date, November 19, 2008, or as amended or updated thereafter. Areas covered by the base flood are identified as numbered A-Zones on the Flood Insurance Rate Map. The Flood Insurance Study constitutes the basis for which the official floodplains and appropriate zoning categories for which unincorporated areas of Waukesha County have been mapped. This study has been approved by the WDNR and FEMA, and is on file in the office of the County Zoning Administrator. Regional flood elevations have been derived from other studies and are approved by WDNR. A list of the official floodplain maps to be used in conjunction with the Waukesha County



Shoreland and Floodland Protection Ordinance Zoning Maps is listed as follows. These maps and revisions are on file in the office of the Waukesha County Zoning Administrator, in Waukesha County. If more than one map or revision is referenced, the most restrictive information shall apply.

Any change to the base flood elevations (BFE) in the Flood Insurance Study or on the Flood Insurance Rate Map must be reviewed and approved by the WDNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the WDNR.

i. **OFFICIAL MAPS : Based on the Flood Insurance Study**

**a.** — 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, 55133C0059F, 55133C0061F, 55133C0062F, 55133C0063F, 55133C0064F, 55133C0066F, 55133C0067F, 55133C0068F, 55133C0069F, 55133C0078F, 55133C0079F, 55133C0083F, 55133C0086F, 55133C0087F, 55133C0088F, 55133C0089F, 55133C0091F, 55133C0093F, 55133C0131F, 55133C0132F, 55133C0133F, 55133C0134F, 55133C0141F, 55133C0142F, 55133C0143F, 55133C0144F, 55133C0151F, 55133C0152F, 55133C0153F, 55133C0154F, 55133C0156F, 55133C0157F, 55133C0158F, 55133C0161F, 55133C0162F, 55133C0163F, 55133C0164F, 55133C0166F, 55133C0167F, 55133C0168F, 55133C0169F, 55133C0176F, 55133C0177F, 55133C0178F, 55133C0179F, 55133C0181F, 55133C0182F, 55133C0183F, 55133C0186F, 55133C0187F, 55133C0188F, 55133C0189F, 55133C0191F, 55133C0193F, 55133C0194F, 55133C0201F, 55133C0202F, 55133C0206F, 55133C0207F, 55133C0208F, 55133C0214F, 55133C0216F, 55133C0217F, 55133C0218F, 55133C0219F, 55133C0256F, 55133C0257F, 55133C0259F, 55133C0270F, 55133C0280F, 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 November 19, 2008, volume numbers 55133CV001A-003A;

See attached Table 6(b) 13B.

Revisions to the Waukesha County Flood Insurance Rate Map (FIRM), panel numbers:

See attached Table 6(b)1.B.1

Approved by: The WDNR and FEMA

ii. **OFFICIAL MAPS: Based on other studies**

Official maps approved by the WDNR and FEMA, including flood profiles, floodway data tables, regional or base flood elevations and other information shall become official maps of this Ordinance and shall be specifically listed herein as adopted by the Waukesha County Board.

The County shall provide the list of the official maps to the WDNR and FEMA regional offices for unincorporated areas of Waukesha County. Approved studies shall not be considered official maps herein until the land is rezoned according to Section 39 of this Ordinance. Said areas must be rezoned and identified on the official zoning maps within 6 months of WDNR and FEMA approval. The 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:

See attached Table 6(b)1.B.1

- C. The A-O agricultural overlay district is a special kind of zoning district established to provide for superimposing upon basic districts additional permissive uses and regulatory standards without disturbing the basic underlying district regulations. As a special district, the applicable procedures for mapping amendments are those found in Section 39, changes and amendments.
- D. The existing floodplain development overlay district (EFD) is an overlay zoning district established to superimpose upon the conservancy zoning district regulatory standards or special regulations which will apply to the underlying zoning district where it is found that such land areas do contain existing development and are located within the floodplain as herein defined. The mapping of this district shall be established pursuant to the procedures set forth in Section 39, changes and amendments, of this Ordinance.

2. Determination of boundaries: District boundaries shall be determined by measurement from and as shown on the official zoning maps and in case of any questions as to the interpretation of such boundary lines, the Zoning Administrator shall interpret the map according to the reasonable intent of this Ordinance.

Unless otherwise specifically indicated or dimensioned on the maps, the district boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the centerline of streets, highways, railways or alleys.

3. Determination of boundaries for C-1 Conservancy District, EFD Existing Floodplain Development Overlay District, and A-E Exclusive Agricultural Conservancy District: The boundaries of the C-1 Conservancy District, EFD Existing Floodplain Development Overlay District and A-E Exclusive Agricultural Conservancy District as drawn are intended to represent the edge of marsh lands, swamps, floodlands, wetlands or the ordinary high water mark along streams or other watercourses. Where a question arises as to the exact location of those boundaries, they shall be determined by the Zoning

Administrator or the County Zoning Agency through the utilization of the best available information such as topographic maps, soil maps, aerial photographs, infield botanical inventories, floodplain studies or other sources of information available which would lend assistance to such a determination and may be finally determined by actual conditions in each specific situation. An appeal to this determination may be made in conformance with Section 38 of this Ordinance. It is generally the intent of this Ordinance to place all wetlands and lands subject to inundation by the regional flood in either the C-1 district, A-E district, or EFD district if the areas are previously developed. Where land may be subject to inundation by the regional flood and a hydraulic and hydrologic analysis has not been prepared and/or the area is not indicated or mapped as floodplain, a detailed hydraulic and hydrologic analysis shall be prepared and reviewed and found to be adequate by the WDNR or its designated agency, in which case the new floodplain data will be used in the administration of this Ordinance. The Zoning Administrator shall map these floodplain areas in appropriate zoning districts within six (6) months of the time the WDNR has determined the acceptability of the data and said mapping shall be done pursuant to Section 39 of this Ordinance. Any changes or amendments in the mapped floodplains and made a part of this Ordinance shall be approved by the WDNR in accordance with the procedure set forth in Section 39 of this Ordinance.

If an area is found that has not been previously identified or mapped as a floodplain or a wetland and not zoned as C-1 Conservancy, EFD Existing Floodplain Development Overlay or A-E Exclusive Agricultural Conservancy, or a determination of navigability is made and a stream is subsequently found to be navigable, said stream and any shoreland, wetland or floodplains as defined herein, shall immediately become subject to the provisions of this Ordinance. If the floodplain has not been determined, said area of approximate floodplain and wetlands shall be considered to be subject to the C-1, EFD and/or A-E regulations of this Ordinance. Appropriate procedures to establish Shoreland Zoning districts beyond that which is considered C-1 Conservancy, EFD Existing Floodplain Development Overlay or A-E Exclusive Agricultural Conservancy shall be initiated under the mapping amendment procedure pursuant to Section 39 of this Ordinance and as set forth above. Water quality related standards of the Shoreland and Floodland Protection Ordinance are in effect immediately upon a determination of navigability or identification of a shoreland/wetland or floodplain (i.e., setback, grading, and land altering activities, vegetation removal).

4. Discrepancy of wetland boundaries: In the case of any discrepancy regarding a boundary between any mapped or newly determined wetland, the Zoning Administrator may make a determination or consult with the WDNR and coordinate the appropriate onsite investigation to determine the exact boundary. If the WDNR staff concurs with the Zoning Administrator that a particular area was incorrectly mapped as a wetland or vice versa, the Zoning Administrator shall have the authority to immediately deny or grant a zoning permit in accordance with the regulations applicable to the correct zoning district designation as it may be modified by such field determination. A notation shall be made on the map indicating that such a change has been made for future reference purposes. Utilizing the procedures above, if an area is found to be inappropriately mapped in a C-1 Conservancy, EFD Existing Floodplain Development Overlay or A-E Exclusive Agricultural Conservancy District category, the Zoning Administrator shall have the authority to designate a district for the subject area consistent with the upland category which may exist adjacent to the site without necessity of a formal amendment process and shall note said changes on the zoning map within 6 months of said determination.
5. Dispute or discrepancy of floodplain boundaries: In the case of any dispute or discrepancy regarding a boundary between an official zoning map and actual field

conditions locating the floodplain boundary, the criteria in paragraphs (a) or (b) below shall be used. If a significant difference exists, the map shall be amended according to Section 39 of this Ordinance. Where the flood profiles are based on established base flood elevations from a Flood Insurance Rate Map, FEMA must also approve any map amendment. The Zoning Administrator can rely on a boundary derived from a flood profile elevation to grant or deny a permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to Section 38 of this Ordinance and the criteria in (a) and (b) below.

- a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- b. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the WDNR, and/or FEMA.

(Ord. No. 141-44, §§ XLII, XLIII, 7-22-1986)  
(Ord. Of 11-5-84, § V; Ord. No. 141-44, § XLI, 7-22-19

(Section 6(a) was amended by Enrolled Ordinance 163-55, effective 11-13-2008.)  
(Section 6(a) was amended by Enrolled Ordinance 165-69, effective 12-23-2010.)

(Section 6(b) was amended by Enrolled Ordinance 163-55, effective 11-13-2008.)

Table 6(b)1.B.i.

Official Maps:

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, 55133C0059F, 55133C0061F, 55133C0062F,  
 55133C0063F, 55133C0064F, 55133C0066F, 55133C0067F, 55133C0068F,  
 55133C0069F, 55133C0078F, 55133C0079F, 55133C0083F, 55133C0086F,  
 55133C0087F, 55133C0088F, 55133C0089F, 55133C0091F, 55133C0093F,  
 55133C0131F, 55133C0132F, 55133C0133F, 55133C0134F, 55133C0141F,  
 55133C0142F, 55133C0143F, 55133C0144F, 55133C0151F, 55133C0152F,  
 55133C0153F, 55133C0154F, 55133C0156F, 55133C0157F, 55133C0158F,  
 55133C0161F, 55133C0162F, 55133C0163F, 55133C0164F, 55133C0166F,  
 55133C0167F, 55133C0168F, 55133C0169F, 55133C0176F, 55133C0177F,  
 55133C0178F, 55133C0179F, 55133C0181F, 55133C0182F, 55133C0183F,  
 55133C0186F, 55133C0187F, 55133C0188F, 55133C0189F, 55133C0191F,  
 55133C0193F, 55133C0194F, 55133C0201F, 55133C0202F, 55133C0206F,  
 55133C0207F, 55133C0208F, 55133C0214F, 55133C0216F, 55133C0217F,  
 55133C0218F, 55133C0219F, 55133C0256F, 55133C0257F, 55133C0259F,  
 55133C0270F, 55133C0280F, 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 November 19, 2008, volume numbers  
 55133CV001A-003A;

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

1. Brandy Brook - Downstream of Summit Avenue to approximately 5,000 ft. upstream. Annotated panel numbers 55133C0186F, 55133C0187F, 55133C0188F, and 55133C0189F, including the corresponding profiles that are based on the Flood Insurance Study (FIS) revised to reflect this LOMR, LOMR Case No. 08-05-4338P, effective date of revision: June 19, 2009.
2. Golden Lake: Annotated panel numbers 55133C0141F, 55133C0142F, 55133C0143F, and 55133C0144F, including the corresponding profiles that are based on the Flood Insurance

Study (FIS) revised to reflect this LOMR, LOMR Case No. 10-05-0806P, effective date of revision: September 03, 2010.

3. Lake Keesus: Annotated panel numbers 55133C0066F and 55133C0062F, including the corresponding profiles that are based on the Flood Insurance Study (FIS) revised to reflect this LOMR, LOMR Case No. 10-05-0802P, effective date of revision: September 03, 2010.

4. Lower Genesee Lake: Annotated panel numbers 55133C0161F and 55133C0162F, including the corresponding profiles that are based on the Flood Insurance Study (FIS) revised to reflect this LOMR, LOMR Case No. 12-05-1322P, effective date of revision: November 16, 2012.

5. Middle Genesee Lake: Annotated panel numbers 55133C0161F and 55133C0162F, including the corresponding profiles that are based on the Flood Insurance Study (FIS) revised to reflect this LOMR, LOMR Case No. 12-05-1322P, effective date of revision: November 16, 2012.

6. Okauchee Lake –the southern end from the south shore to approximately 780 ft. north. Annotated panel number 55133C0156F with no revision to the Flood Insurance Study (FIS), LOMR Case No. 09-05-4061P, effective date of revision: September 28, 2009.

7. Upper Genesee Lake: Annotated panel numbers 55133C0161F and 55133C0162F, including the corresponding profiles that are based on the Flood Insurance Study (FIS) revised to reflect this LOMR, LOMR Case No. 12-05-1322P, effective date of revision: November 16, 2012.

Approved by: The WDNR and FEMA

**Create Table 6(b)1.B.ii.**

**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 12, 2011. Approved by the WDNR and adopted by the Waukesha County Board on December 18, 2012.

N:\PRKANDJ\U\Planning and Zoning\SF Protection Ordinance blue cover\Text Amendments\2013\1746 Zoning Map Mod text amendment.doc

168-0-002

168-0-003

14.

PROPOSED AMENDMENTS  
TO THE WAUKESHA COUNTY  
SHORELAND AND FLOODLAND PROTECTION ORDINANCE

Repeal and recreate Section 6(b) as follows:

(b) Zoning map

1. Districts mapped: The boundaries of zoning districts are shown upon maps as referred to in Section 3 of this Ordinance for all of the unincorporated towns of Waukesha County, and entitled Waukesha County Shoreland and Floodland Protection Ordinance Zoning Maps which are made a part of this Ordinance and adopted by reference.

A. Wetlands: The Final Wisconsin Wetlands Inventory Maps for Waukesha County, dated September 6, 1984 and subsequently amended, were utilized to assist in the preparation and identification of wetlands identified on the aerial photographs and accordingly are made a part of this Ordinance and are adopted by reference. All the notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said maps were all fully described herein. Said maps shall be kept on file in the offices of the county zoning agency and are periodically updated as amendments are made, and are for general informational purposes only. For the purpose of local administration, a copy of the appropriate maps shall also be kept on file in the office of each town.

All other wetlands subsequently identified by the Zoning Administrator, Zoning Agency, SEWRPC, ACOE or the WDNR within the shoreland boundaries but not noted on the Wisconsin Wetland Inventory Maps, are subject to regulations contained in the C-1 Conservancy District. Said newly determined areas shall be noted on the Shoreland and Floodland Protection Ordinance Zoning Maps as a C-1 designated area within six (6) months of said determination.

B. Floodplains: The boundaries of the floodplains shall be those areas designated as such on the FEMA Flood Insurance Rate Maps, including all areas covered by the regional or base flood and those floodplains identified as an Official Map below, or as depicted as C-1 Conservancy District, BFD Existing Floodplain Development Overlay District and A-E Exclusive Agricultural Conservancy District on the Waukesha County Shoreland and Floodland Protection Ordinance Zoning Maps referenced in Section 3(a) of this Ordinance, whichever boundary designates a greater floodplain area. Base flood elevations are derived from the corresponding flood profiles published by FEMA, Flood Insurance Study, effective date, November 19, 2008, or as amended or updated thereafter. Areas covered by the base flood are identified as numbered A-Zones on the Flood Insurance Rate Map. The Flood Insurance Study constitutes the basis for which the official floodplains and appropriate zoning categories for which unincorporated areas of Waukesha County have been mapped. This study has been approved by the WDNR and FEMA, and is on file in the office of the County Zoning Administrator. Regional flood elevations have been derived from other studies and are approved by WDNR. A list of the official floodplain maps to be used in conjunction with the Waukesha County Shoreland and Floodland Protection Ordinance Zoning Maps is listed as follows. These maps and revisions are on file in the office of the Waukesha County Zoning Administrator, in Waukesha County. If more than one map or revision is referenced, the most restrictive information shall apply.



Any change to the base flood elevations (BFE) in the Flood Insurance Study or on the Flood Insurance Rate Map must be reviewed and approved by the WDNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the WDNR.

i. **OFFICIAL MAPS** : Based on the Flood Insurance Study

- a. See attached Table 6(b)1.B.i
- b. Revisions to the Waukesha County Flood Insurance Rate Map (FIRM) panel numbers:

See attached Table 6(b)1.B.i

ii. **OFFICIAL MAPS**: Based on other studies

Official maps approved by the WDNR, including flood profiles, floodway data tables, regional or base flood elevations and other information shall become official maps of this Ordinance and shall be specifically listed herein as adopted by the Waukesha County Board.

The County shall provide the list of the official maps to the WDNR and FEMA regional offices for unincorporated areas of Waukesha County. Approved studies shall not be considered official maps herein until the land is rezoned according to Section 39 of this Ordinance. Said areas must be rezoned and identified on the official zoning maps within 6 months of WDNR and FEMA approval. The 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:

See attached Table 6(b)1.B.ii.

- C. The A-O agricultural overlay district is a special kind of zoning district established to provide for superimposing upon basic districts additional permissive uses and regulatory standards without disturbing the basic underlying district regulations. As a special district, the applicable procedures for mapping amendments are those found in Section 39, changes and amendments.
- D. The existing floodplain development overlay district (EFD) is an overlay zoning district established to superimpose upon the conservancy zoning district regulatory standards or special regulations which will apply to the underlying zoning district where it is found that such land areas do contain existing development and are located within the floodplain as herein defined. The mapping of this district shall be established pursuant to the procedures set forth in Section 39, changes and amendments, of this Ordinance.

2. **Determination of boundaries**: District boundaries shall be determined by measurement from and as shown on the official zoning maps and in case of any questions as to the interpretation of such boundary lines, the Zoning Administrator shall interpret the map according to the reasonable intent of this Ordinance.

Unless otherwise specifically indicated or dimensioned on the maps, the district boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the centerline of streets, highways, railways or alleys.

3. Determination of boundaries for C-1 Conservancy District, EFD Existing Floodplain Development Overlay District, and A-E Exclusive Agricultural Conservancy District: The boundaries of the C-1 Conservancy District, EFD Existing Floodplain Development Overlay District and A-E Exclusive Agricultural Conservancy District as drawn are intended to represent the edge of marsh lands, swamps, floodlands, wetlands or the ordinary high water mark along streams or other watercourses. Where a question arises as to the exact location of those boundaries, they shall be determined by the Zoning Administrator or the County Zoning Agency through the utilization of the best available information such as topographic maps, soil maps, aerial photographs, infield botanical inventories, floodplain studies or other sources of information available which would lend assistance to such a determination and may be finally determined by actual conditions in each specific situation. An appeal to this determination may be made in conformance with Section 38 of this Ordinance. It is generally the intent of this Ordinance to place all wetlands and lands subject to inundation by the regional flood in either the C-1 district, A-E district, or EFD district if the areas are previously developed. Where land may be subject to inundation by the regional flood and a hydraulic and hydrologic analysis has not been prepared and/or the area is not indicated or mapped as floodplain, a detailed hydraulic and hydrologic analysis shall be prepared and reviewed and found to be adequate by the WDNR or its designated agency, in which case the new floodplain data will be used in the administration of this Ordinance. The Zoning Administrator shall map these floodplain areas in appropriate zoning districts within six (6) months of the time the WDNR has determined the acceptability of the data and said mapping shall be done pursuant to Section 39 of this Ordinance. Any changes or amendments in the mapped floodplains and made a part of this Ordinance shall be approved by the WDNR in accordance with the procedure set forth in Section 39 of this Ordinance.

If an area is found that has not been previously identified or mapped as a floodplain or a wetland and not zoned as C-1 Conservancy, EFD Existing Floodplain Development Overlay or A-E Exclusive Agricultural Conservancy, or a determination of navigability is made and a stream is subsequently found to be navigable, said stream and any shoreland, wetland or floodplains as defined herein, shall immediately become subject to the provisions of this Ordinance. If the floodplain has not been determined, said area of approximate floodplain and wetlands shall be considered to be subject to the C-1, EFD and/or A-E regulations of this Ordinance. Appropriate procedures to establish Shoreland Zoning districts beyond that which is considered C-1 Conservancy, EFD Existing Floodplain Development Overlay or A-E Exclusive Agricultural Conservancy shall be initiated under the mapping amendment procedure pursuant to Section 39 of this Ordinance and as set forth above. Water quality related standards of the Shoreland and Floodland Protection Ordinance are in effect immediately upon a determination of navigability or identification of a shoreland/wetland or floodplain (i.e., setback, grading, and land altering activities, vegetation removal).

4. Discrepancy of wetland boundaries: In the case of any discrepancy regarding a boundary between any mapped or newly determined wetland, the Zoning Administrator may make a determination or consult with the WDNR and coordinate the appropriate onsite investigation to determine the exact boundary. If the WDNR staff concurs with the Zoning Administrator that a particular area was incorrectly mapped as a wetland or vice versa, the Zoning Administrator shall have the authority to immediately deny or grant a zoning permit in accordance with the regulations applicable to the correct zoning district

designation as it may be modified by such field determination. A notation shall be made on the map indicating that such a change has been made for future reference purposes. Utilizing the procedures above, if an area is found to be inappropriately mapped in a C-1 Conservancy, EFD Existing Floodplain Development Overlay or A-E Exclusive Agricultural Conservancy District category, the Zoning Administrator shall have the authority to designate a district for the subject area consistent with the upland category which may exist adjacent to the site without necessity of a formal amendment process and shall note said changes on the zoning map within 6 months of said determination.

5. Dispute or discrepancy of floodplain boundaries: In the case of any dispute or discrepancy regarding a boundary between an official zoning map and actual field conditions locating the floodplain boundary, the criteria in paragraphs (a) or (b) below shall be used. If a significant difference exists, the map shall be amended according to Section 39 of this Ordinance. Where the flood profiles are based on established base flood elevations from a Flood Insurance Rate Map, FEMA must also approve any map amendment. The Zoning Administrator can rely on a boundary derived from a flood profile elevation to grant or deny a permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to Section 38 of this Ordinance and the criteria in (a) and (b) below.
- a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
  - b. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the WDNR, and/or FEMA.

(Ord. No. 141-44, §§ XLII, XLIII, 7-22-1986)  
(Ord. Of 11-5-84, § V; Ord. No. 141-44, § XLI, 7-22-19

(Section 6(a) was amended by Enrolled Ordinance 163-55, effective 11-13-2008.)  
(Section 6(a) was amended by Enrolled Ordinance 165-69, effective 12-23-2010.)

(Section 6(b) was amended by Enrolled Ordinance 163-55, effective 11-13-2008.)

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

**Official Maps:**

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, 55133C0059F, 55133C0061F, 55133C0062F, 55133C0063F, 55133C0064F, 55133C0066F, 55133C0067F, 55133C0068F, 55133C0069F, 55133C0078F, 55133C0079F, 55133C0083F, 55133C0086F, 55133C0087F, 55133C0088F, 55133C0089F, 55133C0091F, 55133C0093F, 55133C0131F, 55133C0132F, 55133C0133F, 55133C0134F, 55133C0141F, 55133C0142F, 55133C0143F, 55133C0144F, 55133C0151F, 55133C0152F, 55133C0153F, 55133C0154F, 55133C0156F, 55133C0157F, 55133C0158F, 55133C0161F, 55133C0162F, 55133C0163F, 55133C0164F, 55133C0166F, 55133C0167F, 55133C0168F, 55133C0169F, 55133C0176F, 55133C0177F, 55133C0178F, 55133C0179F, 55133C0181F, 55133C0182F, 55133C0183F, 55133C0186F, 55133C0187F, 55133C0188F, 55133C0189F, 55133C0191F, 55133C0193F, 55133C0194F, 55133C0201F, 55133C0202F, 55133C0206F, 55133C0207F, 55133C0208F, 55133C0214F, 55133C0216F, 55133C0217F, 55133C0218F, 55133C0219F, 55133C0256F, 55133C0257F, 55133C0259F, 55133C0270F, 55133C0280F, 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 November 19, 2008, volume numbers 55133CV001A-003A;

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

1. Brandy Brook –Downstream of Summit Avenue to approximately 5,000 ft. upstream: Annotated panel numbers 55133C0186F, 55133C0187F, 55133C0188F, and 55133C0189F, including the corresponding profiles that are based on the Flood Insurance Study (FIS) revised to reflect this LOMR, LOMR Case No. 08-05-4338P, effective date of revision: June 19, 2009.

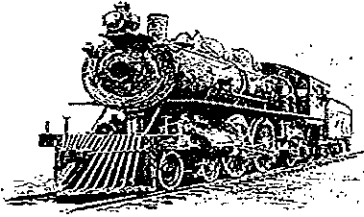
2. Golden Lake: Annotated panel numbers 55133C0141F, 55133C0142F, 55133C0143F, and 55133C0144F, including the corresponding profiles that are based on the Flood Insurance Study (FIS) revised to reflect this LOMR, LOMR Case No. 10-05-0806P, effective date of revision: September 03, 2010.
3. Lake Keesus: Annotated panel numbers 55133C0066F and 55133C0062F, including the corresponding profiles that are based on the Flood Insurance Study (FIS) revised to reflect this LOMR, LOMR Case No. 10-05-0802P, effective date of revision: September 03, 2010.
4. Lower Genesee Lake: Annotated panel numbers 55133C0161F and 55133C0162F, including the corresponding profiles that are based on the Flood Insurance Study (FIS) revised to reflect this LOMR, LOMR Case No. 12-05-1322P, effective date of revision: November 16, 2012.
5. Middle Genesee Lake: Annotated panel numbers 55133C0161F and 55133C0162F, including the corresponding profiles that are based on the Flood Insurance Study (FIS) revised to reflect this LOMR, LOMR Case No. 12-05-1322P, effective date of revision: November 16, 2012.
6. Okauchee Lake –the southern end from the south shore to approximately 780 ft. north: Annotated panel number 55133C0156F with no revision to the Flood Insurance Study (FIS), LOMR Case No. 09-05-4061P, effective date of revision: September 28, 2009.
7. Upper Genesee Lake: Annotated panel numbers 55133C0161F and 55133C0162F, including the corresponding profiles that are based on the Flood Insurance Study (FIS) revised to reflect this LOMR, LOMR Case No. 12-05-1322P, effective date of revision: November 16, 2012.

Approved by: The WDNR and FEMA

**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 12, 2011. Approved by the WDNR and adopted by the Waukesha County Board on December 18, 2012.



# Town of Genesee est. 1843

February 28, 2013

RECEIVED

MAR 1 2013

S43 W31391 Hwy 83

PO Box 242

Genesee Depot, WI 53127-0242

Phone: 262-968-3656

[www.towngenesee.org](http://www.towngenesee.org)

Mr. Jason Fruth  
 Planning and Zoning Manager  
 Waukesha County Department of Parks and Land Use  
 515 W. Moreland Blvd.  
 Waukesha, WI 53188

DEPT OF PARKS & LAND USE

RE: Countywide Map Modernization – Town of Genesee.

Dear Jason,

I want to thank you for taking the time to discuss with Sharon and I, the countywide zoning map modernization process and the impacts on the Town of Genesee. As you know, Sharon and I were discussing the inclusion of the Primary Environmental Corridors, Secondary Environmental Corridors and the Isolated Natural Resource areas on the updated Zoning map for the Town of Genesee. The Town of Genesee has been very concerned about protecting the Environmental Corridors, as well as the tributary's to all the rivers and streams in the Town of Genesee. A specific development objective of the Town of Genesee Comprehensive Development Plan – 2035 is "the preservation of the remaining primary environmental corridor lands in the Town and, to the greatest extent practical, 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". Therefore, including the primary and secondary environmental corridors in an Environmental Corridor District is reasonable and protects those larger areas of environmentally significant areas from development and/or destruction.

The plan also indicates that isolated natural resource areas should be preserved in essentially natural, open uses to the extent practical. After reviewing the Zoning Map, the isolated natural resources areas have been included in the Environmental Corridor District. Although, this appears to be consistent with the Town of Genesee Comprehensive Development Plan – 2035, many of these isolated natural resource areas are in already developed areas with a minimum three (3) acre lot size. Most of these lots were developed in the 1960's and 1970's. At that time, most of the lots contained much less tree density and over the years, the property owners have planted and raised many of the trees that exist today. In fact, it is safe to say that 90 percent of the lots created in the 1970's have a much higher tree population and density today than when they were developed and homes constructed.

The purpose and intent of the Environmental Corridor District, as stated in the Waukesha County Zoning Code is "Environmental Corridor District, as mapped or intended to be mapped, includes non-wetland/floodplain primary or secondary environmental corridors as defined herein, and is intended to be used to preserve, protect, enhance, and restore significant woodlands, upland wildlife habitat areas, scenic overlooks, slopes exceeding 12%, and upland wooded areas, while also affording an opportunity to use the site for the limited residential purposes, in concert with the goal and intent of the Regional Land Use Plan or locally adopted plan, which suggests that residential densities in such areas not exceed one unit per five acres for all parcels which lie entirely within the Environmental Corridor. Where questions arise as to the exact location or boundary of an environmental corridor, the extent and location of such corridors shall be finally determined by infield investigation by the Zoning Administrator or his/her designee." This definition does not specifically indicate that isolated natural resource areas be included within the Environmental Corridor District, although someone may say, it is implied that isolated natural resource areas be included within the Environmental Corridor District since they are considered upland wooded areas. The ordinance indicates that "For parcels lying entirely within an Environmental Corridor Zoning District, no open space regulation shall apply. However, all earth altering activities and vegetative removal including building sites and drive areas (area of disturbance) shall be no more than 15% of five (5) acres (32,600 square feet) in the environmental corridor may be disturbed with such land disturbance." "For parcels which lie partially within and partially outside of the environmental corridor, the area of disturbance shall be limited to that area outside of the environmental corridor unless otherwise permitted by a building envelope on the certified survey map, subdivision plat or other document." The Town of Genesee has numerous lots that were created in the 1970's that never had Environmental Corridor zoning delineated on them. Most of these lots are three (3) acres in size.

This purpose and intent of the Environmental Corridor District does not take into consideration when the parcel was created. Therefore, it is very difficult to explain to a local property owner that a large portion of his/her lot may not be developed or disturbed. Not knowing this, when he/she bought the lot, makes it very difficult to enforce.

The Town of Genesee feels that a more in-depth study should be conducted to determine which areas should be included in the Environmental Corridor District. The primary and secondary environmental corridors should be included in the Environmental District; however, a refinement of the Environmental Corridor District should be completed for those smaller areas that are considered isolated natural resource area proposed to be zoned Environmental Corridor. Since, most of the isolated natural resource areas contain existing development, it should be determined if there were any environmental corridor restrictions on the subdivision plat/CSM and if not, then the surrounding zoning should continue in effect. If the subdivision plat/CSM restricted the use of the Corridor, then those environmental corridors should continue to be protected and mapped accordingly. All isolated natural resource areas not currently developed or that have the potential to be developed should be included in the Environmental Corridor District as proposed.



The Town of Genesee would be willing to meet with Waukesha County to individually look at each isolated natural resource area and determine if said area should be designated as Environmental Corridor or some other district.

Please include this correspondence with the public comments presented at the public hearing. If you have any questions or need clarification, please do not hesitate to contact me directly.

Sincerely,



Jeffrey C. Herrmann, AICP  
Administrator/Planner

cc: Town of Genesee Clerk  
Town of Genesee Board  
Town of Genesee Plan Commission  
Robert Peregrine, Waukesha County Park and Planning Commission Chairman

168-0-002

168-0-003

24.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/23/13

(ORD) NUMBER-1680002

1 C. SLATTERY.....AYE  
 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. FALSTAD.....AYE  
 4 J. BATZKO.....AYE  
 6 J. JESKEWITZ.....AYE  
 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.....  
 24 D. DRAEGER.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-24