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2  
3 AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND  
4 AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY  
5 ZONING CODE, FOR THE TOWN OF GENESEE, BY CONDITIONALLY REZONING  
6 CERTAIN LANDS LOCATED IN PART OF THE NW 1/4 OF SECTION 8, T6N, R18E,  
7 TOWN OF GENESEE, FROM THE C-1 CONSERVANCY DISTRICT  
8 TO THE A-2 RURAL HOME DISTRICT  
9 (SCZ-1411)

10  
11 WHEREAS the subject matter of this ordinance having been duly referred to and considered by  
12 the Waukesha County Park and Planning Commission after public hearing and the giving of  
13 requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks  
14 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha  
15 County, Wisconsin, as required by Sections 59.692 and 59.69 of the Wisconsin State Statutes.

16  
17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
18 ORDAIN that the Waukesha County Shoreland and Floodland Protection ordinance adopted on  
19 June 23, 1970, and the Waukesha County Zoning Code adopted on February 26, 1959, for the  
20 Town of Genesee, Waukesha County, are hereby amended to conditionally rezone from the C-1  
21 Conservancy District to the A-2 Rural Home District, certain lands located in part of the NW 1/4  
22 of Section 8, T6N, R18E, Town of Genesee, and more specifically described in the "Staff Report  
23 and Recommendation" and map on file in the office of the Waukesha County Department of  
24 Parks and Land Use and made a part of this ordinance by reference (SCZ-1411) and subject to  
25 the following conditions:

- 26
- 27 1. Subject to approval of all permits required by the Wisconsin Department of Natural  
28 Resources for the proposed filling of wetlands and installation of a culvert to cross a  
29 tributary to Scuppernong Creek.
  - 30
  - 31 2. Subject to approval of all permits required by the U.S. Army Corps of Engineers for the  
32 proposed filling of wetlands and installation of a culvert to cross a tributary to  
33 Scuppernong Creek.
  - 34
  - 35 3. Subject to approval of an Erosion Control Permit by the Waukesha County Land  
36 Resources Division for the proposed filling of wetlands and installation of a culvert to  
37 cross a tributary to Scuppernong Creek.
  - 38
  - 39 4. Subject to approval of the Erosion Control Plans by the Town Engineer for the proposed  
40 filling of wetlands and installation of a culvert to cross a tributary to Scuppernong Creek.
  - 41
  - 42 5. Subject to the petitioner making payments in full to the Town of Genesee, all costs and  
43 assessments, including reimbursement for professional fees, due and owing to the Town  
44 of Genesee, prior to the zoning amendment becoming valid.
  - 45

46 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
47 this ordinance with the Town Clerk of Genesee.  
48  
49  
50  
51

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

54

55 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of  
56 provisions of this ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE, FOR THE TOWN OF GENESEE, BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW 1/4 OF SECTION 8, T6N, R18E, TOWN OF GENESEE, FROM THE C-1 CONSERVANCY DISTRICT TO THE A-2 RURAL HOME DISTRICT (SCZ-1411)

Presented by:  
Land Use, Parks, and Environment Committee

Paul G. Vrakas  
Paul G. Vrakas, Chair

Pauline T. Jaske  
Pauline T. Jaske

Absent  
James Jeskewitz

Walter L. Kolb  
Walter L. Kolb

Karen J. McNelly  
Karen J. McNelly

Daniel F. Meissner  
Daniel F. Meissner

Ronald V. Rydberg  
Ronald V. Rydberg

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

Date: September 28, 2001, Patricia E. Madden  
Patricia E. Madden, County Clerk

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

Approved: ✓

Vetoed: \_\_\_\_\_

Date: 9-28-01, D. M. Finley  
Daniel M. Finley, County Executive

156-0-047

**WAUKESHA COUNTY PARK AND PLANNING COMMISSION**  
**STAFF REPORT AND RECOMMENDATION**  
**ZONING MAP AMENDMENT**

**FILE NO:** SCZ-1411  
**TAX KEY NUMBER:** GNT 1470.987  
**DATE:** August 9, 2001  
**NAME OF PETITIONER:** Marjorie and Tom Rice  
2800 Lincolnshire Court  
Waukesha, WI 53188

**LOCATION OF PROPERTY:**

Part of the NW ¼ of Section 8, T6N, R18E, Town of Genesee. More specifically, the property is located just north of the intersection of Morris Road and CTH "G" and contains 89.4 acres.

**PRESENT ZONING:**

C-1 Conservancy District.

**PROPOSED ZONING:**

A-2 Rural Home District.

**PRESENT LAND USE:**

Vacant.

**PROPOSED LAND USE:**

To fill a small portion of degraded wetland to provide access to a wetland to the north for maintenance purposes.

**PUBLIC HEARING DATE:**

May 21, 2001

**PUBLIC REACTION:**

One member of the public questioned why a road needed to be built and where access to the road was being provided.

**TOWN PLANNING COMMISSION ACTION:**

The Town of Genesee Plan Commission, at its meeting on May 21, 2001, recommended approval of the rezoning.

**TOWN BOARD ACTION:**

The Genesee Town Board, at its meeting on June 11, 2001, recommended approval of the rezoning (Exhibit "A").

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

The Waukesha County Land Development Plan designates this parcel in the Primary Environmental Corridor category, which encourages preservation of the natural resources of the property in open space. The proposed rezoning category, as conditioned, would comply with the Waukesha County Development Plan since the use will encourage the maintenance of these natural, open areas.

156-0-047

**OTHER CONSIDERATIONS:**

The 89.4 acre parcel is a combination of wetland and upland communities. The northwestern 12 acres of the property are classified as wetland, with the rest of the parcel a combination of prairie, sedge meadow, and mature tree coverage. The property is currently accessed off of a drive on C.T.H. "G", ¼ mile east of Morris Road. None of the property is currently farmed.

On September 14, 2000, the current owners received approval from the Waukesha County Park and Planning Commission to conduct earth-altering activities to repair ditch plugs and regrade three (3) ponds to enhance the wetlands on a 40-acre piece to the north of the property in question. Prior to beginning earth-altering activities to the north, it was noted the property in question contained wetlands that were being encroached on by reed canary grass, common buckthorn and gray dogwood because of hydrologic alterations. The petitioners have, under a separate Conditional Use Permit, requested drain tile breaks and wetland scrapes to restore hydrology to the site and allow the return of native plant communities. The drain tile breaks and restoration of the wetlands will make the anticipated access point to the northern 40 acres of wetlands impassible.

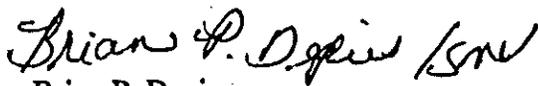
The drive will be on wetlands, however it is placed in an area with poplars and no remnant native wetland vegetation. The only vehicles utilizing the constructed drive will be a tractor for mowing reed canary grass or a vehicle to allow the removal of buckthorn brush. The spoil area for the drive will disturb an area 20' wide by 450' long, with the final drive being approximately 12' in width. The spoils from the two (2) wetland scrapes will be utilized to construct the drive, which will raise the area 2' to 3' and allow for a 30% settling factor.

In conjunction with the driveway construction, the petitioner will be installing a 3' x 6' box culvert to cross a drainage ditch, which is a tributary to the Scuppernong Creek. The petitioners have received approvals from the Army Corps of Engineers and the Wisconsin Department of Natural Resources for the proposed grading, filling and drainage crossing.

**STAFF RECOMMENDATION:**

The planning staff recommends this request be **approved** as conditioned by the Town. It is felt the approval will allow the petitioner reasonable access to the northern property by constructing a driveway within a small portion of degraded wetland. This activity will not cause any adverse impacts on adjoining or neighboring properties and will allow the petitioners the ability to maintain the northern wetlands, which meets the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance.

Respectfully submitted,

  
Brian P. Depies  
Senior Land Use Specialist

BPD:kab/smv

Attachment

**RESOLUTION 01-7R****TOWN BOARD OF THE TOWN OF GENESEE****A Municipal Corporation**

WHEREAS, a rezoning request was filed by Marjorie & Time Rice, to amend the District Zoning Map of the Waukesha County Zoning Code for the Town of Genesee from C-1 Conservancy District to A-2 Rural Home, on the property described as follows:

Part of the S ½ of the SW ¼ of the SW 1.4 of Section 5 and Part of the N ½ of the NW ½ of the NW ¼ of the NW ¼ of Section 8, T6N, R18E

and,

WHEREAS, A Joint Public Hearing was held by the Town of Genesee Plan Commission and the Waukesha County Parks and Plan Commission on May 21, 2001 at 7:00 p.m. at the Genesee Town Hall located at S43 W31391 Highway 83 Genesee Depot, Wisconsin to consider said request: and

WHEREAS, the Town of Genesee Plan Commission held a public meeting discuss said request. After discussion in regards to said request, by motion, properly made and seconded, the Genesee Town Plan Commission voted to recommend to the Town Board an approval of the request.

WHEREAS, the Genesee Town Board held a public meeting on Monday June 11, 2001 to discuss said request. **BASED UPON THE SAME:**

**IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF GENESEE, it being the town affected by said proposed zoning amendment,**

**THAT, the request for the petitioner be approved based upon the following conditions:**

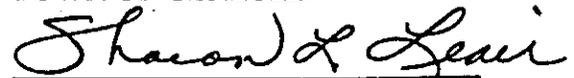
1. Subject to approval of all permits required by the Wisconsin Department of Natural Resources for the proposed filling of wetlands and installation of a culvert to cross a tributary to Scuppernong Creek
2. Subject to approval of all permits required by the U.S. Army Corps of Engineers for the proposed filling of wetlands and installation of a culvert to cross a tributary to Scuppernong Creek
3. Subject to approval of an erosion control permit by the Waukesha County Land Resources Division for the proposed filling of wetlands and installation of a culvert to cross a tributary to Scuppernong Creek
4. Subject to approval of the erosion control plans by the Town Engineer for the proposed filling of wetlands and installation of a culvert to cross a tributary to Scuppernong Creek.
5. Subject to the petitioner making payments in full to the Town of Genesee, all costs and assessments, including reimbursement for professional fees, due and owing to the Town of Genesee, prior to the zoning amendment becoming valid.

AND FURTHER BE IT RESOLVED;

BY THE TOWN BOARD OF THE TOWN OF GENESEE, that the Town of Genesee does hereby give notice to the County that it conditionally approved the zoning amendment request of Tom & Marjorie Rice.

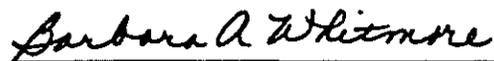
Dated this 11<sup>th</sup> day of June, 2001

TOWN OF GENESEE



Sharon L. Leair, Town Chairman

ATTEST:



Barbara A. Whitmore, Town Clerk

Posted this 12<sup>th</sup> day of June, 2001

JUN 12 2001  
NOTARY PUBLIC STATE OF WISCONSIN

**CERTIFICATION**

This is to certify that the  
attached is a true and accurate copy  
of Resolution 01-7R,

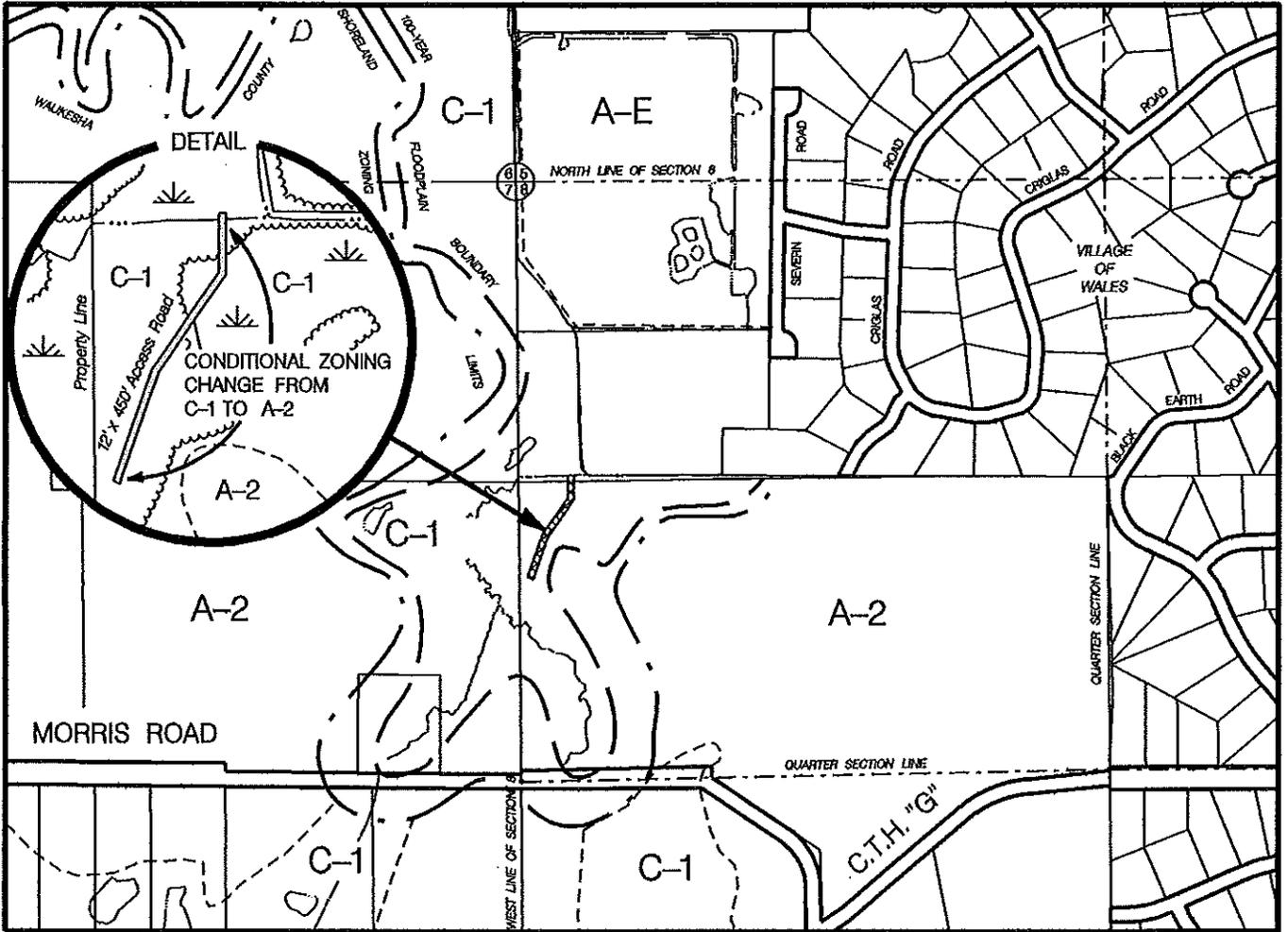
Barbara A. Whitmore  
Barbara A. Whitmore, Clerk  
Town of Genesee

Subscribed and sworn to before me  
this 12<sup>th</sup> day of June, 2001.

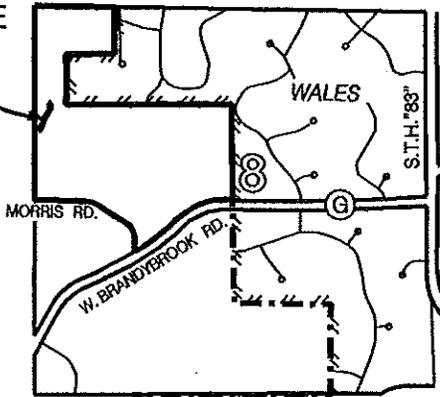
Robert Medlen  
Notary Public, State of Wisconsin  
My commission expires on: 2-6-2005

# ZONING CHANGE

PART OF THE NW 1/4 OF SECTION 8  
TOWN OF GENESEE



PROPOSED  
ZONING  
CHANGE



LOCATION MAP  
T6N R18E SECTION 8

FILE.....SCZ-1411

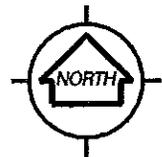
DRAWN.....8-9-01

SCALE.....1" = 800'

AREA OF CHANGE.....0.12 ACRES



GRAPHIC SCALE IN FEET



PREPARED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

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 and the Waukesha County Zoning Code, hereby recommends approval of (SCZ-1411 Marjorie and Tom Rice) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

August 9, 2001

  
Betty Willert, Chairperson

  
Vy Janulonis

  
Mareth Kipp

  
Ellen Gennrich

  
Walter Kolb

  
Joseph LaPorte

  
Walter Baade

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/25/01

(ORD) NUMBER-1560047

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 S. WOLFF.....AYE
- 11 B. TESMER.....AYE
- 13 E. LA MONTE.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 C. SEITZ.....AYE
- 21 W. KOLB.....AYE
- 23 E. KRAUS.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 J. MAAS.....AYE
- 31 V. STROUD.....AYE
- 33 P. GUNDRUM.....AYE
- 35 K. MCNELLY.....AYE

- 2 C. WILSON.....AYE
- 4 D. MEISSNER.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 P. HAUKOHL.....AYE
- 12 J. WILLIAMS.....AYE
- 14 J. LA PORTE.....
- 16 R. MANKE.....AYE
- 18 J. ARNDT.....
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 R. RYDBERG.....
- 26 P. VRAKAS.....AYE
- 28 P. JASKE.....AYE
- 30 M. THOMAS.....AYE
- 32 C. WICHGERS.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-00

CARRIED   X  

DEFEATED           

UNANIMOUS   X  

TOTAL VOTES-32