

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Amendment # 19-TA-001 filed with the County Clerk by: Town of Oshkosh

and referred to the Planning & Zoning Committee on 05/21/19 and

WHEREAS, a Public Hearing was held on 05/28/19 pursuant to mailed and published notice as provided by law on the following:

PROPERTY INFORMATION:

Applicant(s): Town of Oshkosh

WHEREAS, Applicant is requesting a text amendment to Chapter 23, Article 15, Section 15 (1) (part), of the Winnebago County Town County Zoning Code. More specifically, the language proposed is as follows: "A permit shall be required for land development or redevelopment which increases impervious surfaces greater than 15,000 square feet." Current language specifies impervious surfaces greater than 3000 square feet.

WHEREAS, we received notification from the TOWNS OF Oshkosh, Poygan, Rushford and Vinland recommending approval, the TOWNS OF Algoma, Winchester, Winneconne and Wolf River recommended denial of amendment, and there was no response or action taken by the TOWNS OF Neenah and Utica, and

WHEREAS, your Planning & Zoning Committee, being fully informed of the facts, and after full consideration of the matter, make the following findings:

1. WDNR presently allows 20,000 SF (100' x 200') of developed surface in local ordinances without stormwater retention. WDNR has used science criteria to reach their guidelines.
2. The proposed 15,000 SF (150' x 100') Winnebago County ordinance change is still more restrictive than WDNR rules.
3. This ordinance change would allow a small project or expansion without a retention pond.
4. Any significant land disturbance over 20,000 SF (100' x 200') would still require stormwater retention.
5. Towns meet their stormwater ordinance guidelines and enforcement as required by the WDNR.

NOW THEREFORE BE IT RESOLVED, that this committee has prepared the enclosed amendatory ordinance effectuating this change for your consideration and is hereby recommending approval by a vote of 5-0.

NOW BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed ordinance is hereby [ADOPTED] or [DENIED].

For the Planning & Zoning Committee

AMENDATORY ORDINANCE # 08/03/19

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 19-TA-001 as follows:

Applicant is requesting a text amendment to Chapter 23, Article 15, Section 15 (1) (part), of the Winnebago County Town County Zoning Code. More specifically, the language proposed is as follows: "A permit shall be required for land development or redevelopment which increases impervious surfaces greater than 15,000 square feet." Current language specifies impervious surfaces greater than 3000 square feet.

Adopted/ Denied this _____ day of _____, 20_____.

Shiloh Ramos, Chairperson

ATTEST:

Sue Ertmer (County Clerk)

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 20 _____

Mark Harris
(County Executive)

S. 15 PERMITTING REQUIREMENTS, PROCEDURES AND FEES

(1) **PERMIT REQUIRED.** No land owner or land operator may undertake a land development or land redevelopment activity subject to this ordinance without receiving a permit from the administering authority prior to commencing the proposed activity. A permit shall be required for land development or redevelopment which increases impervious surfaces greater than 3000 square feet. The total area of impervious surfaces shall be considered within the area of the parcel(s). Land development activities generally fall into the following categories: commercial, industrial, platted subdivisions, or single lot activities. Stormwater plans for commercial, industrial, subdivisions, will require more detailed information generally provided by an engineer whereas, single lot activities normally will require non-engineered plans. Minor land development activities such as the construction of a fence, minor landscaping, or construction of minor structures (10 x 10 or smaller) may be considered exempt from permit requirements if the administering authority determines that no, or very minimal, adverse impacts will result. The determination of impact shall be based, without limitation, upon criteria such as ponding of water, backing up of water, or a threat to neighboring properties.

(2) **PERMIT APPLICATION AND FEE.** Unless specifically excluded by this ordinance, any land owner or operator desiring a permit shall submit to the administering authority a permit application made on a form provided by the administering authority for that purpose.

- (a) Unless otherwise exempted by this ordinance, a permit application must be accompanied by the following in order that the permit application may be considered for approval by the administering authority: a storm water management plan, a maintenance agreement, and a non-refundable permit administration fee established in S. 04 of this ordinance.
- (b) The storm water management plan shall be prepared to meet the requirements of S. 14 and 16 of this ordinance; the maintenance agreement shall be prepared to meet the requirements of S. 17 of this ordinance; the financial guarantee shall meet the requirements of S. 18 of this ordinance; and fees shall be those established by the Winnebago County Board of Supervisors as set forth in S. 04 of this ordinance.

(3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The administering authority shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

- (a) Within 30 days of the receipt of a complete permit application, including all items as required by S. 15(2)(a), the administering authority shall inform the applicant whether the application, plan and maintenance agreement are approved, approved conditionally, or disapproved. The administering authority shall base the decision on requirements set forth in S. 14, S. 15, and S. 17 of this ordinance.
- (b) If the storm water permit application, plan and maintenance agreement are approved, the administering authority shall issue the permit.
- (c) If the storm water permit application, plan or maintenance agreement are disapproved, the administering authority shall detail in writing of the reasons for disapproval.
- (d) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall have 10 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved, approved conditionally, or disapproved.
- (e) Failure by the administering authority to inform the permit applicant of a decision within the specified number of business days of a required submittal shall be deemed to constitute an approval of the submittal; and the applicant may proceed as if a permit had been issued. In this instance the applicant shall comply with the plan as submitted.

(4) **PERMIT CONDITIONS.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The administering authority may suspend or revoke a permit for violation of a permit condition, following written notification to the permittee:

- (a) Compliance with the permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state, and local laws and regulations.
- (b) The permit holder shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and the permit.