

ENROLLED ORDINANCE 163-80

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING
ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF
THE SE ¼ OF SECTION 34, T8N, R19E, TOWN OF LISBON, FROM THE
RESIDENCE A-2 DISTRICT TO THE QUARRYING AND
CONSERVANCY DISTRICTS (ZT-1681)

WHEREAS the subject matter of this Ordinance having been approved by the Lisbon Town Board on October 29, 2008, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Lisbon Zoning Ordinance, adopted by the Town of Lisbon on July 14, 1958, is hereby amended to rezone from the Residence A-2 District to the Quarrying and Conservancy Districts, certain lands located in part of the SE ¼ of Section 34, T8N, R19E, Town of Lisbon, 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-1681).

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

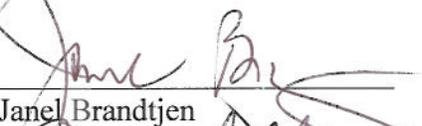
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

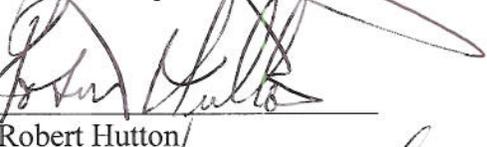
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

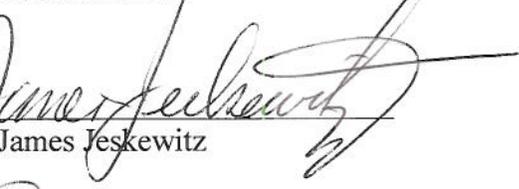
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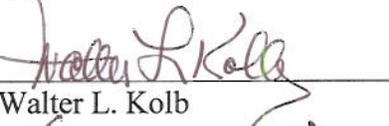
Presented by:
Land Use, Parks, and Environment Committee

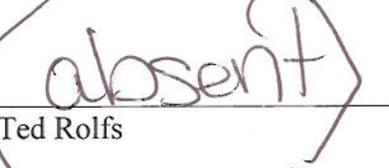

Fritz Ruf, Chair

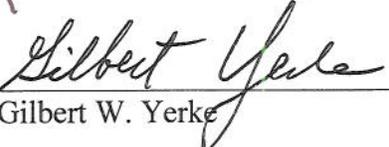

Janel Brandtjen


Robert Hutton

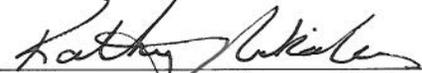

James Jeskewitz


Walter L. Kolb

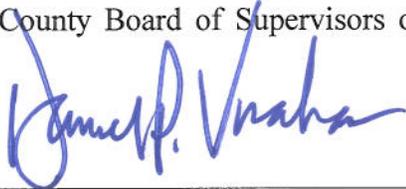

Ted Rolfs


Gilbert W. Yerke

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

Date: 2/27/09, 
Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 3-2-09, 
Daniel P. Vrakas, County Executive

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

DATE: January 15, 2009

FILE NO.: ZT-1681

OWNER/PETITIONER: Halquist Stone Company, Inc.
P.O. Box 308
Sussex, WI 53089

TAX KEY NO(S).: LSBT 0280.999, 0280.999.001, 0280.997, 0280.998, and
0280.992

LOCATION:
Part of the SE ¼ of Section 34, T8N, R19E, Town of Lisbon, which includes Lot 1 and 2 of Certified Survey Map (CSM) No. 5524, Volume 44, Page 340. More specifically, the properties are located on the south side of C.T.H. "K" west of the existing quarry operation and east of Swan Road and contain 63.7 acres to be amended.

EXISTING ZONING: Residence A-2 District.

REQUESTED ZONING: Quarrying District and Conservancy District.

EXISTING LAND USE: Residential and Agricultural.

REQUESTED LAND USE: Quarry (no disturbance of the Primary Environment Corridor (PEC) or wetlands).

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF LISBON LAND USE PLAN:

A recent amendment was approved for the Waukesha County Development Plan (WCDP) and Town of Lisbon Land Use Plan to designate the property as Extractive and Primary Environmental Corridor. No Primary Environmental Corridor will be disturbed. The request is consistent with both plans.

PUBLIC HEARING DATE: July 10, 2008

PUBLIC REACTION:

One person was concerned about the quarry setbacks in the existing zoning code and how those setbacks may affect private residential wells. Since the Town is nearing completion of a new zoning ordinance, he questioned which ordinance will be applicable to this expansion of the quarry. The Town responded that the ordinance in effect at the time of the Conditional Use and Site Plan and Plan of Operation applications to expand the quarry would be the ordinance that would apply.

TOWN PLAN COMMISSION ACTION:

On July 10, 2008, the Town of Lisbon Plan Commission recommended the Lisbon Town Board approve the request to rezone the property from A-2 Residential to Quarrying subject to the petitioner obtaining a Conditional Use/Site Plan and Plan of Operation to expand the quarry.

TOWN BOARD ACTION:

On August 11, 2008, the Town of Lisbon Board approved the rezoning request from A-2 Residential to Quarrying with no conditions. Subsequently, the County informed the Town there was conservancy that needed to be considered in the zoning change and that the legal description was incorrect. On October 29, 2008, the Town Board approved the amended rezoning request from A-2 Residential to Quarrying and Conservancy.

STAFF ANALYSIS:

The subject properties, which are currently in residential use with the exception of one parcel, which is partly in agricultural use, comprise 63.7 acres of land to be rezoned. Forty-seven acres are proposed to be zoned Quarry, and the remaining 16 acres would be zoned Conservancy. The petitioner is requesting to rezone the properties to Quarrying and Conservancy in accordance with the Town Land Use Plan, the County Development Plan, and the End Land Use Plan for the operation, which is required under NR135, and calls for mining and reclamation of this area. In the short term, the lands will remain in residential and agricultural use. However, in the long term, the intent is to quarry the subject lands, with the exception of the PEC and wetlands, as regulated in the Town of Lisbon's Quarrying District and in accordance with the conditional use regulations and approvals of the Town.

Soil types with high bedrock are located in the northeast corner of the subject properties. The PEC to the south is, in part, wetland and poorly drained soils. The PEC will not be quarried. The request to expand the quarry will also require the petitioner to apply for and receive a revised Conditional Use, Site Plan and Plan of Operation and Reclamation Plan.

The 1996 Waukesha County Development Plan, as well as the draft 2009 Comprehensive Development Plan, identifies pre-existing mining sites as well as areas that have future potential for mining non-metallic minerals. These areas are based on adjacent open lands that are shown to have mineral extraction potential, as well as data submitted by the extraction industry. The mineral resources are mapped based on a variety of data including land use, the identified surficial deposits of the minerals, the topographic map of bedrock, the surface topography map, the environmental corridor and other sensitive areas maps and potential quarry reserves. The proposed amendment area is one of the areas that has non-metallic mineral mining potential.

The property to the east is also owned by the petitioner and is zoned Quarry and designated as Extractive on the Land Use Plan. The land to the south and southwest of the subject properties is designated as Extractive and PEC on the Land Use Plan. All other lands surrounding the subject properties are zoned A-2 Residential in the Town of Lisbon. The lands to the northwest of the subject properties are designated as Low Density Residential on the Land Use Plan. Property further to the south is in the City of Pewaukee and is Wooded Primary Environmental Corridor on the Land Use Plan.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends the request to rezone the lands from A-2 Residential to Quarrying and Conservancy be approved.

The petitioner's request is consistent with the non-metallic mining objective set forth in the Town of Lisbon's Land Use Plan, which is as follows: "All known economically viable non-metallic mineral deposits should be protected and preserved for future mining as the Town recognizes the future value of undeveloped quarry and sand and gravel deposits. Development regulations should allow the flexibility of appropriately planned mining and/or non-mining development for these sites. All mining sites shall be reclaimed as required." Since these properties have mining potential, the request to rezone the properties is consistent with the Waukesha County Development Plan as well. The petitioner is requesting to expand an existing quarry operation that is located on a county highway and that can accommodate the expanded use. The request does not include mining of the PEC or wetlands. In addition, the request serves to enhance the economic development of the Town by expanding the tax base. The area is not intensively developed with residences so the impact on existing residential development is minimized, and future reclamation of the site to residential use is required. The petitioner is required to apply for and receive a revised Conditional Use and Site Plan and Plan of Operation prior to any expansion in the subject area, and if properly conditioned, the expansion of the quarry use should be compatible with the surrounding area. Therefore, the request is deemed to be in the public interest as the extractive mineral resources are needed to support development occurring throughout the County, and the request is in compliance with the Waukesha County Development Plan and the Town of Lisbon's Land Use Plan.

Respectfully submitted,



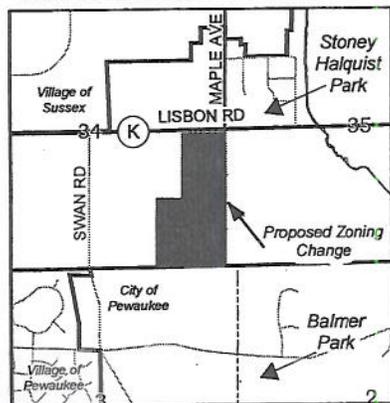
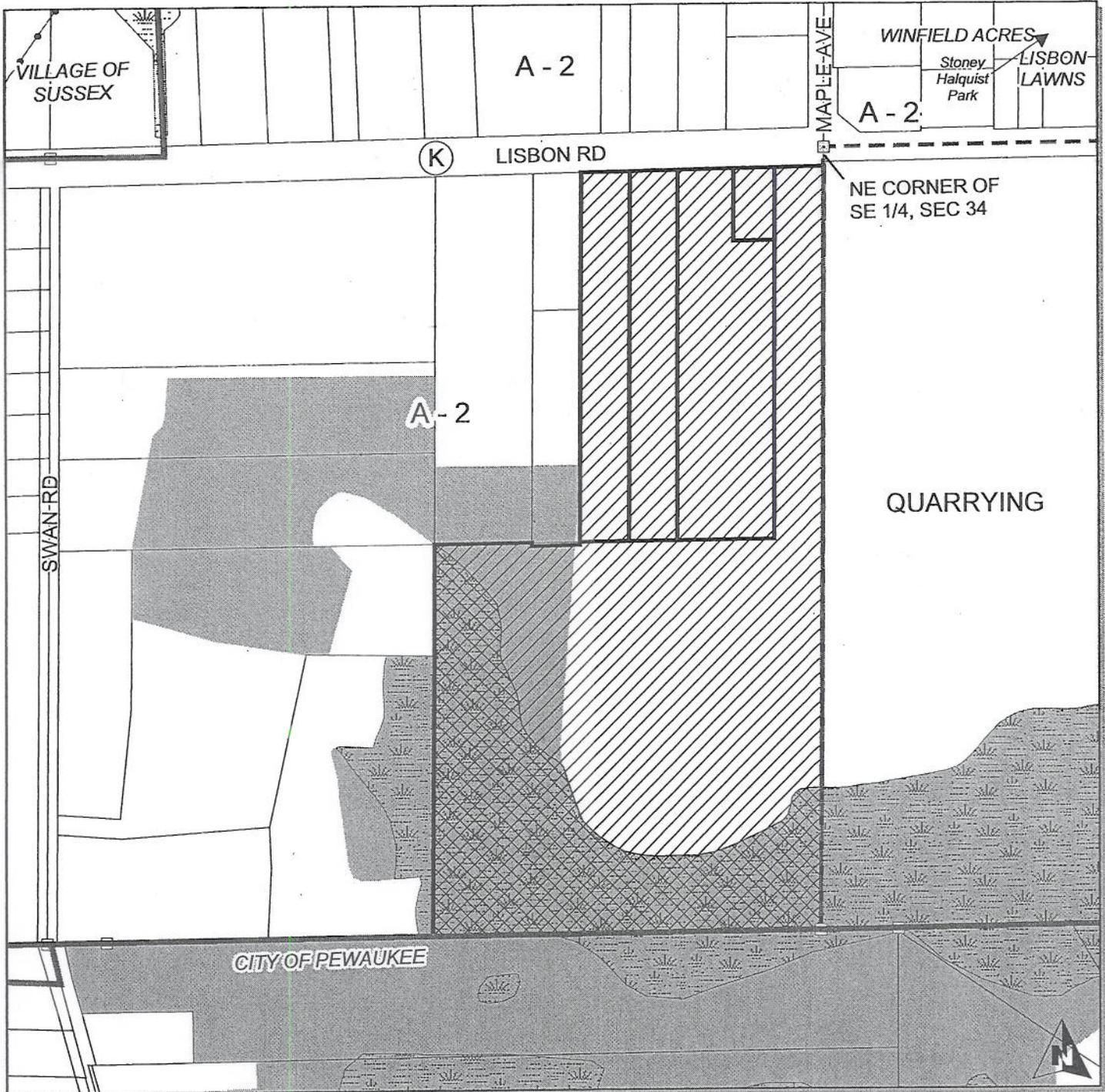
Sandy Scherer
Senior Planner

Attachments: Map
Town Ordinance

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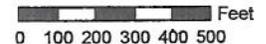
ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 34
TOWN OF LISBON



-  TOWN ZONING CHANGE FROM A-2 RESIDENCE DISTRICT TO Q-1 QUARRYING (47.4 AC)
-  TOWN ZONING CHANGE FROM A-2 RESIDENCE DISTRICT TO CONSERVANCY (16.3 AC)
-  WETLANDS (DNR '08)
-  PRIMARY ENVIRONMENTAL CORRIDOR (SEWRPC '00)

FILE.....ZT-1681
 DATE.....01-15-09
 AREA OF CHANGE.....63.7 ACRES
 TAX KEY NUMBERS.....LSBT 0280.999, .999.001,
 998, 992, & .997

1 inch = 500 feet
 Feet
 0 100 200 300 400 500

Prepared by the Waukesha County
Department of Parks and Land Use

163-0-082

V

DATE-02/24/09

(ORD) NUMBER-1630082

1 D. FALSTAD.....AYE
 3 R. HUTTON.....AYE
 5 J. JESKEWITZ.....AYE
 7 P. HAUKOHL.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 P. DECKER.....AYE
 15 P. MEYERS.....AYE
 17 J. TORTOMASI.....AYE
 19 S. WIMMER.....AYE
 21 W. ZABOROWSKI.....AYE
 23 J. PLEDL.....AYE
 25 G. YERKE.....AYE

2 T. ROLFS.....AYE
 4 J. DWYER.....AYE
 6 J. BRANDTJEN.....AYE
 8 T. SCHELLINGER....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 B. MORRIS.....AYE
 16 D. PAULSON.....AYE
 18 K. CUMMINGS.....AYE
 20 P. JASKE.....AYE
 22 P. GUNDRUM.....AYE
 24 W. KOLB.....AYE

TOTAL AYES-25

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS K

TOTAL VOTES-25