CHAPTER 23, ARTICLE 15 TEXT AMENDMENTS

The following amendments are being proposed to Article 15 of the Winnebago County Town/County Zoning Ordinance, entitled Erosion Control and Stormwater Management. These amendments are necessary for enforcement consistency and to stay current with NR151.

Amend S.01(2) to read "The Winnebago County Board hereby designates the Planning & Zoning Committee to administer and enforce the provisions of the ordinance".

Amend S.01(3)(b) to read "Targeted non-agricultural performance standards promulgated in rules by the Department of Natural Resources under Chaper NR 151, Wisconsin Admin. Code".

Amend S.01(3)(c) to read "Technical standards for implementing non-agricultural performance standards developed by the Department of Natural Resources under III of Chapter NR 151, Wisconsin Admin. Code".

Amend S.07 (1) to read ""Administering authority" means the governmental employees or their designees empowered under S.59.693, Wisconsin Statutes to administer this ordinance. For the purpose of this ordinance the administering authority is the Planning and Zoning Department under guidance from the Planning and Zoning Committee."

Delete and recreate S.07 (6) to read ""DSPS" means the Department of Safety and Professional Services."

Amend S.07 (19) to read ""Impervious surfaces" means a land cover that releases as runoff all or a large portion of the precipitation that falls on it. Rooftops, sidewalks, driveways, parking lots, gravel, and streets are examples of surfaces that are typically impervious."

Amend S.07 (35) to read ""Peak flow discharge rate" means the maximum unit volume of storm water discharged during a specified unit of time. Atlas 14 rainfall intensities with appropriate MSE3 or MSE4 rainfall distribution shall be used for peak flow calculations."

Amend S.07 (43) to read ""Redevelopment" means new development that is replacing older development. Redevelopment in this ordinance only applies when activity will increase the impervious area or projects requiring an NOI that was filed on or after January 1, 2011."

Delete and recreate S.08 (1) to read "Wisconsin Storm Water Construction technical standards."

Amend S.10 (a) to read "General Applicability. These general applicability provisions apply to the following land-disturbing construction activities, excluding that otherwise regulated by the DSPS under Wisconsin Admin. Code SPS 321.125."

Amend S.10 (2) to read "EROSION AND OTYHER POLLUTANT CONTROL REQUIRMENTS. And erosion control plan shall ensure, to the extent practical, that soil erosion, siltation, sedimentation, and other offsite impacts from land-disturbing activities are minimized through installation of BMPs pursuant to S.05 of this ordinance. The erosion control plan for permitted sites must incorporate maintenance of existing vegetation, especially adjacent to surface waters whenever possible, minimization of soil compaction and preservation of topsoil, minimization of land disturbing construction activity on slopes of 20% or more and development of spill prevention and response procedures. The BMPs may be located on or off the construction site. In addition, the erosion control plan shall:"

Amend S.10(2)(a) to read "BMPs that, by design, achieve to the maximum extent practical, a maximum discharge of 5 tons per acre per year of sediment. No person shall be required to exceed a 5 tons per acre per year discharge to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this paragraph. Credit towards meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or the appropriate mechanism."

Amend S.10(2)(b) to read "Notwithstanding par. (a), if BMPs cannot be designed and implemented to reduce the maximum sediment discharge to 5 tons per acre per year, the plan shall include a written and site-specific explanation as to why the maximum discharge of 5 tons per acre per year is not attainable and the sediment load shall be reduced to the maximum extent possible."

Amend S.11 (1)(1)(a) to read "The erosion and sediment control plan shall be prepared in accordance with good engineering practices and the design criteria, standards and specifications outlined in the Wisconsin DNR's Stormwater Construction technical standards."

Amend S.11 NOTE to read "Note: the plan requirements of this subsection will meet the plan requirements of Chapter NR 216.46, Wisconsin Admin. Code, when prepared in accordance with good engineering practices and design criteria, standards and specifications outlined in the most recent Wisconsin DNR publication. This is important for municipalities seeking to develop a "Qualifying Local Program" under phase 2 of the federal storm water permit program. Qualifying local programs will also be required to impose, either through this ordinance or a stormwater management ordinance, stormwater management plan requirements consistent with Chapter NR 216.47, Wisconsin Admin. Code."

Amend S.14 (1)(1)(a) to read "By design, maintain, or lower peak runoff discharge rates as compared to pre-settlement (meadow) conditions for the 1-, 2-, 10-, and 100-year, 24 –hour design storms applicable to the site, using the Runoff Curve Numbers designated on Table 1 for the appropriate site soil hydrologic group. If TR-55 methodology is not

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used for the hydrologic calculations, the local administering authority must approve an equivalent methodology."

Amend S.14(2)(c)(4)(a) to read "For 1 and 2 family residential developments within a subdivision or plat that is subject to this ordinance effective June 17,2003, a 50 foot buffer from wetlands, except in cases where the administering authority deems a larger buffer is necessary. For high quality wetlands such as sedge meadows, open and coniferous bogs, low prairies, calcareous fens, coniferous swamps, lowland hardwood swamps, and ephemeral ponds, a setback of 75 feet."

Amend S.15 (1) to read "PERMIT REQUIRED. No land owner or land operator may undertake a land development or land redevelopment activity subject to his 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 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 (10x10 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."

Amend S.16 (1)(c)(2) to read "Commutations of peak flow discharge volumes for the 1-year, 2-year, 10-year, and 100-year/24 hour storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s)."

Amend S.16 (1)(d)(6) to read "Computations of peak flow discharge rates for the 1-year, 2-year, 10-year, and 100-year/24 hour storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations of peak flow discharge rates shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross references to the required map(s)."