

ENROLLED ORDINANCE 171-14

REPEAL AND RECREATE TABLE 6(b)1.B.ii. OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE TO ADOPT A REVISED WISCONSIN DEPARTMENT OF NATURAL RESOURCES FLOOD STORAGE MAP PANEL 3 AND A NEW PANEL (3A), WHICH INCORPORATES MAPPING CHANGES IN THE TOWN OF LISBON (SZ-1831)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Floodland Protection Ordinance on January 23, 1970, and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinance pursuant to Section 59.692, and

WHEREAS, the matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing and the giving of requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS:

Table 6(b)1.B.ii. of the Waukesha County Shoreland and Floodland Protection Ordinance is repealed and recreated to read as follows:

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.
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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, 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.

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

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

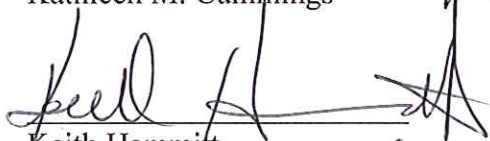
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

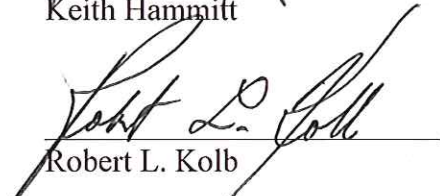
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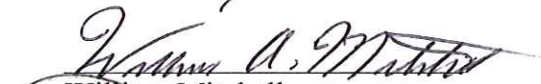
Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

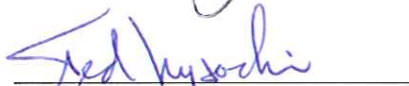

Kathleen M. Cummings


Keith Hammitt


Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki

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

Date: 6/30/16, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 7/6/16, 
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 SZ-1831 (Thomas Koepp) in accordance with the attached "Staff Report and Recommendation".

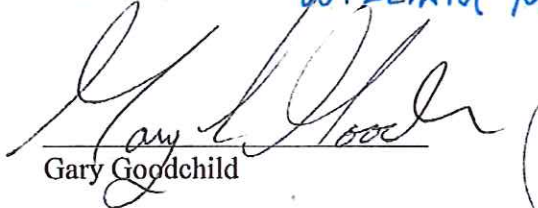
PARK AND PLANNING COMMISSION

May 19, 2016


James Siepmann, Chairperson

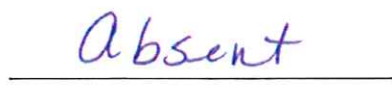

Robert Peregrine


~~Richard Morris~~ WILLIAM MASLOWSKI


Gary Goodchild

(Absent)
William Mitchell


~~William Maslowski~~ Richard Morris


Keith Hammitt

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

FILE NO.: SZ-1831 (Text)

DATE: May 19, 2016

PETITIONER: Thomas Koepf
N38 W27291 Parkside Road
Pewaukee, WI 53072

LOCATION:

Several properties adjacent to a tributary of the Bark River in Sections 16, 17, 18, 20, and 21, Town of Lisbon. A map of the area affected is attached as Exhibit "A".

PROPOSED ZONING:

Amend the text of the Waukesha County Shoreland and Floodland Protection Ordinance in order to adopt a revised Wisconsin Department of Natural Resources (DNR) Flood Storage Map Panel (Panel 3) and add a new Panel (3A), which encompasses the changes to Panel 3, as part of the List of Official Maps within the Ordinance.

PUBLIC HEARING DATE:

May 19, 2016.

PUBLIC REACTION:

Public comments will be heard at the public hearing on May 19, 2016.

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

Prevention of flooding is a key natural resource protection recommendation of both land use plans. A detailed floodplain analysis was completed for the subject area to determine the 1% chance floodplain and any related storage. It was determined that significant areas along a tributary of the Bark River should not be regulated as floodplain and should be removed from the DNR Flood Storage Maps. The proposed text amendment will more accurately reflect the areas that should be regulated for flood storage purposes. The proposed amendment complies with both plans.

BACKGROUND ANALYSIS:

The Waukesha County Shoreland and Floodland Protection Ordinance incorporates several official floodplain maps that are used for regulatory purposes. In addition to the Zoning Maps and FEMA Flood Insurance Rate Maps, the Ordinance incorporates DNR Flood Storage Maps. The DNR Flood Storage Maps identify areas where flood storage was taken into account in the preparation of FEMA detailed or approximate floodplain studies. FEMA maps estimate a floodplain based on there being no storage available, which provides a conservative estimate of the floodplain. When consideration is given to flood storage, the floodplain is generally reduced.

In 2013, SEH completed a floodplain analysis of a tributary of the Bark River and determined that the floodplain of the tributary was over-mapped. The study prepared by SEH estimates that the floodplain

elevation is 955.2 amsl (NGVD 29) within the subject area. The DNR approved the floodplain analysis as best information available, which can be used for regulatory purposes on a project basis. The DNR Storage Maps were not modified as part of the study.

The petitioner owns property within the area that has been removed from the floodplain as a result of the 2013 flood study prepared by SEH. The petitioner is not allowed to improve or fill the area removed from the floodplain without formally removing said area from the DNR Flood Storage Maps. Therefore, a request was made with WDNR to modify the affected DNR Flood Storage Map Panel. See attached maps (Exhibits "A" and "B"). Full size copies of the maps are available in the Planning and Zoning Division Office. The existing flood storage will be reduced from 300.5 acres to 102.5 acres of flood storage, a reduction of 197.6 acres. The DNR approved the request, subject to Waukesha County revising the Official Maps section of the Ordinance to incorporate the revision of DNR Flood Storage Map Panel 3, which includes DNR Flood Storage Map Panel 3A. The proposed text amendment is attached as Exhibit "C".

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** in order to accurately reflect the area that is subject to the storage of floodwaters, as reviewed and approved by the DNR. The proposed text amendments comply with the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance.

Respectfully submitted,

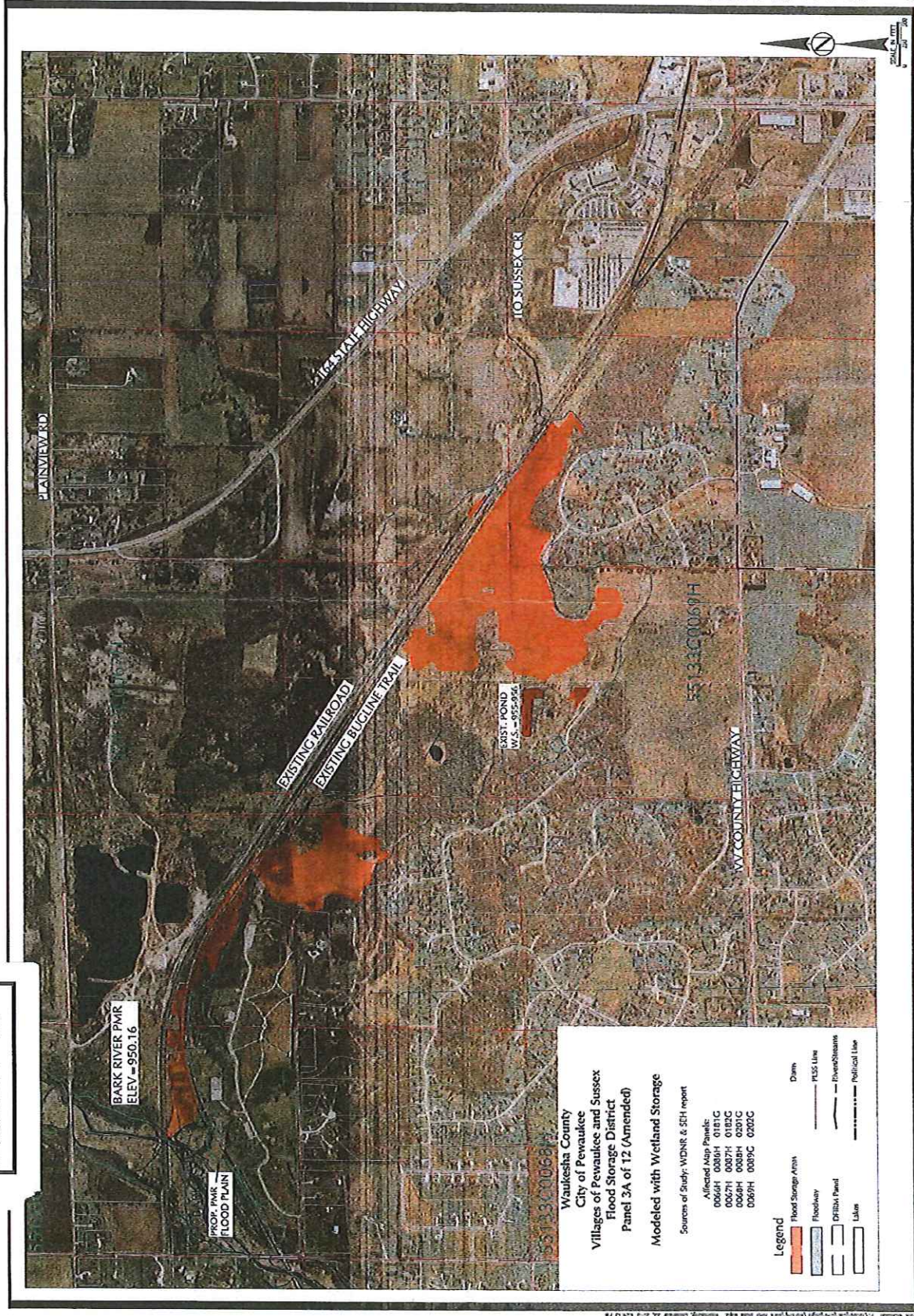
Amy Barrows

Amy Barrows
Senior Planner

Enclosures: Exhibit "A" and "B" (Maps) and "C" (Text amendment)

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1831 DNR Flood Storage Map 3 1st.doc

EXHIBIT "A"

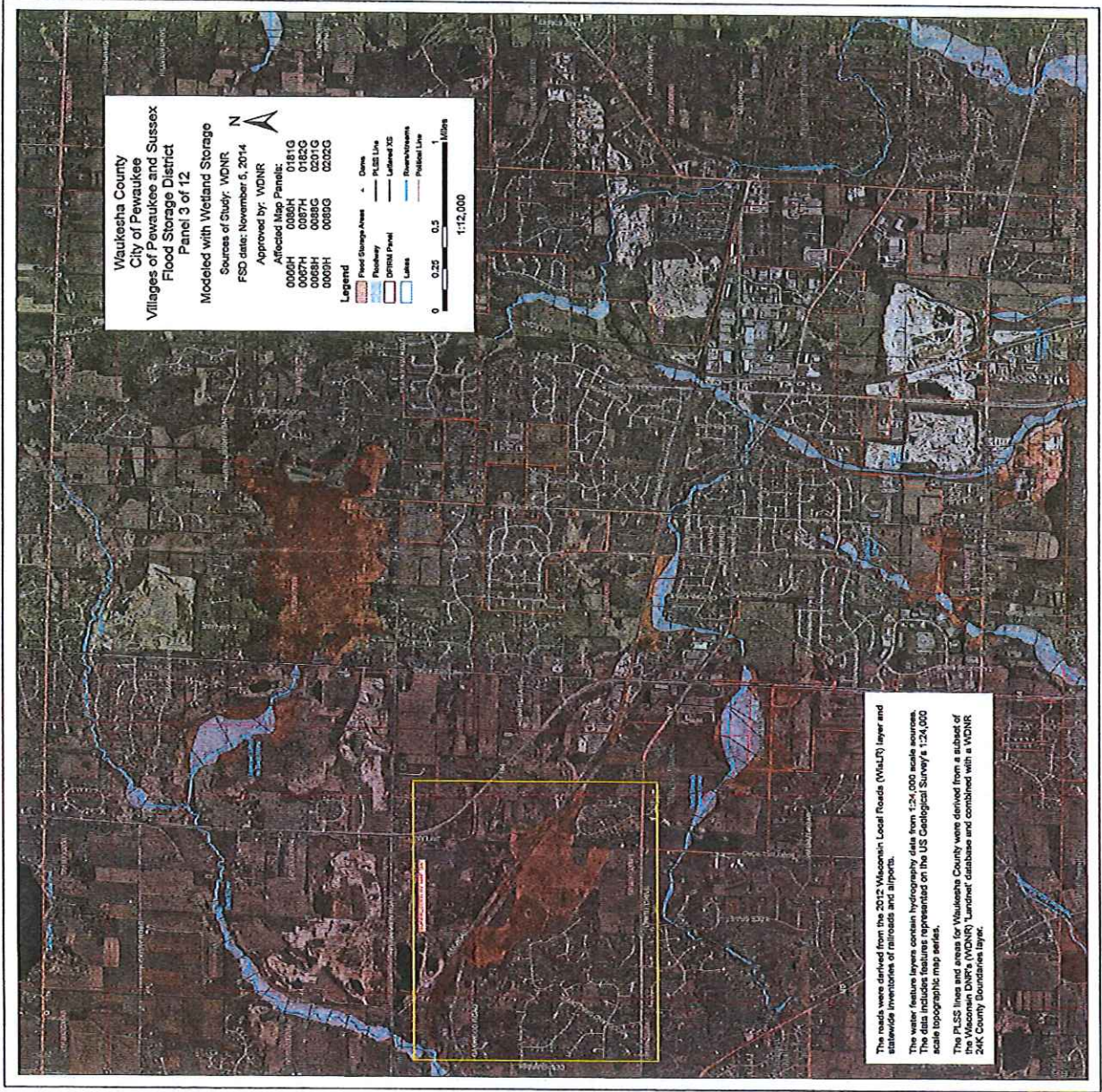


Referred on: 06/09/16

File Number: 171-O-013

Referred to: LU 6

EXHIBIT "B"



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

Notes: *Text to be removed is shown with a strikethrough and text to be added appears in italics. Some formatting may change as the Editor incorporates the proposed amendments into the existing code.*

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N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1831 Koepp text exhibit 1st.doc

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/28/16 (ORD) NUMBER-1710013

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

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS ~~_____~~

TOTAL VOTES-24

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