

ENROLLED ORDINANCE 175-84

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF OTTAWA BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF SECTIONS 7, 8, 17 AND 18, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN TO APPLY A C-1 CONSERVANCY OVERLAY DISTRICT DESIGNATION TO LANDS WITHIN THE SCHOOL SECTION LAKE DAM FAILURE FLOODPLAIN (RZ64)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was denied by the Ottawa Town Board on December 14, 2020; and

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

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Ottawa, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to conditionally rezone certain lands located in part of Sections 7, 8, 17 and 18, Town of Ottawa, to apply a C-1 Conservancy Overlay District designation to lands within the School Section Lake Dam Failure floodplain, 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 RZ64, is hereby approved, subject to the following conditions:

1. All existing agricultural uses, and all agricultural uses permitted within the underlying zoning district, including, without limitation, conditional uses, are permitted within areas designated to be within the C-1 Conservancy Overlay District boundaries. There shall be no limitations with regards to the types of crops or animals that may be rotated on the farmed floodplain areas.
2. The installation, maintenance and repair of existing agricultural drainage systems, including, without limitation, flooding, draining, ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue any existing or permitted Agricultural Use is permitted. The disposal of dredged spoils can occur within the dam failure floodway or floodplain, however, spreading of spoils within the floodway would require an analysis be completed and reviewed and approved by DNR to demonstrate that fill will not obstruct flows. No zoning permit or floodplain development permit is required for maintenance, repair or installation of new agricultural drainage systems or placement of spoils, if located outside the floodway. If said activities are located within the floodway, which is limited to the area mapped along School Section Ditch/Creek, a no cost floodplain development permit would be required. If dredging is proposed within a navigable stream, dredging permits would be

needed from the DNR and U.S. Army Corps of Engineers.

3. The conditions of this rezoning are maintained in the enrolled ordinance which will be placed on file with the Waukesha County Clerk. The rezoning file numbers will be denoted on the official county district zoning map for the Town of Ottawa. Areas of dam failure floodway will be denoted on the official zoning map in a unique manner and will be differentiated from areas of dam failure floodplain.
4. The foregoing conditions apply to all property designated as C-1 Conservancy Overlay District within the School Section Lake Dam Failure Hydraulic Shadow.

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

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

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF OTTAWA BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF SECTIONS 7, 8, 17 AND 18, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN TO APPLY A C-1 CONSERVANCY OVERLAY DISTRICT DESIGNATION TO LANDS WITHIN THE SCHOOL SECTION LAKE DAM FAILURE FLOODPLAIN (RZ64)

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

Date: March 26, 2021,   
Meg Wartman, County Clerk

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

Approved: X

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

Date: 4/1/2021,   
Paul Farrow, 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 **RZ64 (Map Amendments/School Section Lake Dam, Town of Ottawa)** in accordance with the attached “Staff Report and Recommendation”.

**PARK AND PLANNING COMMISSION**

**January 21, 2021**

*William Mitchell (via Microsoft Teams)*

William Mitchell, Chairperson

*James Siepmann (via Microsoft Teams)*

James Siepmann, Vice Chairperson

*Robert Peregrine (via Microsoft Teams)*

Robert Peregrine

*Richard Morris (via Microsoft Teams)*

Richard Morris

*Thomas Michalski (via Microsoft Teams)*

Thomas Michalski

## 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 **RZ65 (Text Amendment/School Section Lake Dam, Town of Ottawa)** in accordance with the attached “Staff Report and Recommendation”.

**PARK AND PLANNING COMMISSION**

**January 21, 2021**

*William Mitchell (via Microsoft Teams)*

William Mitchell, Chairperson

*James Siepmann (via Microsoft Teams)*

James Siepmann, Vice Chairperson

*Robert Peregrine (via Microsoft Teams)*

Robert Peregrine

*Richard Morris (via Microsoft Teams)*

Richard Morris

*Thomas Michalski (via Microsoft Teams)*

Thomas Michalski

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

**FILE NO's:** RZ64 (map) and RZ65 (text)

**DATE:** January 21, 2021

**PETITIONER:** Waukesha County Park and Planning Commission  
 515 W. Moreland Blvd. Room AC230  
 Waukesha, WI 53188

**AGENT:** Waukesha County Land Resources Division, Perry Lindquist, lead staff

**LOCATION:**

The properties affected by the rezone amendment are located in part of Section 17, part of the NE and NW ¼ of Section 18, part of the SE and SW ¼ of Section 7, and part of the SE ¼ of Section 8, T6N, R17E, Town of Ottawa. Maps of the area and a fact sheet (See Exhibit G) were provided with the notices sent to the individual property owners affected and are posted on the Ottawa Town website at: <http://www.tn.ottawa.wi.gov/> and the Waukesha County Department of Parks and Land Use-Planning and Zoning Division website at: <https://www.waukeshacounty.gov/landandparks/planning-and-zoning/>. The maps that specifically identify the proposed C-1 Conservancy Overlay District boundary based on the Dam Failure Zone (refer to Exhibit A and Rezone Map). In addition, these maps were added as layers to the Waukesha County IMS located at: [https://prd1.waukcogeo.com/HTML5Viewer/?viewer=html\\_viewer\\_ext](https://prd1.waukcogeo.com/HTML5Viewer/?viewer=html_viewer_ext).

**EXISTING ZONING:**

The table below depicts the zoning classification of lands within the proposed dam failure floodplain that are not already zoned C-1 Conservancy District.

<b><u>Zoning Category</u></b>	<b><u>Acres</u></b>
HG High Groundwater District	20.7
A-5 Mini Farm District	4.1
AT Agricultural Transition District	2.6
AD-10 Agricultural Density-10 District	0.8
RRD-5 Rural Residential Density District-5	0.03

**PROPOSED ZONING:**

The proposal is to amend the text and map of the Waukesha County Shoreland and Floodland Protection Ordinance (SFPO) in order to adopt a new Dam Failure Analysis for the School Section Lake Dam. The hydraulic shadow of the Dam Failure Analysis is proposed to be mapped as a new floodplain boundary along School Section Creek from the School Section Lake Dam to approximately 6,800 feet downstream of the dam. Lands within the dam failure shadow that are not already zoned C-1 Conservancy Overlay District would be rezoned to add the C-1 Overlay (See Table A and Rezone Map). The table of official floodplain maps in Section 6(b)1.B.ii of the SFPO will be repealed and re-created in its entirety (see Exhibit B).

Because the County's shoreland jurisdictional limits extend to the full extent of the floodplain limits, there are small areas of additional shoreland jurisdiction proposed to be created where the floodplain extends further than 300 feet from a stream or 1,000 feet from School Section Lake.

The attached Table A quantifies and describes the existing zoning designations relative to the affected lands.

**PUBLIC HEARING DATES:**

August 24, 2020, continued October 5, 2020, November 2, 2020, and December 7, 2020

The County Land Resources and Planning and Zoning Divisions and State DNR floodplain program staff provided an informational session prior to the August 24, 2020 public hearing. The presentation included a 51 slide PowerPoint presentation.

**PUBLIC REACTION:**

Eight residents and/or their representative initially submitted emails or written comments for the August 24, 2020 public hearing and separate responses have been provided by the applicant (See Exhibit C). Other zoning comments are addressed by staff in the staff analysis section of this ordinance. One resident also contacted staff by phone and asked general questions about the rezone and if the regulations would change on his property. The town planner advised him that maintenance of drainage ditches would continue to be allowed pursuant to the use provisions of the C-1 Conservancy Overlay District.

Eleven signatures of protest were received from owners of land that are affected by the proposed rezoning. One additional protest was received from a property owner within 500' of the rezone area. The protest materials are attached as Exhibit F. Planning staff has referred this matter to the Waukesha County Corporation Counsel seeking their review and determination regarding the protest materials to be able to advise the County Board on this matter prior to County Board committees taking action.

At the November 2, 2020, Town Plan Commission meeting, the Plan Commission tabled a decision on the matter and requested the DNR and County staff meet with Attorney Terry Booth who represents a number of the affected owners to attempt to identify an alternative to rezoning the land. That meeting was held on November 23, 2020. During the meeting, the owner's attorney asked if existing zoning could simply be relied upon to protect the properties. County staff responded that there are several conventional zoning districts that apply to the lands in question and that those conventional districts contain no floodplain protection standards, and accordingly, do not satisfy state requirements. There was also discussion of floodplain protection standards being introduced into a new zoning district with a different name. County staff expressed concern that such a district would bring forward duplication of regulations and may cause confusion for readers of the code and administrators, alike.

At the December 7, 2020 town meeting, the attorney representing several the property owners suggested that the county zoning ordinance does not differentiate floodplains from floodways. However, this is not accurate. Unique rules for floodways and floodplains are established throughout the ordinance and cross references to various relevant provisions are provided within the C-1 Overlay District text. Protective provisions for mobile homes, fuel pumps at marinas, sewage systems and improvements to existing structures within the floodplain are less restrictive in

floodplain (flood fringe) as compared to floodway areas. The ordinance contains no fewer than 45 references to floodways and more than 300 references to floodplains. Both terms are also uniquely identified in the definitions of the ordinance. In addition, the official zoning maps depict floodplain and floodway areas with a unique designation for each resource, with the map legend also identifying both designations.

**TOWN OF OTTAWA PLAN COMMISSION ACTION:**

On December 7, 2020, the Town of Ottawa Plan Commission recommended denial of the request to the Town Board. No reasons were provided with the recommendation for denial.

**TOWN OF OTTAWA BOARD ACTION:**

On December 14, 2020, the Town of Ottawa Board recommended denial of the text and map amendment to Waukesha County. No reasons were provided with the recommendation for denial and such recommendation is not required by the zoning ordinance.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF OTTAWA CDP:**

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

**STAFF ANALYSIS:**

The proposal is to zone lands within the recently approved School Section Lake dam failure shadow to the C-1 Conservancy Overlay District (see Rezone Map and Exhibit A) and add the subject floodplain study to the official list of floodplain maps based upon studies (Table 6(b)1(B)(ii)) within the Shoreland and Floodland Protection Ordinance. The proposal is to add the subject dam failure study to this list, which currently lists five other local dam failure studies that have previously been adopted into the ordinance.

All undeveloped floodplains within the county's zoning jurisdictional area are zoned C-1 Conservancy District Overlay. The C-1 Conservancy Overlay District of the Waukesha County SFPO contains unique standards for wetlands, floodplains and floodways. These standards are described within the C-1 District text and are further identified throughout the other general sections of the ordinance. Properties with overlays maintain their base zoning districts, while natural resources are mapped within layers on top of the base zoning districts. As noted above, wetlands, floodplains and floodways are uniquely identified on the official county zoning maps. The county's floodplain zoning standards have been approved by both the Federal Emergency Management Agency (FEMA) and the DNR.

School Section Lake (SSL) Dam is located in the Town of Ottawa along the northwest and west shores of School Section Lake on the south side of School Section Lake Road between CTH D to the east and CTH Z to the west. The dam and associated spillway are owned by Waukesha County and maintained and operated the Waukesha County Department of Parks and Land Use - Parks System Division. The lake is a 122-acre impoundment built in 1938 by damming a small stream. The

county also owns and operates a boat launch on the lake. The lake is supported by a 3,000-foot long earthen berm approximately eight feet in height. There is also a 22-foot wide concrete outlet structure with wood stop logs (a/k/a “spillway”) to control the lake water level and outflow. The dam creates an open water lake condition for 95 properties. As of 2018, those properties had a value of approximately 21 million dollars.

On January 25, 2018, while inspecting the berm, a 20-foot wide breach was discovered on the earthen berm about 400 feet north of the outlet structure, believed to be started/caused by muskrat burrows. Emergency measures were taken to immediately draw the lake down while repair options were studied. Repairs were completed and the lake level was restored by late spring of 2019.

Because of the partial dam failure and the dam repair orders, the DNR, pursuant to state floodplain rules, required, Waukesha County, as owner of the dam, to complete a dam failure analysis in accordance with Wisconsin Administrative Code NR 116 (Floodplain Management) and NR333 (Dam Design and Construction). The county obtained a grant to help fund the expense of the study and repairs.

NR 116.08 states, *Areas downstream of dams shall be zoned and regulated by municipalities with floodplain zoning ordinances in compliance with the standards in this section, to reduce potential loss of life and property located downstream of the dams. Except as provided in sub. (2), areas downstream of all dams shall be delineated on floodplain maps in accordance with s. NR116.09(1)(b)5.* Some of the downstream affected owners asked DNR to examine whether other land use controls, such as restrictive covenants, easements or other legal arrangements could be made between the dam owner and the owners of lands within the hydraulic shadow. DNR staff consulted with the department’s legal counsel who confirmed that the zoning requirements of NR116.08 stand alone and protective zoning of the floodplain is required. The following is the full response of Michelle Haze, Water Management Engineer with the DNR:

“The DNR attended the Town of Ottawa Plan Commission meeting on October 5, 2020 to help answer any questions regarding the proposed adoption of the dam failure shadow of the School Section Lake Dam into the County’s floodplain zoning ordinance. The Plan Commission asked the DNR to investigate whether any options other than adoption of zoning into the floodplain zoning ordinance were possible, specifically regarding NR333.03 (9) *“Land use controls in place” means future development within the hydraulic shadow is required to conform to the criteria specified in a zoning ordinance adopted and approved pursuant to s. 87.30, Stats., and also consistent with land use plans developed under s. 66.1001, Stats., or through restrictive covenants, easements, or other appropriate legal arrangements between the owner of the dam and the owners of all property within the hydraulic shadow.*

The term “land use controls” as used in NR333 applies to the development of the dam hazard rating (NR333.06). The DNR may make a determination that other appropriate land use controls are in place in order to set the hazard rating at the appropriate level, regardless of whether the dam failure shadow map, profile, and data tables are adopted into the local floodplain zoning ordinance. However, NR116.08 stands alone and

specifically requires zoning to be adopted downstream of dams within the floodplain zoning ordinance, and clearly outlines which dams are exempt from this requirement in NR116.08(2). School Section Lake Dam is not exempt from the NR 116.08 zoning requirement, therefore the adoption of the dam failure flood profiles into the zoning ordinance is required.”

In accordance with DNR requirements, Waukesha County prepared a dam failure analysis to determine the hydraulic shadow for the failure of the dam, which is the area that would flood during a regional flood if the dam (completely) failed. A “regional flood” is defined as a flood with a one (1) percent chance of being equaled or exceeded in any given year. The required dam failure analysis was completed by Leif Hauge, Senior Civil Engineer with Waukesha County, a Professional Hydrologist and Engineer, with assistance from RA Smith and Associates, Inc. on April 20, 2020. The study was approved by DNR with a letter acknowledging approval on April 23, 2020 (See Exhibit D). The approval letter advised that Waukesha County must adopt hydraulic shadow zoning downstream of the dam. Because it was determined by the DNR that there are no residences within the newly determined dam failure floodplain, the DNR determined that the dam, as improved, could be rated as a low-hazard dam. Without an amendment to the zoning designation, the dam would need to be rated as high-hazard and insurance and maintenance costs would be increased. **Regardless of dam hazard rating, state rules require the adoption of the dam failure analysis and protection of the floodplain through zoning.**

Eighteen parcels owned by sixteen property owners are affected by the proposed dam failure floodplain shadow. These properties are located within the area that is approximately 6,800 ft. downstream of the dam. Much of the affected land is currently regulated as wetland and floodplain pursuant to the DNR wetland inventory and the effective FEMA floodplain maps. There are a total of 28.3 acres proposed to be rezoned to the C-1 Conservancy Overlay District, but 20.7 acres of those 28.3 acres are already zoned to a restricted zoning category (the HG High Groundwater District) because of high groundwater (hydric) soil characteristics (refer to Table A). However, the HG District does not provide floodplain protection standards.

The attached Exhibit E depicts existing land use within the School Section Lake dam failure floodplain. The new floodplain area created by the mapping of the dam failure encompasses 163 acres. One hundred and eight (108) of those acres are either wetlands or woodlands. Forty nine (49) acres are in agricultural use, with much of that acreage being farmed hydric soil. Approximately six acres include parts of yards or unused areas. There are no homes within those six acres, nor is any of the area in close proximity to a residence.

The C-1 Conservancy Overlay District designation allows for existing agricultural uses to continue as legal non-conforming uses, pursuant to Section 3(o) of the ordinance. In addition, the C-1 Overlay District allows *for the maintenance and repair of existing agricultural drainage systems, including flooding, draining, ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue any existing Agricultural Use.* The DNR has clarified that existing ordinance language that suggests that spoils cannot be disposed of within floodplains is not required by state code and that DNR can administratively approve such activities. DNR has advised that disposal of dredged spoils can occur within a dam failure floodway or floodplain, however, spreading of spoils within the floodway would require an analysis be completed to demonstrate that fill would not obstruct flows. If dredging is proposed within a navigable stream, dredging permits would be needed from the DNR and U.S. Army Corps of Engineers. To clarify the agricultural use

rights of properties affected by this rezoning, the staff recommendation at the conclusion of this report includes two recommended conditions that clarify the rights of agricultural users to continue farming and maintaining ditches within the affected area.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division staff recommend **conditional approval** of the request of the request subject to the following conditions:

1. All existing agricultural uses are permitted to remain within areas designated to be within the C-1 Conservancy Overlay District boundaries. There shall be no limitations with regards to the types of crops or animals that may be rotated on the existing farmed floodplain areas.
2. The maintenance and repair of existing agricultural drainage systems, including flooding, draining, ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue any existing Agricultural Use is permitted. The disposal of dredged spoils can occur within the dam failure floodway or floodplain, however, spreading of spoils within the floodway would require an analysis be completed and reviewed and approved by DNR to demonstrate that fill will not obstruct flows. If dredging is proposed within a navigable stream, dredging permits would be needed from the DNR and U.S. Army Corps of Engineers.

As noted above, NR116 of the Wisconsin Administrative Code requires that areas downstream of dams shall be zoned and regulated by municipalities with floodplain zoning ordinances to reduce potential loss of life and property located downstream of dams. As conditioned, the above staff recommendation provides assurances that re-state and enhance existing ordinance protections to make it clear that existing agricultural use can continue and that the continued maintenance of agricultural drainage systems is permitted within the affected area. There were many comments raised during the public hearing and information session, and detailed responses were provided by the petitioner and DNR to be responsive to concerns raised.

Rezoning the dam failure shadow as floodplain or floodway within the C-1 Conservancy Overlay District on the County zoning map prevents development within said areas, which ultimately protects the subject landowners and downstream property owners and their improvements from flooding and

danger. The acreage proposed to be rezoned with a C-1 Conservancy Overlay is primarily unbuildable because of hydric soil conditions. All of the affected lands that are currently being used for agricultural purposes or open space uses can continue to be used for the same purposes going forward.

Respectfully submitted,

*Sandra L. Scherer*

Sandy Scherer  
Senior Planner

*Jason Fruth*

Jason Fruth  
Planning & Zoning Manager

Enclosures: Exhibit A (floodplain map)  
Exhibit B (text amendment exhibit)  
Exhibit C (Petitioner Responses to Public Comments)  
Exhibit D (DNR letter dated 4/23/20)  
Exhibit E (Existing Land Use Map)  
Exhibit F (Protest petition materials)  
Exhibit G (Floodplain Fact Sheet)  
Table A (Overlay Designations and Acreages)  
Rezone Map (RZ64)

*N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ64 School Section Lake Dam ovt.doc*

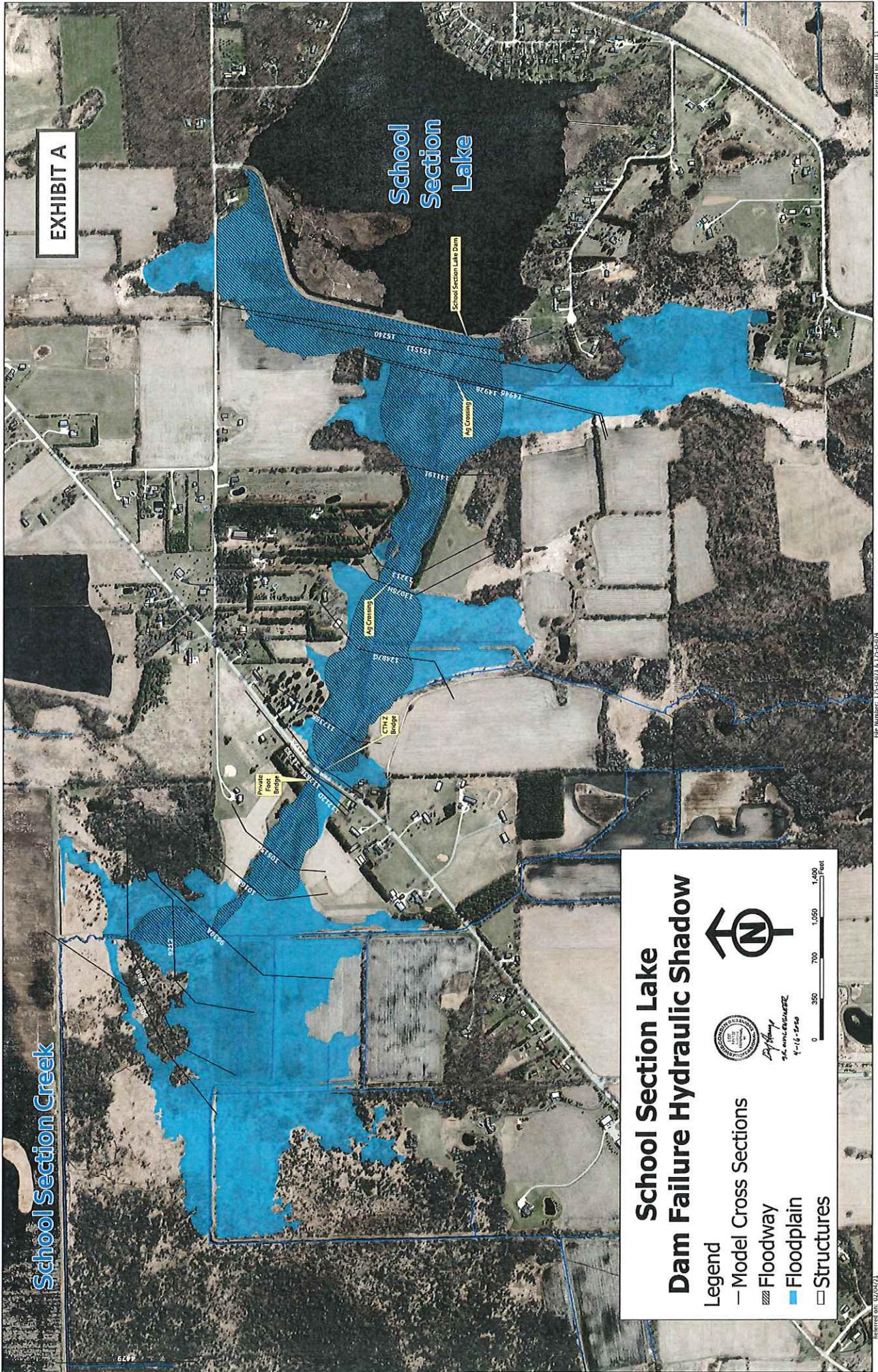


EXHIBIT A

School Section Lake

School Section Lake Dam

Ag Crossing

Ag Crossing

City Bridges

Private Road Bridge

**School Section Lake Dam Failure Hydraulic Shadow**

**Legend**

- Model Cross Sections
- ▨ Floodway
- Floodplain
- Structures


  
*John J. [Signature]*  
 P.E. No. 12345  
 4-15-2018

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

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

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

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

1. Dam Failure Analysis and Emergency Action Plan for Wambold and Kroll Dams on Eagle Spring Lake, prepared by Graef, Anhalt, Schloemer & Associates, Inc., revised April 2002. Approved by the WDNR in April of 2002 and adopted by the Waukesha County Board on April 13, 2004.
2. Dam Failure Analysis and Proposed Dam Capacity Analysis-Monches Dam, Hey and Associates, Inc., April 17, 2006; amended on October 13, 2006 by Hey and Associates, Inc.; further amended on May 17, 2011 by the Waukesha County Department of Public Works; and further amended by R.A. Smith National on January 19, 2012. Approved by the WDNR on January 24, 2012 and adopted by the Waukesha County Board on March 27, 2012.
3. Dam Failure Analysis – Monterey Dam, prepared by Kunkel Engineering Group, LLC on September 2, 2011. Approved by the WDNR and adopted by the Waukesha County Board on December 18, 2012.
4. Dam Failure Analysis – Mukwonago Dam, prepared by Mead & Hunt, June 2012. Approved by the WDNR on July 11, 2012 and adopted by the Waukesha County Board on November, 26, 2013.
5. Waukesha County Flood Storage District Maps, Panels 1, 2, 3, 4, 5, 6, 7, 8, 11, 12. Dated November 05, 2014. Prepared by the WDNR. Approved by the WDNR.
6. Revised Waukesha County Flood Storage District Map Panel 3 and 3A. Prepared by SEH on December 22, 2015. Approved by the WDNR and adopted by the Waukesha County Board on June 28, 2016.
7. Saylesville Dam Failure Analysis and Assessment, prepared by Bloom Companies, Inc. on July 9, 2014. Approved by the WDNR on July 14, 2014 and adopted by the Waukesha County Board on July 28, 2015.
8. *School Section Lake Dam Failure Analysis and Assessment, prepared by Leif Hauge, PE, Professional Hydrologist, Sr. Civil Engineer, Waukesha County Land Resources Division, on April 20, 2020. Approved by the WDNR on April 23, 2020, and adopted by the Waukesha County Board on \_\_\_\_\_.*

\\filecluster.wcg.waukeshacounty.gov\depts\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ65 School Section Lake Dam text exhibit owt.doc

# EXHIBIT C

## School Section Lake Dam Failure Analysis and Floodplain Rezoning

### Response to Public Comments

Perry Lindquist, Land Resources Manager – Waukesha County Dept. of Parks & Land Use

Please accept this memo in support of Waukesha County's application for rezoning the floodplain downstream of the School Section Lake dam. The zoning request is based on a recent dam failure analysis completed to comply with NR 333 and NR 116 Wisconsin Administrative Code. Listed below are responses to some of the key comments and questions that were raised during the 8/24/2020 informational meeting and public hearing.

1. **Comment:** This is a low hazard dam and therefore a dam failure analysis is not required.

***Response:*** Under NR 333 Wisconsin Administrative Code, all large dams ( $\geq 6$  feet high/ $\geq 50$  acre-foot storage) must complete a dam failure analysis, regardless of hazard class or dam repair grants. While the School Section Lake dam may meet the low hazard criteria, by code it remains classified as a high hazard dam until a dam failure analysis and downstream floodplain zoning (based on the analysis) has been approved by WDNR and incorporated into county zoning.

2. **Comment:** The dam failure analysis is based on flawed data/modeling/maps.

***Response:*** All rainfall data has been recorded by local municipalities for over 100 years and is generally compiled, analyzed and published by federal agencies. The stream cross-sections and bridges were surveyed by licensed surveyors. The data inputs and modeling software state-of-the-art, based on empirical formulas, and follow WDNR standards. The presentation provided during the informational meeting explained how the data is compiled, what inputs are involved, and how the model works.

As for the maps, Waukesha County has some of the most detailed and accurate aerial photography (6-inch pixels), water resource delineations, and topographic maps (1-foot contours) available in the state. Yes, there are small drainage ditches that may not have been updated recently or displayed accurately on the County GIS system, but that does not mean the dam failure/floodplain modeling is flawed or inaccurate in any way. All critical stream reaches (main stems) are properly represented and connected in the hydrologic model, which is what drives the peak flow calculations and the floodway delineations. On the other hand, the drainage ditches are mostly located in the lower tributary reaches, which will be inundated under flood conditions ( $>6$  feet deep). Because of this, their specific location and connections are less important and their contribution to peak flows are negligible.

3. **Comment:** Has a 10-day, 100-year rain event (9.76 inches) ever occurred in this area?

***Response:*** The short answer is yes. For example, from June 5-13, 2008 (9 days), the School Section Lake area received over 12 inches of rain, as shown in the map in Exhibit 1 (below). However, it is difficult to say how many times a 10-day, 100-year event has occurred because is not common to report rainfall in this manner. Parts of Waukesha County have received several 100-year, 24-hour rain events since the late 1990s, which is a more common reporting unit. The 10-day, 100-year rainfall, as well as all other rain events published by NOAA are based on a

statistical analysis of all actual rainfall records from thousands of recording stations for more than 100 years. This data is then used to calculate the various recurrence intervals (i.e. 1-year, 10-year, 100-year) and durations (i.e. 2-hr, 24-hour, 10-day).

Per WDNR standards, the 10-day, 100-year event is used to create the starting point in the dam failure analysis. For School Section Lake, based on the capacity of the spillway, this design event causes the lake level to rise to the top of the earthen berm.

4. **Comment: Our family has lived here for over 100 years and have never seen the water as high as the proposed floodplain zoning.**

*Response:* The return frequency of the design storm in the analysis is 100 years, which fills the lake within a few inches of the top of the berm due to backwater from the spillway. While the lake is at this highest level, the analysis assumes a complete failure of the earthen berm, which has never occurred in the 82 years that it has existed. The analysis also assumes the Bark River watershed downstream is also experiencing a 100-year flood at the same time. No one has ever seen flooding at this level in short, because it has never happened. This analysis simply shows how bad the flooding would be if this combination of rare events were to ever occur.

5. **Comment: Why was groundwater not studied as part of the dam failure analysis?**

*Response:* While groundwater and surface water are certainly connected, a dam failure analysis does not require groundwater data. A dam failure is a short-term surface water event based on peak flows. There is no time for surface and groundwater interaction to occur, so groundwater elevation does not matter. The analysis is also based on a 10-day, 100-year rain event, so the ground is assumed to be saturated. High groundwater is well known in the floodplain zone in this area. The 98% correlation between the floodplain and high groundwater was discussed during the informational meeting. Because of the risk for basement flooding from high groundwater, most of these areas are already zoned with certain building restrictions. However, these restrictions are not comprehensive enough to meet the floodplain zoning standards mandated by state law through this zoning process.

6. **Comment: The proposed floodplain zoning will contribute to the long-term degradation of the local drainage system, similar to the Kincaid wetland restoration downstream.**

*Response:* Farming that relies on artificially lowering the water table through tile drains, ditches and sump pumps is high maintenance, and usually relies on downstream cooperation to make it work. School Section Creek ultimately flows into a large wetland complex bordering the Bark River, including the former Kincaid property. The main channel of the Bark River and School Section Creek have been heavily ditched in this area and are part of an old network of agricultural ditches and subsurface drainage systems. These systems are based on having adequate tile outfalls and positive drainage toward the Bark River (by gravity). Any downstream log jam, beaver dam, or other blockage will cause water to back-up in the ditches, possibly to a level that prevents discharge of water in the drain tiles – and ultimately creating poor growing conditions for most agricultural crops.

The Kincaid property was returned to its natural wetland condition by removing these drainage systems. However, as required under drainage law, the large ditch that carries water in School Section Creek to the Bark River remains along the south border of the property. But maintenance responsibilities for that ditch and others is unclear, as the local Drainage District has been inactive for many years. The general public is not obligated to maintain the drainage system. Comments at public hearing and in written testimony imply that the ditches are currently in disrepair. The dam failure analysis or the proposed rezoning do not mandate any changes to this drainage system. They simply show the distribution of surface water that would occur during a complete dam failure, as prescribed in state code. This risk zone has existed since the dam was constructed in 1938, but would now be recognized. The floodplain map revisions do not require changes to current land use (i.e. agriculture) in those areas. They also have no impact on future maintenance of the drainage systems as long as the floodplain is preserved.

7. **Comment: If the CTH Z bridge is confining flood flows in a dam failure scenario, and thus increasing the floodplain upstream, the bridge should be redesigned and replaced.**

*Response:* County highway bridges/stream crossings are usually designed to pass the peak flows involved in the 1% chance (100-year) flood without overtopping or having significant impact on flows. Review of the existing floodplain and flood profile maps at the CTH Z bridge shows the existing bridge has minimal impact on 1% chance peak flows (0.8 feet deep backwater on upstream side). Under the dam failure scenario, the bridge's impact on peak flows increases to approximately 2 feet backwater, but the bridge is able to pass the flows without overtopping. This demonstrates some restriction of the peak flows, and a limited expansion of the floodplain on the upstream side of the bridge. However, the bridge was designed and built more than 50 years before the dam failure analysis was completed. When the bridge needs to be replaced, the current floodplain and 1% chance peak flows will be considered in the design.

8. **Comment: School Section Lake property owners were given priority over downstream property owners. There should have been a public hearing before the dam was repaired.**

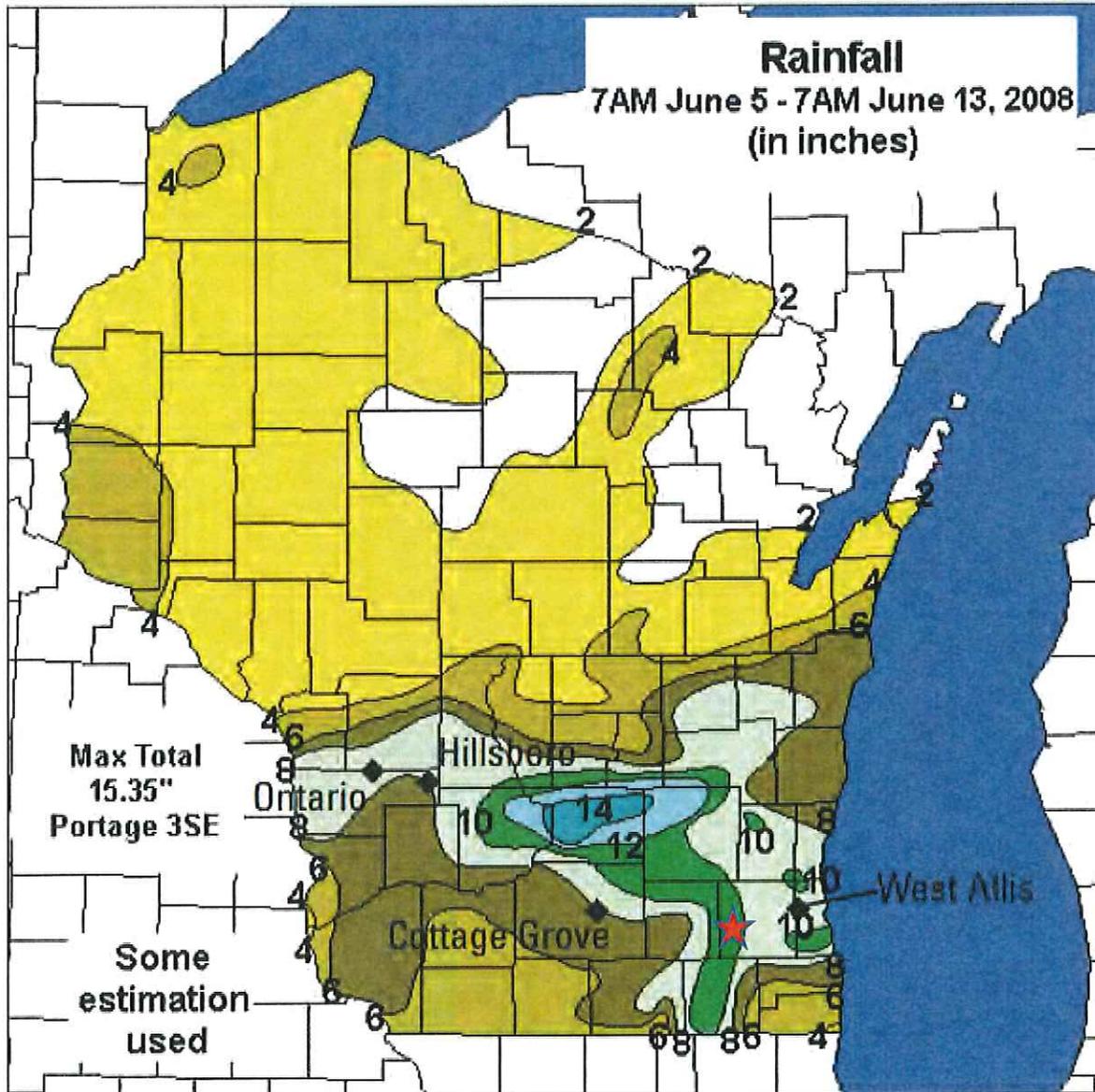
*Response:* When the partial dam failure occurred in January 2018, the County immediately completed an internal analysis on the pros and cons of dam repair. The analysis included the impacts on property values. There are currently 95 residential properties located within the School Section Lake District, all of which have direct or indirect private access to the lake. Together these properties had a total value over \$21 million in 2018. In addition, the County owns and maintains a boat launch on the north shore which is open to the general public. A primary reason the lake was built in the first place was to provide recreational opportunities to the general public. Plans to replace the launch were already underway when the dam failure occurred. The existing floodplain analysis also showed that, absent a dam failure, the lake provides some limited flood control protection for downstream properties (reduces peak flows from the upstream watershed during a 100-year event).

Not repairing the dam would have significant negative impact on the above noted property values and other uses of the lake. Downstream landowners would also be negatively affected by the increased flood flows. Conversely, as explained above, the impacts of repairing the dam and updating the floodplain should be negligible on the affected downstream properties. Most

of the affected lands are already in restricted zoning districts such as environmental corridor or high groundwater and no major structures are affected. As for a public hearing, current law does not require a public hearing to repair an existing dam. If a public hearing was held, it may have brought many of these facts to light, but would not have changed them.

### Exhibit 1

**Total 9-Day Rainfall Depths in Wisconsin: June 5-13, 2008**



State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
101 S Webster Street  
Madison WI 53703

Tony Evers, Governor  
Preston D. Cole, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



Thursday, April 23, 2020

**EXHIBIT "D"**

Mr. Chris Fandre, Parks Supervisor  
Department of Parks and Land Use  
515 W MORELAND BLVD STE 260  
WAUKESHA WI 53188-2428

Expedited delivery via email: parksinfo@waukeshacounty.gov

Subject: Dam failure analysis approval and hazard rating assignment for the School Section Lake Dam, Field File #: 67.40, Key Sequence #: 1027, Waukesha County.

Dear Mr. Fandre,

We are sending you this approval of the dam failure analysis and setting the hazard rating for the School Section Lake Dam. The hazard rating is being set as High Hazard due to the lack of adequate floodplain zoning within the dam failure floodplain (hydraulic shadow) downstream of the dam.

As a dam having an assigned High Hazard rating, the School Section Lake Dam must be capable of passing the 1000-year flood without overtopping.

Design flood routing was not provided by your consultant as part of the dam failure analysis, thus it is unclear if the dam is able to safely pass the required 1000-year flood without overtopping through its spillway as defined by NR 333, for a High hazard dam.

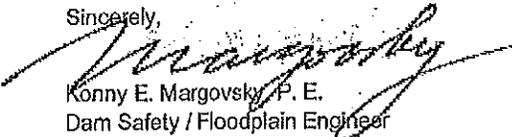
As a result of the study Waukesha County will have to adopt hydraulic shadow zoning downstream of the dam. The hydraulic shadow inundation area identified in the study must also be used in the development of the Emergency Action Plan (EAP) for your dam. Michelle M. Hase, P. E. in our Waukesha office will be assisting you in the adoption process and the development of the EAP.

Please note that currently there are no dwellings or critical infrastructure within the dam failure floodplain and once the required hydraulic shadow zoning has been adopted, you can request (in writing) that we lower the hazard rating to Low Hazard. If at the time of your request there is still no development in the hydraulic shadow, we will assign a new hazard rating of Low Hazard. The School Section Lake Dam as currently redesigned is able to safely pass the 100-year flood without overtopping.

If you have questions about this approval, please give me a call at 608-266-1925. If you have other questions pertaining to the operation and maintenance of your dam please contact Michelle M. Hase, P. E. at 262-282-0447, or via email at michelle.hase@wisconsin.gov.

Thank you for your continued cooperation.

Sincerely,

  
Konny E. Margovsky, P. E.  
Dam Safety / Floodplain Engineer  
Wisconsin Department of Natural Resources  
Bureau of Watershed Management

Copy to: Michelle M. Hase, P. E. - Waukesha office, via email  
Leif Hauge, P. E. - Waukesha County Land Resources Division, via email

**BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES**

**IN THE MATTER** of the approval of dam failure analysis and the assignment of the Hazard Rating for the School Section Lake Dam, located across the U/N Tributary to Bark River, in Waukesha County. Field File #: 67.40

**FINDINGS OF FACT**

1. The Department of Natural Resources (Department) has examined the dam failure analysis, for the School Section Lake Dam, across the U/N Tributary to Bark River, in the SW 1/4 of the NE 1/4 of Section 17, Township 06N, Range 17E, Waukesha County, Wisconsin.
2. The School Section Lake Dam is owned and operated by Waukesha County.
3. The dam failure analysis was performed by the Waukesha County Land Resources Division and the final version submitted to the Department on April 21, 2020.
4. Your consultant has determined that a rating of High Hazard would be appropriate for the dam and the area downstream of the dam.
5. Your consultant has further determined that there are no dwellings or other critical infrastructure within the dam failure floodplain (hydraulic shadow) downstream of the dam that would be inundated should the dam fail.
6. The current Flood Insurance Study (FIS) zoning in place downstream from the School Section Lake Dam is not adequate in providing sufficient protection of life, health and property.
7. Design flood routing was not provided by your consultant as part of the dam failure analysis, thus it is unclear if the dam can safely pass the required 1000-year flood without overtopping through its spillway as defined by NR 333, for a High hazard dam.
8. The analysis was performed in compliance with Wisconsin Administrative Codes NR 333, and NR 116.
9. The hazard rating meets the standards of Section NR 333.06, Wisconsin Administrative Code.

**CONCLUSIONS OF LAW**

1. The review has been conducted in accordance with Chapter 31, Wisconsin Statutes, and Chapters NR 333 and NR 116, Wisconsin Administrative Codes.
2. The Department has authority under Chapter 31, Wisconsin Statutes, and Chapter NR 333, Wisconsin Administrative Code, to assign a hazard rating.

**ASSIGNMENT OF THE HAZARD RATING**

1. The hazard rating of High Hazard is hereby assigned to the dam.
2. Your consultant has provided the hereby approved study narrative report in electronic format to Michelle M. Hase, P. E. in our Waukesha office. Relevant information of the approved analysis including: a) hydraulic shadow profile, b) dam failure floodway data table, and c) hydraulic shadow map will be sent to the Waukesha County by Michelle M. Hase, P. E. with the official letter requesting to adopt the study into the floodplain zoning ordinance.
4. An Emergency Action Plan (EAP) based on the approved dam failure analysis is required for your dam. Please submit an EAP to Michelle M. Hase, P. E. for review and approval by 10/23/2020.

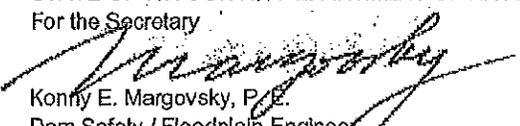
**NOTICE OF APPEAL RIGHTS**

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

This Decision was emailed on April 23, 2020

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary



Konny E. Margovsky, P.E.  
Dam Safety / Floodplain Engineer  
Wisconsin Department of Natural Resources  
Bureau of Watershed Management



# ROGAHN JONES

**EXHIBIT "F"**

December 6, 2020

Town of Ottawa Plan Commission  
Ottawa Town Hall  
W360 S3337 State Road 67  
Dousman, WI 53118

Re: Plan Commission Meeting: 12/7/20  
Proposed rezoning (RZ64)  
Proposed ordinance amendment (RZ65)

Dear Commissioners:

We represent landowners (hereinafter Landowners) impacted by the proposed rezoning (RZ64) and the proposed ordinance amendment (RZ65) (hereinafter collectively referred to as the rezoning). The consideration of those matters was tabled at the November 2, 2020, meeting in order to allow the Landowners and the County additional time to reach an amicable resolution. Unfortunately, such a resolution has not been achieved to date.

The Landowners' position is, and has been:

- Many of the Landowners' families have invested in, improved and used for generations the lands that the County now seeks to rezone C-1.
- Applicable statutes and regulations DO NOT require the dam failure shadow to be zoned C-1; instead, they require only that appropriate "land use controls" be in place *"to reduce potential loss of life and property."*
- The Wisconsin Supreme Court has stated that Wisconsin public policy favors the free and unrestricted use of property and that zoning restrictions should be limited accordingly.
- The C-1 zoning would unnecessarily and excessively restrict Landowners' ability to use their land in the rezoned area. Indeed, Landowners have provided evidence that a rezoning to C-1 would likely cause damage to their properties that would render the properties unsuitable for their current uses.
- The unnecessarily restrictive zoning, and the damage that would be likely to occur as a result, would constitute a taking of land without fair compensation.

Rogahn Jones LLC N16W23233 Stone Ridge Drive, Suite 270, Waukesha, WI 53188  
www.rogahnjones.com 262.347.4444

Ms. Hase of the WDNR is clear on two points. First, there are certain “land use controls” that must be in place in the dam failure hydraulic shadow; those controls are specified in applicable Wisconsin statutes and regulations. Second, it IS NOT necessary that the C-1 zoning district be adopted to satisfy those applicable Wisconsin statutes and regulations.

Thus, the issue for the Plan Commission should be: What “land use controls” should be adopted to best protect against potential loss of life or property downstream in the event of a dam failure? It is the downstream Landowners’ position that the adoption of C-1 zoning is not the best choice of “land use controls” to accomplish the objectives of the controlling law.

In determining the appropriate “land use controls” to adopt, public policy of the State of Wisconsin must be considered. The Wisconsin Supreme Court has stated that Wisconsin public policy favors the free and unrestricted use of property and that zoning restrictions should be limited accordingly. The Court expressed this principle in *Forshee v. Neuschwander*, 2018 WI 62, ¶16, 381 Wis. 2d 757, 914 N.W.2d 643 (citations omitted) as follows:

Public policy of the State of Wisconsin “favors the free and unrestricted use of property.” “Accordingly, restrictions contained in deeds and in zoning ordinances must be strictly construed to favor unencumbered and free use of property.”

In view of the foregoing public policy, it is incumbent upon the Plan Commission to adopt *the least restrictive* “land use controls” that will accomplish the requirement: “*to reduce potential loss of life and property.*”

Ms. Hase has provided a copy of the WDNR’s model floodplain ordinance. A copy is submitted herewith. According to Ms. Hase, that model ordinance includes all of the restrictions required by applicable Wisconsin and FEMA statutes and regulations.

Comparing the WDNR model floodplain ordinance with the C-1 zoning that the County seeks to impose, discloses that the C-1 zoning is significantly more restrictive. As such, the imposition of the C-1 zoning would violate Wisconsin public policy of favoring the free and unrestricted use of property. It would also run the risk of constituting a taking of private property without reasonable compensation.

As examples, and without limitation, the WDNR ordinance specifies significantly different restrictions for floodway areas (Section 3.0, et seq.) and floodfringe areas (Section 4.0, et seq.). The floodway standards and uses are significantly more restrictive than the floodfringe standards and uses. A floodway area is defined as “the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters. . . .” A floodfringe area is defined as that area “between the regional flood limits and the floodway. . . .” As disclosed by the County’s submitted map of the hydraulic shadow, much of the land sought to be rezoned is floodfringe land.

The County’s C-1 zoning does not make any distinctions between the restrictions in floodway and floodfringe areas. It applies the same restrictions to both floodway and floodfringe

areas. Therefore, the C-1 zoning is significantly more restrictive in floodfringe areas than it needs to be under controlling Wisconsin statutes and regulations.

As another example, the WDNR ordinance allows agricultural uses such as farming in both the floodway and floodfringe areas. The C-1 zoning is more restrictive in that it only allows "harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, etc." (Existing agricultural uses can be continued as legal non-conforming uses.)

Another example involves restrictions on maintaining existing drainage ditches and drain tiles. As conveyed in the Landowners' first letter to the Plan Commission, for over 100 years, an intricate system of drainage ditches, drain tiles and other water control measures has been developed and maintained in Ottawa Township to facilitate agricultural and other land uses. The proposed rezoning makes the continued maintenance of that system more difficult and possibly even economically unfeasible for the individual landowner. In particular, the C-1 zoning imposes restrictions on the disposition of spoils from the maintenance of drainage ditches, drain tiles and other water control measures. The WDNR ordinance does not include such restrictions.

If existing drainage flows cannot be maintained, land areas that are currently used for agricultural and other purposes will become saturated and will no longer be suitable for their current agricultural or other uses. By altering and inhibiting drainage in the area proposed to be rezoned, land areas adjacent to the rezoned areas will, as a result, have their drainage inhibited, resulting in a likely rise in water levels and potential damage to both land and structures.

The proposed rezoning is likely to result in increased water levels in the rezoned area and in adjacent areas, rendering the continued current use of those properties impossible. That circumstance would arguably constitute a taking of property for which the affected landowners would be entitled to compensation.

The Landowners appreciated the opportunity to meet with County staff in an effort to resolve their differences amicably. Unfortunately, it appeared to Landowners' counsel that the County staff was more interested in trying to convince him that the C-1 zoning was the only option, than in trying to explore compromise options involving other "land use controls" that would satisfy applicable statutes and regulations.

In his letter of December 3, 2020, Mr. Fruth suggests that the creation of a new zoning district would be duplicative, cumbersome and possibly confusing. The WDNR ordinance demonstrates the fallacy of Mr. Fruth's suggestion. The WDNR recognizes that the floodway and floodfringe areas are different and that differing zoning restrictions should be applied to those areas. The WDNR ordinance has created distinct zoning districts, with distinct and differing restrictions, which are not duplicative, cumbersome or confusing.

The County is the petitioner seeking a zoning change. The requested zoning change to C-1 has been shown to be a zoning change that is significantly more restrictive than the applicable statutes and regulations require for a dam failure shadow. As such, the requested zoning change

violates Wisconsin public policy favoring the free and unrestricted use of property and limiting zoning restrictions accordingly.

Moreover, the additional restrictions of the C-1 classification would, without limitation, make it harder for landowners to maintain their properties, would likely lead to permanent flooding of the properties and be an effective taking of the properties without compensation. Thus, the additional restrictions of the C-1 classification do not "*reduce potential loss of life and property.*" Instead, those additional restrictions increase the likelihood of damage to landowners.

For the foregoing reasons, it should be incumbent on the County, the petitioner, to submit a proposal for "land use controls" that are limited to those required by applicable statutes and regulations. The County's current request to change the zoning to C-1 does not satisfy that standard for the foregoing reasons. Therefore, the County's request should be denied. It is respectfully requested that the Plan Commission so declare.

Landowners remain available and willing to discuss agreeable land use controls that would satisfy applicable statutes and regulations, while preserving the existing rights of Landowners in their properties to the greatest extent within the law.

Thank you for your consideration.

Respectfully submitted,

*Rod Rogahn*

Rod Rogahn

Landowners represented:

Kim and Mark Ridgman  
Bill Zach  
Jason Bennett  
Warren Mundschau  
Bill Mundschau  
George Mundschau  
Ralph and Janet Foltz  
Marcia Herr  
Denise Foltz  
Jerome Foltz  
Gary Kincaid  
Dan Pape

RECEIVED

DEC 22 2020

County Clerk's Office  
Waukesha, WI 53188



PETITION

The Waukesha County Parks and Planning Commission, 515 W. Moreland Blvd, Waukesha, WI 53188, has asked to rezone certain property in the Town of Ottawa (RZ64), and to amend the text of the Waukesha County Shoreland and Flood Land Protection Ordinance in conformance with said rezoning request (RZ65).

Please be advised that I object to, and oppose, the foregoing requests, RZ64 and RZ65. I respectfully request that RZ64 and RZ65 be denied, and not adopted, by, without limitation, the Town of Ottawa Plan Commission, the Ottawa Town Board, the County Zoning Agency and the Waukesha County Board. I further respectfully request that the Ottawa Town Board pass a resolution disapproving requests RZ64 and RZ65.

Name	Address	Signature	Date
Mauro Foltz	Madison, WI	Mauro Foltz	10/1/2020
MARTIN FOLTZ	N 3468 HANDSCRAPE RD Dousman, WI	Martin Foltz	10/1/2020
MAESHA PONCZ	Lowski Springs	Mauro Foltz	10/2/2020
Jane Foltz	Dousman, WI	Jane Foltz	10/2/2020
Ralph Foltz	Dousman	Ralph Foltz	10/24/2020
Matt Foltz	Dousman	Matt Foltz	10/23/20
Shen Foltz	Dousman	Shen Foltz	10/3/20
Rachelle Bennett	W 384 13183 Hwy 2 Dousman, WI	Rachelle Bennett	10/3/20
Jason Bennett	W 389 53183 Hwy 2 Dousman, WI 53118	Jason Bennett	10-3-20
Scott Lindsay	236 E Ottawa Ave Dousman, WI 53118	Scott Lindsay	10-03-2020
Kim Lindsay	236 E Ottawa Ave Dousman, WI 53118	Kim Lindsay	10-3-2020
Rhonda Shapsta	Dousman	Rhonda Shapsta	10-3-2020
Debra Rehm	Dousman, WI	Debra Rehm	10-3-2020

## School Section Lake rezone update 12-4-20

I am submitting this as a response to the letter that I received from Mr Booth that he received from the county on Thursday or Friday. I would add that I was not contacted or invited to participate in the meeting and nor was anyone in our group. To get this in the last hour and expect to respond before the meeting is a little concerning in itself. Either way my/our opinion has not really changed that much from my 11-16-20 letter.

If you read the letter submitted by the county and their interpretation of what they are saying Ms. Hase said is still distorted. Of course the county's zoning is in compliance. It's totally over the top. She is again specifically saying or using the words "dam failure shadow". Her email correspondence says flood fringe and the area is called "dam failure floodplain" All going back to what I have been saying all along. Not c-1, not just blanket flood plain. An area not to be developed as it will flood if there is a dam failure. I get we have to recognize an area in the event of a dam failure and all I want is something specific to that.

The county's reluctance to cooperate in this and saying it would be confusing, cumbersome, duplicative to have an ordinance for people downstream is bologna. The mapping is done, change the color, take out the unrequired the c-1 and permanence of blanket flood plain restriction/verbage, let the underlying zoning in place remain and tada. I do not want to allow permission for my property to be permanently flooded and will fight for it. I do not know why this has to be so difficult unless of course there are ulterior motives like a Pleasant Valley master plan at play here

I hope you consider this and deny the request. As the voice for the people you represent and I being the voice for our group, it is only right and or fair. We didn't ask for all this, been here 100 years and haven't had a problem. Dam has broke twice and no one's house got washed away. There's more than enough current protective covenants in place already. You all know this. There is no way the town or county would ever allow a building permit to be pulled in any of these areas already. It is our land and should have a say in how it is treated, especially when there is a common goal in mind. If some blanket overreaching zoning ordinance needs to be changed some it should be. So other than needing to do this supposedly required study/mapping and pay for the grant that for some reason the lake association is totally absolved from but gets all the benefit is .....

---

Respectfully Bill Zach

RECEIVED

DEC 22 2020

County Clerk's Office  
Waukesha, WI 53188

PROTEST

Pursuant to Waukesha County Basic Zoning Ordinance Section 20.02(8)

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

This Protest relates to the request (RZ64) of the Waukesha County Parks and Planning Commission, 515 W. Moreland Blvd, Waukesha, WI 53188, to rezone certain property in the Town of Ottawa, and to amend the text of the Waukesha County Shoreland and Flood Land Protection Ordinance in conformance with said rezoning request (RZ65).

Please be advised that I object to, and Protest, the foregoing requests, RZ64 and RZ65. I respectfully request that RZ64 and RZ65 not be adopted.

I am the owner of property, having the following tax identification number:                      ; said property consists of 200 acres. The area of my said property within the area proposed to be altered by RZ64 is 5 acres. The length of the frontage of the area that is proposed to be altered by RZ64 that lies immediately adjacent to (i.e., immediately in the rear or along the side boundaries thereof within three hundred feet (300) of the area proposed to be altered) my said property is 500 feet.

Dated this 8 day of Oct, 2020.

Gary Kincaid  
Printed Name: GARY KINCAID

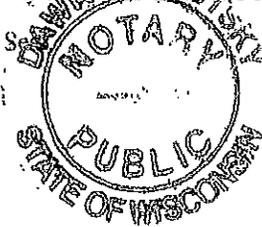
This document was acknowledged before me by

Gary D. Kincaid

on this 8<sup>th</sup> day of October, 2020.

Dawn M. Karty

My notary commission expires 1-26-21



PROTEST

Pursuant to Waukesha County Basic Zoning Ordinance Section 20.02(8)

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

This Protest relates to the request (RZ64) of the Waukesha County Parks and Planning Commission, 515 W. Moreland Blvd, Waukesha, WI 53188, to rezone certain property in the Town of Ottawa, and to amend the text of the Waukesha County Shoreland and Flood Land Protection Ordinance in conformance with said rezoning request (RZ65).

Please be advised that I object to, and Protest, the foregoing requests, RZ64 and RZ65. I respectfully request that RZ64 and RZ65 not be adopted.

I am the owner of property, having the following tax identification number:

OTWT 1653995; said property consists of 40 acres. The area of my said property within the area proposed to be altered by RZ64 is 13.36 acres. The length of the frontage of the area that is proposed to be altered by RZ64 that lies immediately adjacent to (i.e., immediately in the rear or along the side boundaries thereof within three hundred feet (300) of the area proposed to be altered) my said property is \_\_\_\_\_ feet.

Dated this 3rd day of oct 2020.

Mark Ridgman

Printed Name: Mark Ridgman

This document was acknowledged before me by

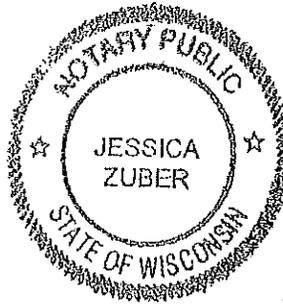
Mark Ridgman

on this 3 day of Oct 2020.

Jessica Zuber

My notary commission expires: 10-9-23

Seal.





PROTEST

Pursuant to Waukesha County Basic Zoning Ordinance Section 20.02(8)

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

This Protest relates to the request (RZ64) of the Waukesha County Parks and Planning Commission, 515 W. Moreland Blvd, Waukesha, WI 53188, to rezone certain property in the Town of Ottawa, and to amend the text of the Waukesha County Shoreland and Flood Land Protection Ordinance in conformance with said rezoning request (RZ65).

Please be advised that I object to, and Protest, the foregoing requests, RZ64 and RZ65. I respectfully request that RZ64 and RZ65 not be adopted.

I am the owner of property, having the following tax identification number:

01611650999001; said property consists of \_\_\_\_\_ acres. The area of my said property within the area proposed to be altered by RZ64 is 0.32 acres. The length of the frontage of the area that is proposed to be altered by RZ64 that lies immediately adjacent to (i.e., immediately in the rear or along the side boundaries thereof within three hundred feet (300) of the area proposed to be altered) my said property is \_\_\_\_\_ feet.

Dated this 3 day of OCT 2020.

Matt Yank

Printed Name: Matt Yank

This document was acknowledged before me by

Matt Yank

on this 3 day of October 2020.

Lynn Zach

My notary commission expires: 7/5/24

Seal.





PROTEST

Pursuant to Waukesha County Basic Zoning Ordinance Section 20.02(8)

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

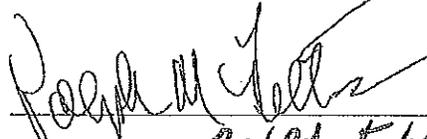
This Protest relates to the request (RZ64) of the Waukesha County Parks and Planning Commission, 515 W. Moreland Blvd, Waukesha, WI 53188, to rezone certain property in the Town of Ottawa, and to amend the text of the Waukesha County Shoreland and Flood Land Protection Ordinance in conformance with said rezoning request (RZ65).

Please be advised that I object to, and Protest, the foregoing requests, RZ64 and RZ65. I respectfully request that RZ64 and RZ65 not be adopted.

I am the owner of property, having the following tax identification number:

01071650994; said property consists of 2.5 acres. The area of my said property within the area proposed to be altered by RZ64 is 2.24/03 acres. The length of the frontage of the area that is proposed to be altered by RZ64 that lies immediately adjacent to (i.e., immediately in the rear or along the side boundaries thereof within three hundred feet (300) of the area proposed to be altered) my said property is TBD feet.

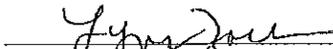
Dated this 3 day of October 2020.

  
Printed Name: RALPH FOLTZ

This document was acknowledged before me by .

Ralph Foltz

on this 3 day of October 2020.



My notary commission expires: 2/5/24

Seal.



PROTEST

Pursuant to Waukesha County Basic Zoning Ordinance Section 20.02(8)

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

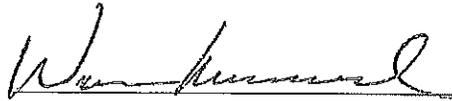
This Protest relates to the request (RZ64) of the Waukesha County Parks and Planning Commission, 515 W. Moreland Blvd, Waukesha, WI 53188, to rezone certain property in the Town of Ottawa, and to amend the text of the Waukesha County Shoreland and Flood Land Protection Ordinance in conformance with said rezoning request (RZ65).

Please be advised that I object to, and Protest, the foregoing requests, RZ64 and RZ65. I respectfully request that RZ64 and RZ65 not be adopted.

I am the owner of property, having the following tax identification number:

OTLWT 1653994001; said property consists of 2.5 acres. The area of my said property within the area proposed to be altered by RZ64 is .38 acres. The length of the frontage of the area that is proposed to be altered by RZ64 that lies immediately adjacent to (i.e., immediately in the rear or along the side boundaries thereof within three hundred feet (300) of the area proposed to be altered) my said property is \_\_\_\_\_ feet.

Dated this 03 day of October 2020.



Printed Name: WARREN MUNDSCHAU

This document was acknowledged before me by

Warren Mundschau

on this 3 day of October, 2020.

Lynn Zach

My notary commission expires: 7/5/24

Seal.



PROTEST

Pursuant to Waukesha County Basic Zoning Ordinance Section 20.02(8)

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

This Protest relates to the request (RZ64) of the Waukesha County Parks and Planning Commission, 515 W. Moreland Blvd, Waukesha, WI 53188, to rezone certain property in the Town of Ottawa, and to amend the text of the Waukesha County Shoreland and Flood Land Protection Ordinance in conformance with said rezoning request (RZ65).

Please be advised that I object to, and Protest, the foregoing requests, RZ64 and RZ65. I respectfully request that RZ64 and RZ65 not be adopted.

I am the owner of property, having the following tax identification number:

OTWT 1653997001; said property consists of 10 acres. The area of my said property within the area proposed to be altered by RZ64 is .56 acres. The length of the frontage of the area that is proposed to be altered by RZ64 that lies immediately adjacent to (i.e., immediately in the rear or along the side boundaries thereof within three hundred feet (300) of the area proposed to be altered) my said property is \_\_\_\_\_ feet.

Dated this 04 day of October 2020.

William Mundschau

Printed Name: WILLIAM MUNDSCHAU

This document was acknowledged before me by

William Mundschau

on this 4 day of October 2020.

Juan Jacob

My notary commission expires: 7/5/24

Seal.



PROTEST

Pursuant to Waukesha County Basic Zoning Ordinance Section 20.02(8)

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

This Protest relates to the request (RZ64) of the Waukesha County Parks and Planning Commission, 515 W. Moreland Blvd, Waukesha, WI 53188, to rezone certain property in the Town of Ottawa, and to amend the text of the Waukesha County Shoreland and Flood Land Protection Ordinance in conformance with said rezoning request (RZ65).

Please be advised that I object to, and Protest, the foregoing requests, RZ64 and RZ65. I respectfully request that RZ64 and RZ65 not be adopted.

I am the owner of property, having the following tax identification number:

OTLOT 165 3897; said property consists of 1.5 acres. The area of my said property within the area proposed to be altered by RZ64 is .36 acres. The length of the frontage of the area that is proposed to be altered by RZ64 that lies immediately adjacent to (i.e., immediately in the rear or along the side boundaries thereof within three hundred feet (300) of the area proposed to be altered) my said property is \_\_\_\_\_ feet.

Dated this 04 day of October 2020.

*George Mundschau*  
Printed Name: GEORGE MUNDSCHAU

This document was acknowledged before me by

George Mundschau

on this 4 day of October 2020.

Jana Zick

My notary commission expires: 7/6/24

Seal.



PROTEST

Pursuant to Waukesha County Basic Zoning Ordinance Section 20.02(8)

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

This Protest relates to the request (RZ64) of the Waukesha County Parks and Planning Commission, 515 W. Moreland Blvd, Waukesha, WI 53188, to rezone certain property in the Town of Ottawa, and to amend the text of the Waukesha County Shoreland and Flood Land Protection Ordinance in conformance with said rezoning request (RZ65).

Please be advised that I object to, and Protest, the foregoing requests, RZ64 and RZ65. I respectfully request that RZ64 and RZ65 not be adopted.

I am the owner of property, having the following tax identification number:

OTWT 1650995 ; said property consists of 5.263 acres. The area of my said property within the area proposed to be altered by RZ64 is .799 acres. The length of the frontage of the area that is proposed to be altered by RZ64 that lies immediately adjacent to (i.e., immediately in the rear or along the side boundaries thereof within three hundred feet (300) of the area proposed to be altered) my said property is \_\_\_\_\_ feet.

Dated this 4th day of Oct. 2020.

Marcia Herr  
Printed Name: Marcia Herr

This document was acknowledged before me by

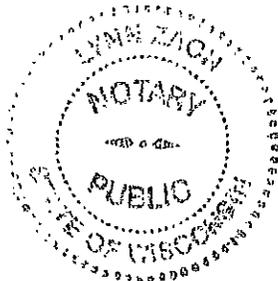
Marcia Herr

on this 4<sup>th</sup> day of October 2020.

[Signature]

My notary commission expires: 7/5/24

Seal.



PROTEST

Pursuant to Waukesha County Basic Zoning Ordinance Section 20.02(8)

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

This Protest relates to the request (RZ64) of the Waukesha County Parks and Planning Commission, 515 W. Moreland Blvd, Waukesha, WI 53188, to rezone certain property in the Town of Ottawa, and to amend the text of the Waukesha County Shoreland and Flood Land Protection Ordinance in conformance with said rezoning request (RZ65).

Please be advised that I object to, and Protest, the foregoing requests, RZ64 and RZ65. I respectfully request that RZ64 and RZ65 not be adopted.

I am the owner of property, having the following tax identification number:

OTWT 1651999; said property consists of 140.000 acres. The area of my said property within the area proposed to be altered by RZ64 is 3.13 acres. The length of the frontage of the area that is proposed to be altered by RZ64 that lies immediately adjacent to (i.e., immediately in the rear or along the side boundaries thereof within three hundred feet (300) of the area proposed to be altered) my said property is \_\_\_\_\_ feet.

Dated this 4th day of Oct. 2020.

Marcia Herr  
Printed Name: Marcia Herr

This document was acknowledged before me by

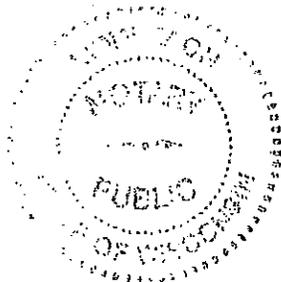
Marcia Herr

on this 4 day of October 2020.

Lynn Jack

My notary commission expires: 7/6/24

Seal.



PROTEST

Pursuant to Waukesha County Basic Zoning Ordinance Section 20.02(8)

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

This Protest relates to the request (RZ64) of the Waukesha County Parks and Planning Commission, 515 W. Moreland Blvd, Waukesha, WI 53188, to rezone certain property in the Town of Ottawa, and to amend the text of the Waukesha County Shoreland and Flood Land Protection Ordinance in conformance with said rezoning request (RZ65).

Please be advised that I object to, and Protest, the foregoing requests, RZ64 and RZ65. I respectfully request that RZ64 and RZ65 not be adopted.

I am the owner of property, having the following tax identification number: 1649997002; said property consists of 79 acres. The area of my said property within the area proposed to be altered by RZ64 is 3.13 acres. The length of the frontage of the area that is proposed to be altered by RZ64 that lies immediately adjacent to (i.e., immediately in the rear or along the side boundaries thereof within three hundred feet (300) of the area proposed to be altered) my said property is \_\_\_\_\_ feet.

Dated this 4 day of October 2020.

[Signature]  
Printed Name: William Zell

This document was acknowledged before me by

[Signature] William Zell  
on this 4 day of October 2020.

[Signature]  
My notary commission expires: 7/5/24

Seal.



## Fact Sheet

### School Section Lake Dam Repair & Floodplain Rezone

#### Background on the Lake and Dam:

School Section Lake is located in Sections 16 and 17, Town of Ottawa, Waukesha County, WI. It is a 122-acre impoundment of School Section Creek (locally known as School Section Ditch), which drains to the Bark River. The lake was created in 1938 as a Works Progress Administration (WPA) project to provide public recreation opportunities. A 3,000-foot long earthen berm was constructed on the west side of the lake, and a 22-foot wide concrete outlet structure was built with wood stop logs ("spillway") to control the lake's water level and the outflow to the creek. The total height of the stop logs is 41.3 inches, while the earthen berm ranges from 0-10 feet high (measured from the bottom of the back slope to the top of the berm). The site became the first Waukesha County Park in 1939, and the County has maintained the earthen berm, spillway and adjacent boat launch on the north end of the lake ever since.



#### Dam Breach

On January 25, 2018, a 20-foot wide gully formed on the earthen berm about 400 feet north of the spillway, believed to be caused by muskrat burrows from both sides of the berm. As the flow through the gully was not more than 1-foot deep, it is considered a partial dam failure.

To prevent further damage to the berm from the breach, the County immediately started to remove stop logs from the spillway to draw down the lake level. The boat launch was closed to public access until the dam could be repaired. A

technical advisory team was assembled in February 2018 to ensure good communication among conservation agencies, lake residents, and local elected officials. The team also coordinated the dam repair project with other related activities, such as: replacing the boat launch, managing lake access and fish populations, and controlling aquatic invasive species.

#### Dam Repairs

In January of 2019, vinyl sheet piling was installed to a 12-foot depth on the earthen berm from the spillway to 525 feet to the north, near the small peninsula/vehicle turn-around area. The water tight sheet piling is also designed to repel muskrats. In spring 2019, the concrete on the upstream face of the spillway was also repaired, all the wood stop logs were replaced, and the water surface elevation of the lake was brought back to the regulated elevation of 852.85 feet NAVD88. Total cost of repairs were \$135,881. The County was awarded a 50% state grant (DNR) to help cover the costs of repairs.

#### DNR Dam Regulations

Because dam failure can represent a significant danger to the public, the regulation of dams in Wisconsin has a rich history dating back to 1917. To prevent failure, new dams are required to meet certain state design and construction standards. State permits are required for all dam construction or repairs,

including this repair to the School Section Lake dam. All dam permits and grants must comply with DNR dam regulations, as described in more detail below.

### Dam Failure Analysis

A "dam failure analysis" (DFA) is prescribed in Chapter NR 333 Wisconsin Administrative Code, and must be conducted for all large dams, including School Section Lake. The primary purpose is to identify the potentially affected areas downstream in case a complete dam failure were to occur. A DFA uses local rainfall records and upstream watershed and stream characteristics to calculate peak flows involved in the 10-day, 100-year flood event (1% chance of occurring in any given year). These flows are then routed through the existing lake with the assumption that a complete failure of the dam occurs while the lake level is at its highest elevation (near the top of the berm). The resulting peak flood flows are then matched to actual downstream channel cross-section dimensions and stream gradient to produce a floodplain map, referred to in state code as the "hydraulic shadow" of the dam.

### Floodplain Zoning

To minimize potential loss of life and property damage downstream of dams, Chapter NR 116 Wisconsin Administrative Code requires the floodplain/hydraulic shadow of a dam to be zoned and regulated by municipalities with floodplain zoning ordinances. This type of zoning prevents residences and other structures from being built within this risk area, and provides standards for other development in order to preserve the flood storage and prevent downstream impacts. It does **not** prevent the floodplain area from being used for other purposes such as agriculture, parks or recreation. However, filling is restricted and maintenance of ditches will require spoils to be graded out to prevent loss of floodplain storage.



For School Section Lake, the hydraulic shadow adds 163 acres to the existing floodplain (light blue) and 54 acres to the existing floodway (diagonal hatching only).

"Floodplain" means these areas will likely contain standing water during a total dam failure. "Floodway" means the floodwater will likely have a current

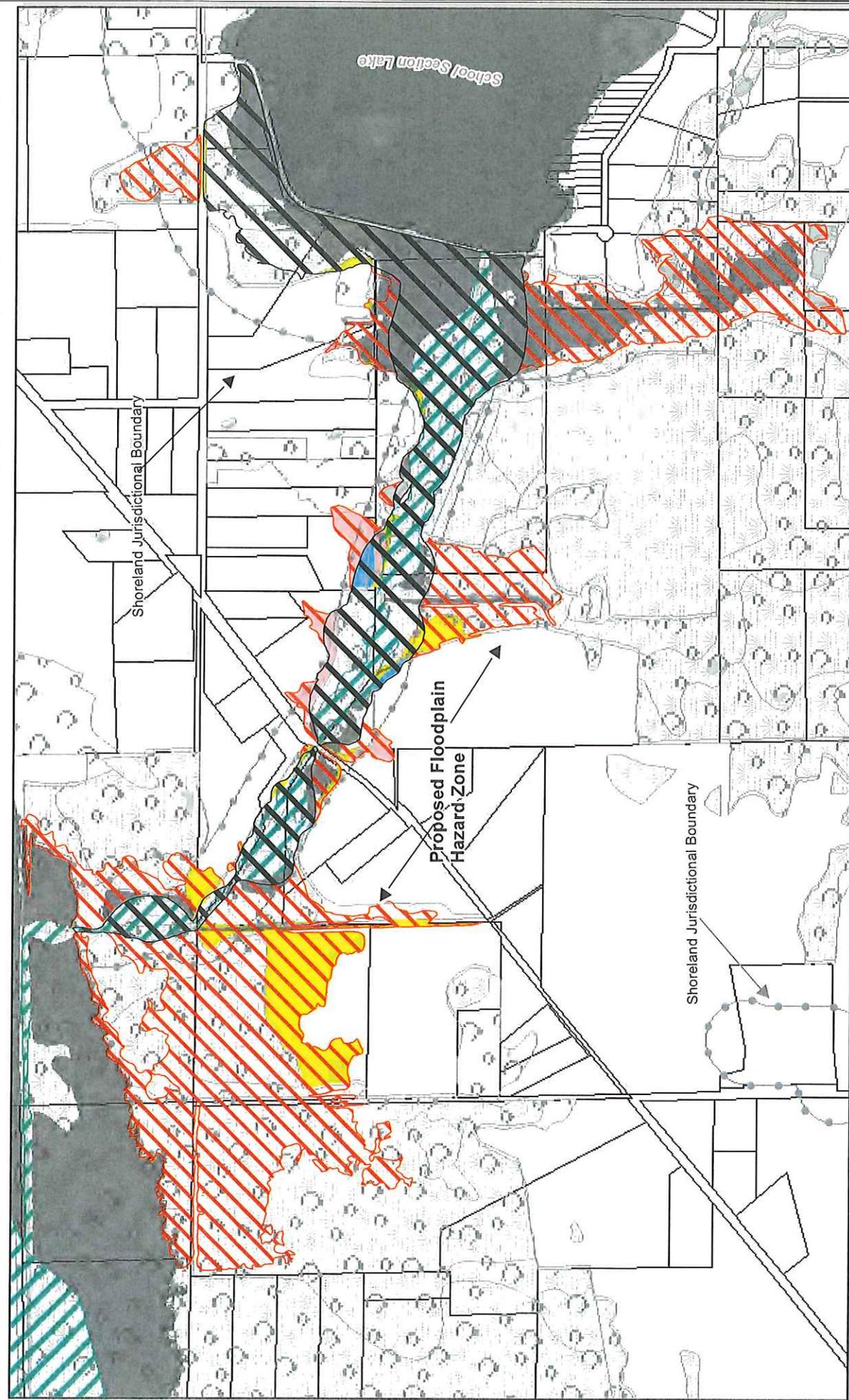
in these areas during a total dam failure. Land use in the 163 acres (see attached map) includes 108 acres woodland/wetland (66%), 49 acres agricultural (30%), 5 acres unused/open space (3%), and 1 acre residential (0.6%). No structures currently exist in either the proposed floodplain or floodway areas.

The updated floodplain map is recognizing what already exists. If the School Section Lake dam were to completely fail, best available science shows this is the area that would be affected. Since the dam has never experienced a complete failure in its 82 year history, local residents may not have seen flood waters to this level before. On a related note, for any structure built in the mapped floodplain, basement flooding is a threat regardless of a dam failure because 98% of the area is made up of seasonal high groundwater soils.

TABLE A - OVERLAY DESIGNATIONS AND ACREAGES						
TAX KEY	SITE ADDRESS	OWNER NAME	POSTAL ADDRESS	ZONING OF LANDS AFFECTED BY DAM FAILURE SHADOW	TYPE OF PROPOSED C-1 OVERLAY DESIGNATION	ACREAGE OF EACH ZONING DISTRICT OR OVERLAY DESIGNATION AFFECTED BY DAM FAILURE SHADOW
OTWT1612999001	DEAN KINCAID INC	DEAN KINCAID INC	N2028 HWY 106, PALMYRA, WI 53156	HG	Floodplain	0.55
OTWT1616999002	S30V38010 SCHOOL SECTION LAKE RD	THE ROUGHRIDERS REVOCABLE TRUST	S30V38010 SCHOOL SECTION LAKE RD, DOUSMAN, WI 531189616	HG/ROW	Floodplain	.01(HG); .19(ROW)
OTWT16469994	S31W38099 SCHOOL SECTION LAKE RD	DANIEL W HICKS	S31W38099 SCHOOL SECTION LAKE RD, DOUSMAN, WI 531189550	AD-10/ROW	Floodplain	.14(AD-10); .03(ROW)
OTWT1649995001	NOT ASSIGNED	JARED S WARTINBEE	S41W35751 COUNTY ROAD C, DOUSMAN, WI 531189529	HG/RRD-5	Floodplain	.03(HG); .01(RRD-5)
OTWT1649995002	S31W38449 SCHOOL SECTION LAKE RD	BILL J SWARTWOUT AND LISA J SWARTWOUT	S31W38449 SCHOOL SECTION LAKE RD, DOUSMAN, WI 531189550	HG/RRD-5	Both	.3(HG, Floodway); .02(RRD-5, Floodway)
OTWT16499956	NOT ASSIGNED	WAUKESHA COUNTY AND COUNTY TREASURER	515 W MORELAND BLVD STE 148, WAUKESHA, WI 53182428	HG	Floodway	.07(HG, Floodplain); .019(RRD-5, Floodplain)
OTWT1649997	S31W38775 SCHOOL SECTION LAKE RD	WILLIAM A ZACH	S31W38775 SCHOOL SECTION LAKE RD, DOUSMAN, WI 531189549	HG/A-5	Both	56(A-5, Floodplain); .73(HG, Floodway)
OTWT1649997002		WILLIAM A ZACH	S31W38775 SCHOOL SECTION RD, DOUSMAN, WI 531189549	HG/A-T	Both	1.66(A-T, Floodplain); .91(A-T, Floodway); .016(HG, Floodway)
OTWT1650994	W38853180 CTH Z	RALPH M FOLTZ	W38853180 CTH Z, DOUSMAN, WI 53118	HG/A-5	Both	2.24(A-5, Floodplain); .017(HG, Floodplain); .062(ROW, Floodplain)
OTWT1650995	W39053210 CTH Z	JOHN C HERR AND MARCIA HERR REVOCABLE TRUST	W702 HERR RD, SULLIVAN, WI 531789643	HG/A-5/AD-10	Both	.22(HG, Floodway); .15(A-5, Floodplain); .41(AD-10, Floodplain)
OTWT1650995001	S31W38655 SCHOOL SECTION LAKE RD	MATT J YUNK AND SHARON A YUNK LIVING TRUST	S31W38655 SCHOOL SECTION LAKE RD, DOUSMAN, WI 531189549	A-5	Floodplain	0.32
OTWT1651999		JOHN C & MARCIA HERR REVOCABLE TRUST EST 1-12-05	W295 HERR RD, DOUSMAN, WI 53118	HG/A-5/AD-10	Both	.15(AD-10, Floodplain); .24(A-5, Floodplain); 1.64(HG, Floodplain)
OTWT1653989	W38953199 CTH Z	FOLTZ FARM FAMILY IRREVOCABLE TRUST	W38953199 CTH Z, DOUSMAN, WI 53118	HG/ROW	Both	.67(HG, Floodway); .26(A-5, Floodway); .17(AD-10, Floodway)
OTWT1653990	W38853103 CTH Z	DENNIS FOLTZ AND CAROL FOLTZ	PO BOX 74, DOUSMAN, WI 53118	HG	Both	.3(HG, Floodway); .19(HG, Floodway)
OTWT1653994001	W39954960 CTH Z	WARREN W MUNDSCHAU	W39853835 HARDCRABBLE RD, DOUSMAN, WI 53118	HG	Both	.83(HG Floodplain); .034(HG, Floodway)
OTWT1653995		MARK RIDGMAN	S47W39551 CTH Z, DOUSMAN, WI 53118	HG	Floodplain	0.39
OTWT1653997	W39153285 CTH Z	GEORGE MUNDSCHAU	W39153285 CTH Z, DOUSMAN, WI 53118	HG/A-5	Floodplain	13.36
OTWT1653997001	W39053231 COUNTY ROAD Z	WILLIAM MUNDSCHAU	W39053231 COUNTY ROAD Z, DOUSMAN, WI 531189548	HG/A-5	Floodplain	.33(HG); .036(A-5)
					Both	.09(A-5, Floodway); .02(HG, Floodway)

FROM CATEGORY	TO C-1 OVERLAY CATEGORY	ACRES	COMMENTS
A-T	C-1 OVERLAY	1.66997431	non C-1 to C-1 Overlay/floodplain
HG	C-1 OVERLAY	18.40684011	non C-1 to C-1 Overlay/floodplain
AD-10	C-1 OVERLAY	0.52697928	non C-1 to C-1 Overlay/floodplain
A-5	C-1 OVERLAY	3.72891377	non C-1 to C-1 Overlay/floodplain
RRD-5	C-1 OVERLAY	0.03067812	non C-1 to C-1 Overlay/floodplain
HG	C-1 OVERLAY	2.33034301	non C-1 to C-1 Overlay/floodway
A-T	C-1 OVERLAY	0.91342952	non C-1 to C-1 Overlay/floodway
A-5	C-1 OVERLAY	0.37726926	non C-1 to C-1 Overlay/floodway
AD-10	C-1 OVERLAY	0.3122467	non C-1 to C-1 Overlay/floodway

ACRES	
Total in floodplain:	24.36338559
Total in floodway:	3.95328849
Grand Total:	28.25667408
Non HG:	7.55949096
HG:	20.75718312



Referred to: LU 46

	Proposed Floodway		Existing Floodplain		Non C-1 to become C-1 Overlay/Floodway
	Proposed Floodplain		Existing Floodway		Non C-1 to become C-1 Overlay/Floodway
	HG remains with C-1 overlay applied		Non C-1 to become C-1 Overlay/Floodway		
	Non C-1 to become C-1 Overlay/Floodway				

Wetland Overlay District

- Environmental Corridor Overlay District
- Existing Floodplain
- Existing Floodway
- Non C-1 to become C-1 Overlay/Floodway

Scale: 0, 500, 1,000 Feet

Prepared by the Waukesha County Department of Parks and Land Use, File Number: 175-O-0738 & 175-O-0740

# Zoning Amendment

RZ64

Part of Section 7, 17, and 18  
Town of Ottawa  
Referred on: 02/04/21

# Motion to Reconsider

Motion to Reconsider Ordinance 175-O-073: Amend T...

 **Passed By Majority Vote**

D1 - Foti	AVE
D2 - Zimmermann	AVE
D3 - Morris	AVE
D4 - Batzko	AVE
D5 - Dondlinger	AVE
D6 - Walz	AVE
D7 - LaFontain	AVE
D8 - Michalski	AVE
D9 - Heinrich	AVE
D10 - Swan	AVE
D11 - Howard	AVE
D12 - Wolf	AVE
D13 - Decker	AVE

D14 - Mommaerts	AVE
D15 - Mitchell	AVE
D16 - Crowley	AVE
D17 - Paulson	AVE
D18 - Nelson	AVE
D19 - Cummings	MAY
D20 - Schellinger	AVE
D21 - Gaughan	AVE
D22 - Wysocki	AVE
D23 - Hammitt	AVE
D24 - Whitton	ABSENT
D25 - Johnson	AVE

March 23 2021 - March 23 2021 07:26:19 PM



# 1750-073A Amendment

 **Passed By Majority Vote**

D1 - Foti	AVE
D2 - Zimmermann	AVE
D3 - Morris	AVE
D4 - Batzko	AVE
D5 - Dondlinger	AVE
D6 - Walz	AVE
D7 - LaFontain	AVE
D8 - Michalski	AVE
D9 - Heinrich	AVE
D10 - Swan	AVE
D11 - Howard	AVE
D12 - Wolf	AVE
D13 - Decker	AVE

D14 - Mommaerts	AVE
D15 - Mitchell	AVE
D16 - Crowley	AVE
D17 - Paulson	AVE
D18 - Nelson	AVE
D19 - Cummings	AVE
D20 - Schellinger	AVE
D21 - Gaughan	AVE
D22 - Wysocki	AVE
D23 - Hammitt	AVE
D24 - Whitrow	ABSENT
D25 - Johnson	AVE

March 23 2021 - March 23 2021 07:45:27 PM

VOTING RESULTS

AYE 24 NAY 0 ABSTAIN | ABSENT 1

# Ordinance 175-O-073

*As Amended*

Ordinance 175-O-073: Amend The Waukesha County S...

 **Passed By 3/4 Vote**

D1 - Foti	AYE	D14 - Mommaerts	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - LaFontain	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whitrow	ABSENT
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

March 23 2021 - March 23 2021 07:46:47 PM