

2
3 TO AMEND SECTION 17.05.010 OF THE CODE: AUTHORITY; TO AMEND SECTION
4 17.05.030 A. 3.a. AND b. OF THE CODE: PURPOSE; TO AMEND SECTION 17.05.060 OF
5 THE CODE: DEFINITIONS; TO AMEND SECTION 17.05.070 A. OF THE CODE:
6 APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.05.070 B. OF THE CODE:
7 APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.05.070 C. OF THE CODE:
8 APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.05.070 D. 1. B. ii. OF THE
9 CODE: APPLICABILITY AND EXEMPTIONS; TO CREATE SECTION 17.05.070 D. 2. c.
10 OF THE CODE: APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.05.085 B.
11 2., 3. AND 4. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.05.085 C. 1.
12 OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.05.085 D. OF THE CODE:
13 PROTECTIVE AREAS; TO AMEND SECTION 17.05.090 A. 4. OF THE CODE: FEES; TO
14 AMEND SECTION 17.05.095 A. B. AND C. OF THE CODE: APPLICATION REVIEW
15 PROCESSES; TO RELETTER SECTION 17.05.095 D. AND E. TO C. AND D. OF THE CODE:
16 APPLICATION REVIEW PROCESSES; TO AMEND SECTION 17.05.100 A. 1., 2., 3. & 4. AND
17 B. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO AMEND SECTION
18 17.05.100 B. 8., 11., 12., 14., AND 17 OF THE CODE: EROSION CONTROL PLAN
19 REQUIREMENTS; TO REPEAL SECTION 17.05.100 C. OF THE CODE: EROSION
20 CONTROL PLAN REQUIREMENTS; TO AMEND SECTION 17.05.100 D. 1. a. OF THE
21 CODE: EROSION CONTROL PLAN REQUIREMENTS; TO AMEND SECTION 17.05.100 C.
22 2. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO AMEND SECTION
23 17.05.100 C. 2. b. xiii. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO
24 RENUMBER SECTION 17.05.100 C. 3. TO 4. OF THE CODE: EROSION CONTROL PLAN
25 REQUIREMENTS; TO CREATE SECTION 17.05.100 C. 3. OF THE CODE: EROSION
26 CONTROL PLAN REQUIREMENTS; TO RELETTER SECTION 17.05.100 E. TO D. OF THE
27 CODE: EROSION CONTROL PLAN REQUIREMENTS; TO AMEND SECTION 17.05.110 A.
28 12 AND 13. OF THE CODE: APPLICATION REQUIREMENTS; TO AMEND SECTION
29 17.05.120 A. 2. OF THE CODE: TECHNICAL STANDARDS AND SPECIFICATIONS; TO
30 AMEND SECTION 17.05.150 A. 2. OF THE CODE: ENFORCEMENT; TO CREATE
31 APPENDIX A OF CHAPTER 17.05 OF THE CODE: EROSION CONTROL; TO AMEND
32 SECTION 17.06.020 OF THE CODE: FINDINGS; TO AMEND SECTION 17.06.030 B. AND
33 C. OF THE CODE: PURPOSE; TO AMEND SECTION 17.06.070 B.5 AND C.1.a AND h. OF
34 THE CODE: APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.06.070 D. 2.e.
35 OF THE CODE: APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.06.070 D.
36 2. f. iv.(B) OF THE CODE: APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION
37 17.06.080 A. OF THE CODE: PROHIBITED ACTIVITIES; TO AMEND SECTION 17.06.085
38 A. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.06.085 A.2.b OF THE
39 CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.06.085 B. 3. AND 4. OF THE
40 CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.06.085 C. OF THE CODE:
41 PROTECTIVE AREAS; TO AMEND SECTION 17.06.085 D.2 OF THE CODE: PROTECTIVE
42 AREAS; TO AMEND SECTION 17.06.090 A.4. OF THE CODE: FEES; TO AMEND SECTION
43 17.06.095 OF THE CODE: APPLICATION REVIEW PROCESS; TO AMEND SECTION
44 17.06.095 A.3.b AND d. OF THE CODE: APPLICATION REVIEW PROCESS; TO AMEND
45 SECTION 17.06.100 C.1.h. OF THE CODE: STORM WATER PERMIT PROCESSES, LAND
46 DIVISIONS AND ZONING; TO CREATE SECTION 17.06.100 D. OF THE CODE: STORM
47 WATER PERMIT PROCESSES, LAND DIVISIONS AND ZONING; TO AMEND SECTION
48 17.06.110 A. 3. AND 7. OF THE CODE: STORMWATER PERMIT REQUIREMENTS; TO
49 AMEND SECTION 17.06.110 C. 3 OF THE CODE: STORMWATER PERMIT

1 REQUIREMENTS; TO AMEND SECTION 17.06.130 B. 12. AND 13. OF THE CODE: STORM
2 WATER MANAGEMENT PLAN REQUIREMENTS; TO AMEND SECTION 17.06.130 C. 1.
3 THROUGH 3. OF THE CODE: STORM WATER MANAGEMENT PLAN REQUIREMENTS;
4 TO AMEND SECTION 17.06.130 C. 5.f. OF THE CODE: STORM WATER MANAGEMENT
5 PLAN REQUIREMENTS; TO AMEND SECTION 17.06.130 C.6. OF THE CODE: STORM
6 WATER MANAGEMENT PLAN REQUIREMENTS; TO RENUMBER SECTION 17.06.130 C.
7 4. AND 5. TO 5. AND 6. OF THE CODE: STORM WATER MANAGEMENT PLAN
8 REQUIREMENTS; TO AMEND SECTION 17.06.130 C.12.i. AND E.7 OF THE CODE:
9 STORM WATER MANAGEMENT PLAN REQUIREMENTS; TO RELETTER SECTION
10 17.06.130 D. AND E. TO E. AND F. OF THE CODE: STORM WATER MANAGEMENT
11 PLAN REQUIREMENTS; TO AMEND SECTION 17.06.140 A.1.d. OF THE CODE:
12 TECHNICAL STANDARDS AND SPECIFICATIONS; TO AMEND SECTION 17.06.140 A.
13 2.,3., AND 5., OF THE CODE: TECHNICAL STANDARDS AND SPECIFICATIONS;
14 TO AMEND SECTION 17.06.170 A.2. OF THE CODE: ENFORCEMENT
15

16 The County Board of Supervisors of the County of Eau Claire does ordain as follows:
17

18 SECTION 1. That Section 17.05.010 of the code be amended to read:
19

20 17.05.010 Authority. This ordinance is adopted by the county board under the authority
21 granted by Wis. Stat. §§ 59.693, 92.07(6), ~~and~~ 92.07(15), 281.33 and Wis. Stat. ch 236.
22

23 SECTION 2. That subparagraphs a. and b. of paragraph 3. of Subsection A. of Section
24 17.05.030 be amended to read:
25

26 B.a.—Through this erosion control permit process, this ordinance is intended to meet the
27 current construction site erosion control regulatory requirements of Wis. Admin. Code ch. NR
28 151 on the effective date of this ordinance. Nothing in this ordinance prevents the Wisconsin
29 Department of Natural Resources (WDNR) from adopting or enforcing more stringent soil
30 erosion or storm water management requirements in future revisions of Wis. Admin. Code.

31 C.b. Provisions have also been incorporated to coordinate the erosion control permit
32 requirements of this ordinance with other county and town zoning and land division regulations.
33

34 SECTION 3. That Section 17.05.060 of the code be amended to read:
35

36 17.05.060 Definitions.

37 A. The following definitions shall apply in this chapter:

38 1. “Agricultural facilities and practices” has the meaning in Wis. Stat.
39 §281.16(1).

40 2. “Applicable review authorities” means the town planning commission, the
41 county zoning administrator or the county committee on planning and development, depending
42 on the type of project and its location.

43 3. “Applicant” means any person or entity holding fee title to the property or
44 their representative. The applicant shall become the “permit holder” once a permit is issued. The
45 applicant shall sign the initial permit application form in accordance with a. through e. below,
46 after which the applicant may provide the LCD written authorization for others to serve as the
47 applicant’s representative:

48 a. In the case of a corporation, by a principal executive officer of at
49 least the level of vice president or by the officer’s authorized representative having overall
responsibility for the operation of the site for which a permit is sought.

- 1 b. In the case of a limited liability company, by a member or
2 manager.
3 c. In the case of a partnership, by the general partner.
4 d. In the case of a sole proprietorship, by the proprietor.
5 e. For a unit of government, by a principal executive officer, ranking
6 elected official or other duly authorized representative.

7 4. “Average Annual Rainfall” means a typical calendar year of precipitation,
8 excluding snow, as defined by Wis. Admin Code ch. NR 151, or any amendments thereto.

9 ~~3.5.~~ “Best management practice” (or “BMP”) means structural and
10 nonstructural measures, practices, techniques or devices employed to avoid or minimize
11 sediment or other pollutants carried in runoff.

12 ~~4.6.~~ “Clean runoff” means that runoff which is derived from relatively
13 uncontaminated sources which may include, but is not limited to: uncontaminated ground water,
14 potable water source, roof drains, foundation drain and sump pump, air conditioning
15 condensation, springs, lawn watering, individual residential car washing, water main and hydrant
16 flushing and swimming pools if the water has been dechlorinated.

17 ~~5.7.~~ “Common plan of development” means all lands included within the
18 boundary of a certified survey map or subdivision plat created for the purpose of development or
19 sale of property where integrated, multiple, separate and distinct land developing activity may
20 take place at different times by future owners.

21 8. “Connected Imperviousness” means an impervious surface connected to
22 waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious
23 flow path.

24 ~~6.9.~~ “Conservation Plan” means a plan outlining the planting, growing, and
25 harvesting of agricultural crops and other associated land uses which meet the state’s soil and
26 water conservation standards contained within Wis. Admin. Code ch. ATCP 50 and Wis. Admin.
27 Code ch. NR 151.

28 ~~7.10.~~ “County mapping standards” means Eau Claire County’s mapping
29 standards conform to National Map Accuracy Standards (NMAS) of the United States
30 Geological Survey (USGS). The geodetic referenced is to the Eau Claire County Coordinate
31 System which is directly relatable to the Wisconsin State Plane Coordinate System, Central
32 South Zone, North American Datum 1983(91) (NAD 83(91) and North American Vertical
33 Datum of 1988 (NAVD 88).

34 ~~8.11.~~ “County zoning administrator” means the ~~Supervisor~~ manager of the Eau
35 Claire County Department of Planning and Development, Land Use Controls Division, or
36 designee.

37 ~~9.12~~ “County committee on planning and development” means the zoning
38 agency of Eau Claire County as defined under Wis. Stat. § 59.69 (2)(a).

39 ~~10.13.~~ “Design storm” means a hypothetical depth of rainfall that would occur
40 for the stated return frequency (i.e. once every 2 years or 10 years), duration (i.e 24 hours) and
41 timing of distribution (e.g. ~~type HMSE3~~). All values are based on the historical rainfall records
42 for the area. Design storms used in this ordinance are summarized in ~~17.06.120~~ 17.06.140.

43 ~~11.14.~~ “Dewatering” means the removal of trapped water from a construction site
44 to allow land development or utility installation activities to occur.

45 ~~12.~~ “Erosion” means ~~the process of detachment, transport and deposition of~~
46 ~~soil, sediment or rock fragments by action of water, wind, ice or gravity.~~

1 13.15. “Effective infiltration area” means the area of the infiltration system that is
2 used exclusively to infiltrate runoff and does not include the area used for site access, berms or
3 pretreatment.

4 14.16. “Environmentally sensitive area” means any area that, due to the natural
5 resources present or the lack of filtering capacity, is more susceptible to the adverse impacts of
6 sediment and other pollutants associated with erosion and urban runoff. Examples include
7 environmental corridors, slopes of 20% and greater, direct hydrologic connections to lakes,
8 streams, wetlands, groundwater or other water resources, or very coarse or shallow soils above
9 groundwater or bedrock.

10 17. “Erosion” means the process of detachment, transport and deposition of
11 soil, sediment or rock fragments by action of water, wind, ice, or gravity.

12 15.18. “Filtering layer” means soil that has at least a three-foot deep layer with at
13 least 20% that passes through a #200 sieve (fines); or at least a five-foot deep layer with at least
14 10% that passes through a #200 sieve (fines); or another medium exists with an equivalent level
15 of protection, as determined by the LCD.

16 16.19. “Final plat” means a map of a proposed condominium or subdivision to be
17 recorded with the Eau Claire County Register of Deeds pursuant to Wisconsin Statutes.

18 17.20. “Forest Management Plan” means a plan outlining the planting, growing,
19 and harvesting of silvicultural products which meets the guidelines contained within the
20 Wisconsin Department of Natural Resources publication PUB FR226 2003 entitled “Wisconsin
21 Forest Management Guidelines.

22 18.21. “Groundwater” means any of the waters of the state, as defined in Wis.
23 Stat. § 281.01 (18), occurring in a saturated subsurface geological formation of rock or soil.

24 19.22. “Groundwater recharge areas” means lands identified in Title 18 as the
25 groundwater protection overlay district and shown on the map “Groundwater Protection Districts
26 for Public Water Supply Recharge Areas in Eau Claire County” ~~a document published by the~~
27 ~~West Central Wisconsin Regional Planning Commission as groundwater recharge areas; or~~
28 ~~where, prior to any land disturbing or land development activity, precipitation or runoff could~~
29 ~~only leave the area by infiltrating the ground, thereby recharging the groundwater.~~

30 20.23. “Groundwater Table” means the surface in geological material at which
31 the pore pressure is atmospheric.

32 21.24. “Illicit connection” means any drain or conveyance, whether on the
33 surface or subsurface, which allows an illegal non-storm water discharge to enter the storm drain
34 system, including but not limited to: sewage, process wastewater and wash water, any
35 connections to the storm drain system from indoor drains and sinks, regardless of whether said
36 drain or connection had been allowed, permitted, or approved by a government agency, prior to
37 the adoption of this ordinance.

38 22.25. “Impervious surface” means an area that releases all or a large portion of
39 the precipitation that falls on it, except for frozen soil. Conventional rooftops and asphalt or
40 concrete sidewalks, driveways, parking lots and streets are typical examples of impervious
41 surfaces. For purposes of this ordinance, typical gravel ~~driveways~~ surfaces and other examples
42 listed shall be considered impervious (RCN 98) unless specifically designed to encourage
43 infiltration or storage of runoff.

44 23.26. “Impracticable” means that complying with a specific requirement would
45 cause undue economic hardship and special conditions exist that are beyond the control of the
46 applicant and would prevent compliance.

47 24.27. “Infill development” means land development that occurs where there was
48 no previous land development and is surrounded by other existing land development;

1 25.28. “Infiltration” means the entry of precipitation or runoff into or through the
2 soil.

3 26.29. “Infiltration system(s)” means a device or practice such as a basin, trench,
4 rain garden or swale designed specifically to encourage infiltration, but does not include natural
5 infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or
6 minimal infiltration from practices, such as swales or road side channels designed for
7 conveyance and pollutant removal only.

8 27.30 “Karst features” means an area or surficial geologic feature subject to
9 bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include
10 caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or
11 swallets.

12 28.31. “LCD” means the Land Conservation Division of the Eau Claire County
13 Department of Planning and Development. The LCD ~~supervisor~~ manager supervises the daily
14 activities of the Division, including the administration of this ordinance.

15 29.32. “Land development activity” or “land development” means any
16 construction related activity that may ultimately result in the addition of impervious surfaces,
17 such as the construction of buildings, roads, parking lots and other structures.

18 30.33. “Land disturbing activity” (or “disturbance”) means any manmade
19 alteration of the land surface that may result in a change in the topography or existing vegetative
20 or non-vegetative soil cover, or may expose soil and lead to an increase in soil erosion and
21 movement of sediment. Land disturbing activity includes, but not limited to, clearing and
22 grubbing for future land development, excavating, filling, grading, building construction or
23 demolition, geothermal system installation, and pit trench dewatering.

24 34.34. “MEP” means Maximum Extent Practicable as an acceptable level of
25 implementing best management practices to achieve a performance standard specified in this
26 ordinance, as determined by the LCD. In determining MEP, the LCD shall take into account the
27 best available technology, cost effectiveness and other competing issues such as human safety
28 and welfare, endangered and threatened resources, historic properties, cultural resources, and
29 geographic features. MEP allows flexibility in the way to meet the performance standards and
30 may vary based on the performance standard and site conditions.

31 32.35. “Municipal project,” as used in this ordinance, means any project
32 conducted by any city, town, village, county, utility district, town sanitary district, public inland
33 lake protection and rehabilitation district or metropolitan sewage district, as defined in Wis. Stat.
34 § 281.01(6).

35 33.36. “Navigable Water(s)” or “Navigable” means all natural inland lakes,
36 flowages, streams rivers, and other water within the unincorporated areas in accordance with
37 Wis. Stat. § 281.31.

38 34.37. “Nonmetallic mining” has the meaning specified under
39 ~~18.90.030~~ 18.250.130.

40 35.38. “Nonresidential” means any commercial, industrial or institutional
41 activity.

42 36.39. “Nutrient Management Plan” means a plan that meets all requirements of
43 Wis. Admin. Code § ATCP 50.04 (3) and is either:

44 a. A plan required under Wis. Admin. Code §§ ATCP 50.04 (3) or
45 50.62 (5) (f); or

46 b. A farm nutrient plan prepared or approved, for a landowner, by
47 a qualified nutrient management planner.

1 37.40. “Offsite BMP” means best management practice(s) that are located
2 outside of the boundaries of the site covered by a permit application due to current land
3 disturbance or land development activities. Offsite BMPs address runoff from the permitted site
4 and may be installed as part of a regional storm water management plan approved by a local
5 government.

6 38.41. Ordinary high-water mark (OHWM)” has the meaning given in Wis.
7 Admin. Code ch. NR 115.

8 42. “Pervious Surface” means any land cover that permits precipitation to
9 absorb into the ground.

10 39.43. “Planned land use” means the land use designated in the latest version of
11 the Eau Claire County land use plan.

12 40.44. “Plat” means a map of a proposed condominium or subdivision.

13 41.45. “Pollutant” has the meaning as defined in Wis. Stat. § 283.01 (13).

14 42.46. “Pollution” has the meaning as defined in Wis. Stat. § 283.01 (14).

15 47. “Post-Construction Site” means a construction site following the
16 completion of land disturbing construction activity and final site stabilization.

17 48. “Post-Development Condition” means the extent and distribution of land
18 cover types anticipated to occur under conditions of full development of the submitted plan.

19 49. “Pre-Development Condition” means the extent and distribution of land
20 cover types present before the initiation of land disturbing construction activity, assuming that all
21 land uses prior to development activity are managed in an environmentally sound manner.

22 43.50. “Preliminary plat” means a map showing the salient features of a proposed
23 condominium or subdivision submitted to an approving authority for purposes of preliminary
24 consideration.

25 44.51. “Preventive action limit” means a numerical value expressing the
26 concentration of a substance in groundwater which is adopted under Wis. Stat. § 160.15 and Wis.
27 Admin Code ch. NR 140.

28 45.52. “Process Water” or “Process Wastewater” includes any water used in
29 noncontact cooling water (NCCW), mine dewatering, scrubber water, dust suppression, wash
30 water, flotation process wastewater, wet process water, or any other water conveyed or used on
31 site.

32 46.53. “Protective areas” means an area of land that commences at the top of the
33 channel of lakes, streams, and rivers, or at the delineated boundary of wetlands, and that is the
34 greatest of the following widths, as measured horizontally from the top of the channel or
35 delineated wetland boundary to the closest impervious surface. However, for purposes of this
36 Chapter, “protective area” does not include any area of land adjacent to any stream enclosed
37 within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

38 47.54. “Publicly funded development” means a land development, such as a
39 public road or municipal building that is being funded solely by a unit of government. It does not
40 include new roads or other structures built with private funds, or a combination of public and
41 private funds, and subsequently dedicated to a unit of government.

42 55. “Qualified professional” means a Professional Landscape Architect,
43 Professional Hydrologist, or Professional Engineer licensed in Wisconsin, or a person certified in
44 erosion control planning, implementation, or inspection.

45 48.56. “Redevelopment” means ~~land development that replaces previous land~~
46 ~~development of similar impervious conditions~~ areas where development is replacing older
47 development.

1 49.57. “Regional storm water management plan” means a planning document,
2 adopted by a local unit of government, that coordinates storm water management activities for an
3 entire drainage area or watershed, including future land development activities within the
4 watershed. The plan may prescribe the use of BMPs for individual development sites and for
5 selected points or phases within the drainage area to meet the goals and objectives of the plan.

6 50.58. “Regulatory agency” means a public agency that has the legal authority to
7 review and approve erosion control and storm water management plans and enforce their
8 implementation, with requirements at least as restrictive as this ordinance.

9 51.59. “Responsible party” means any person or entity holding fee title to the
10 property or acting as the owners representative, including any person, firm, corporation or other
11 entity performing services, contracted, subcontracted or obligated by other agreement to design,
12 implement, inspect, verify or maintain the BMPs and other approved elements of erosion control
13 and storm water plans and permits under this ordinance.

14 52.60. “Road or Access Lane” as used in this ordinance, means any area that is
15 constructed to allow public or private access to a parcel of land that is connected to any private,
16 public, local, arterial, collector, frontage road or highway.

17 53.61. “Runoff” means water from rain, snow or ice melt, or dewatering that
18 moves over the land surface via sheet or channelized flow.

19 62. “Separate Storm Sewer” means a conveyance or system of conveyances,
20 including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed
21 channels or storm drains, which meets all of the following criteria:

22 _____ a. Is designed or used for collecting water or conveying runoff.

23 _____ b. Is not part of a combined sewer system.

24 _____ c. Is not part of a publicly owned wastewater treatment works that
25 provides secondary or more stringent treatment.

26 _____ d. Discharges directly or indirectly to waters of the state.

27 54.63. “Shoreland(s)” means lands within the following distances from the
28 ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage: 300 feet
29 from a river or stream or to the landward side of the floodplain, whichever distance is greater.

30 55.64. “Site” means the entire area included in the legal description of which the
31 land disturbing or land development activity will occur.

32 56.65. “Stabilized” means that all land disturbing activities are completed and
33 that a uniform, perennial vegetative cover has been established on at least 70% of the soil surface
34 or other surfacing material is in place and the risk of further soil erosion is minimal, as
35 determined by the LCD.

36 57.66. “Steep Slope” means naturally occurring areas with slopes 20% or greater.
37 For purposes of this ordinance, slope shall be measured as the change in elevation over a
38 horizontal distance of 50 feet perpendicular to consecutive contour lines and expressed as a
39 percentage. See Figures 1 through 4 in Appendix A for examples of slope measurements. 20% or
40 greater. For the purpose of application of these regulations, slope shall be measured over a
41 horizontal distance of 50 feet parallel to the direction of the existing slope and within the
42 proposed “land disturbing activity”. Slopes shall be measured as the change in elevation over the
43 horizontal distance between consecutive contour lines and expressed as a percent. Modeling
44 software, where used, shall be adjusted to account for large areas with steep slopes.

45 58.67. “Storm drainage system” means a publicly owned facility by which storm
46 water is collected and/or conveyed, including but not limited to any roads with drainage systems,
47 municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and

1 detention basins, natural and manmade or altered drainage channels, reservoirs, and other
2 drainage structures.

3 ~~59.68.~~ “Storm water” includes all water as defined in the term “runoff.” ~~and may~~
4 ~~also include “process water”.~~

5 ~~60.69.~~ “Storm water BMP” means any best management practice that is designed
6 to collect or manage the quantity or quality of storm water runoff for an indefinite time period.
7 This term is a subset of the term “best management practice” and distinct in that they require
8 long term maintenance. Some examples include, but are not limited to: wet or dry detention
9 basin, infiltration trench or basin, bioretention basin, stilling basin, green roof, filter strip,
10 artificial wetland or any combination of these or other permanent storm water management
11 practices, as determined by the LCD.

12 ~~61.70.~~ “Storm water permit” means a written authorization made by the LCD to
13 the applicant to conduct land disturbing or land development activities in accordance with the
14 requirements of this ordinance. A storm water permit regulates both construction site erosion and
15 post-construction storm water runoff from a site.

16 ~~62.71.~~ “Subdivision” means a division of a lot, parcel, or tract of land by the
17 owner thereof or the owner’s agent for the purpose of sale or of building development that meets
18 the subdivision definition criteria under Wis. Stat. § ~~236.03(12)~~ 236.02(12) or a more restrictive
19 definition adopted by a local unit of government.

20 ~~63.72.~~ “Technical standard” means a document that specifies design, predicted
21 performance and operation and maintenance requirements for a material, device or method.

22 ~~64.73.~~ “Top of channel” means an edge, or point on the landscape, commencing
23 landward from the ordinary highwater mark of a surface water of the state, where the slope of the
24 land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or
25 less continually for the initial 50 feet, landward from the ordinary highwater mark, the top of the
26 channel is the ordinary highwater mark.

27 ~~65.74.~~ “Utility” means a wire, pipe, tube or other conduit designed to distribute
28 or collect a product or service, including but not limited to electricity, natural gas, oil,
29 telecommunications, drinking water, storm water, sewage, or any combination of these items.

30 ~~66.75.~~ “Warm season plantings” and wetland plantings” means seed or plant
31 stock that are native to a prairie or wetland setting. These types of plantings usually take a couple
32 of years to get established and require diligent removal of invasive species during this time.
33 Upon maturity, warm season plants generally have a deep root system, which enhances
34 infiltration.

35 ~~67.76.~~ “Waters of the state” has the meaning given in Wis. Stat. § 281.01 (18).

36 ~~68.77.~~ “Wetlands” means an area where water is at, near or above the land
37 surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has
38 soils indicative of wet conditions.

39 ~~69.78.~~ “Woodland” means an area where a grouping of 10 or more trees exist that
40 have trunk diameters of at least four inches at four feet above the ground surface. The boundaries
41 of a woodland shall be defined by the canopy, commonly referred to as the “drip line”.

42 ~~70.79.~~ “Working day” means any day the office of the LCD is routinely and
43 customarily open for business, and does not include Saturday, Sunday and any official county
44 holidays.

1 SECTION 4. That Subsection A. of Section 17.05.070 of the code be amended to read:

2
3 17.05.070 Applicability and Exemptions.

4 A. Construction Site Erosion Control. Title 17.05 shall apply to the following land
5 disturbing activities as set forth in Wis. Stat. § 281.33(3)(a)1:

6 ~~1. Large Site. Activities at sites that have a land disturbance that is one acre~~
7 ~~or more in area.~~

8 ~~2. Small Site. 1. Activities at sites that have a land disturbance of 4,000~~
9 ~~square feet or more in area that is less than one acre and to which Wis. Stat. §§ 101.1206 and~~
10 ~~101.653 do not apply. Title 15 applies to activities regulated by Wis. Stat. §§ 101.1206 and~~
11 ~~101.653.~~

12
13 SECTION 5. That Subsection B. of Section 17.05.070 of the code be amended to read:

14
15 B. Uniform Statewide Standards. Unless otherwise exempted under 17.05.070 D.,
16 an erosion control permit shall be required, and all erosion control provisions of this ordinance
17 shall apply to all proposed land disturbing activity that meet the requirements of 17.05.070 A and
18 any of the following:

19
20 SECTION 6. That Subsection C. of Section 17.05.070 of the code be amended to read:

21
22 C. Storm Water Management. The applicant may also be required to secure a storm
23 water permit, as outlined in Chapter 17.06, ~~on~~ for any and all projects that meet the criteria as
24 outlined in 17.06.070.

25
26 SECTION 7. That ii. of subparagraph b. of paragraph 1. of Subsection D. of Section
27 17.05.070 of the code be amended to read:

28
29 ii. Documentation of the person(s) and regulatory agency
30 charged with enforcing erosion control and storm water management for the project.

31
32 SECTION 8. That subparagraphs c. of paragraph 2. of Subsection D. of Section
33 17.05.085 of the code be created to read:

34
35 c. For projects involving land disturbing activities associated with
36 nonmetallic mining permitted under Chapter 18.250, the county requires compliance with
37 Chapter 17.05, but will waive the full erosion control permit process and fees.

38
39 SECTION 9. That paragraphs 2., 3. and 4. of Subsection B. of Section 17.05.085 of the
40 code be amended to read:

41
42 2. No BMP shall be installed that meets the definition of an injection well
43 under Wis. Admin. Code ch. NR ~~812~~815.

44 3. All storm water BMPs shall comply with the provision of any applicable
45 wellhead protection plan for a community water supply under Wis. Admin. Code ch. NR 811 and
46 ~~Chapter 18.55~~ Chapter 18.230.

47 4. No subsurface drainage shall occur unless the requirements of 17.05.110
48 ~~C.2.d.-B.2.d.~~ are met.

1 SECTION 10. That paragraph 1. of Subsection C. of Section 17.05.085 of the code be
2 amended to read:

3
4 1. Impervious surfaces shall be kept out of the protective area, except for
5 boathouses and walkways authorized under Shoreland and Floodplain Zoning in ~~Title 20 and~~
6 ~~18.20. Chapters 18.260 and 18.200.~~ The erosion control plan shall contain a written site-specific
7 explanation for any parts of the protective area that are disturbed during construction.
8

9 SECTION 11. That Subsection D. of Section 17.05.085 of the code be amended to read:

10
11 D. Protective Area Exemptions. The protective area requirements of 17.05.080 may
12 be exempted in accordance with application under the administrative waiver requirements
13 outlined in 17.05.070 F. for the following activities:

- 14 1. Structures that cross or access surface waters such as boat landings,
15 bridges, and culverts;
16 2. Structures constructed or placed on property in a shoreland setback area in
17 accordance with Wis. Stat. § 59.692(1v) and Title ~~2018~~; and
18 3. Sites where runoff does not enter the surface water, except to the extent
19 that vegetative ground cover is necessary to maintain bank stability.
20

21 SECTION 12. That paragraph 4. of Subsection A. of Section 17.05.090 of the code be
22 amended to read:

23
24 4. A ~~double quadruple~~ permit fee ~~shall~~ may be charged by the LCD at the
25 discretion of the planning and development department director if land disturbing activity
26 requiring approval under 17.05.070 B. commences prior to obtaining an erosion control permit.
27 Such ~~double quadruple~~ fee shall not release the responsible party from full compliance with this
28 chapter nor from prosecution for violation of this chapter.
29

30 SECTION 13. That Subsections A., B., and C. of Section 17.05.095 of the code be
31 amended to read:

32
33 A. In addition to an electronic copy, ~~five hard one~~ copies of the application
34 materials shall be submitted to the LCD.

35 ~~B. Preliminary Erosion Control Review Letter. Upon submittal of a complete~~
36 ~~application under 17.05.100 C., the applicant is authorizing the LCD to enter upon the subject~~
37 ~~site to obtain information needed to administer this ordinance and the following procedures shall~~
38 ~~apply:~~

39 ~~1. The LCD shall have 30 calendar days from the date the LCD receives the~~
40 ~~application to issue a review letter to the applicable review authorities and the applicant based on~~
41 ~~the requirements of this ordinance.~~

42 ~~2. If within 10 calendar days, the LCD determines that the application is not~~
43 ~~complete or requests additional information from the applicant or another source (such as~~
44 ~~another regulatory agency), the LCD shall have 30 calendar days from the date additional~~
45 ~~information is received to issue a review letter. The LCD shall inform the applicant and the~~
46 ~~applicable review authorities when additional information is requested from another source. If~~
47 ~~the application is not complete, LCD will inform the applicant and will not proceed with a full~~
48 ~~review until a complete application is provided.~~

1 3. ~~—If the LCD does not issue a review letter within the 30 calendar days, the~~
2 ~~applicant may continue pursuing other applicable approvals or deed recording without the~~
3 ~~preliminary storm water review letter or certification of compliance.~~

4 4. ~~—If within the 30 calendar days, the LCD notifies the applicable review~~
5 ~~authorities that the application under 17.05.100 C. is not complete, information has been~~
6 ~~requested from another source, or recommended changes or objections to the application need to~~
7 ~~be addressed before other approvals can proceed, then the applicable review authorities may:~~

8 a. ~~—At the request of the applicant, grant an extension to the review~~
9 ~~period, if needed to allow more time for the LCD review process to be completed or to address~~
10 ~~LCD recommendations, requirements, or objections to the application; or~~

11 b. ~~—Disapprove the application.~~

12 5. ~~—An extension may be approved by written mutual consent. Application~~
13 ~~and issuance of a preliminary erosion control review letter for a project that is reviewed in~~
14 ~~conjunction with a storm water permit application for the same site will follow the procedures as~~
15 ~~outlined in 17.06.080 B. Issuance of a preliminary storm water plan review letter will encompass~~
16 ~~issuance of the preliminary erosion control review letter and a separate notification will not be~~
17 ~~issued for the erosion control portion.~~

18 ~~C.B.~~ Final erosion control permit. Upon submittal of a complete application, ~~under~~
19 ~~either large site or small site requirements~~ outlined in 17.05.100 D. or as part of an
20 administrative waiver application under 17.05.070 F., the applicant is authorizing the LCD to
21 enter upon the subject site to obtain information needed to administer this ordinance and the
22 following procedures shall apply:

23
24 SECTION 14. That Subsections D. & E. of Section 17.05.095 of the code be relettered to
25 C. & D.

26
27 SECTION 15. That paragraphs 1., 2., 3., and 4. of Subsection A. and Subsection B. of
28 Section 17.05.100 of the code be amended to read:

29
30 1. All erosion control plans and associated BMPs shall comply with the
31 planning, design, implementation, and maintenance requirements of this ordinance.

32 2. ~~All erosion control plans shall by design, achieve to the maximum extent~~
33 ~~practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual~~
34 ~~basis, as compared with no sediment or erosion controls, until the site is stabilized.~~ All erosion
35 control plans shall by design, discharge no more than 5 tons per acre per year, or to the
36 maximum extent practicable, of the sediment load carried in runoff from initial grading to final
37 stabilization.

38 3. Erosion and sediment control BMPs may be used alone or in combination
39 to meet the performance standard 80% sediment reduction goal. Plans that comply with the
40 guiding principles shall be determined by the LCD as meeting the 80% sediment reduction
41 discharge of no more than 5 tons per acre per year goal. An erosion control plan shall, to the
42 maximum extent practicable, adhere to the following:

43 a. Propose grading that best fits the terrain of the site, avoiding steep
44 slopes, wetlands, floodplains, and environmental corridors;

45 b. Minimize, through project phasing and construction sequencing,
46 the time the disturbed soil surface is exposed to erosive forces-;

47 c. Minimize soil compaction, the loss of trees, and other natural
48 vegetation and the size of the disturbed area at any one time;

1 d. Locate erosion control BMPs upstream from where runoff leaves
2 the site or enters waters of the state and outside of wetlands, floodplains, primary or secondary
3 environmental corridors, or isolated natural areas; and

4 e. Emphasize the use of BMPs that prevent soil detachment and
5 transport over those aimed to reduce soil deposition (sedimentation) or repair erosion damage.

6 4. The LCD may recognize other methods for determining compliance with
7 the ~~80% sediment reduction performance standard~~ goals as they are standardized, including any
8 methods that may come from the procedures under sub ch. V. of Wis. Admin. Code ch. NR 151.

9 B. Specific Erosion Control Plan Requirements. The following applicable minimum
10 requirements shall be addressed in erosion control plans to the maximum extent practicable. The
11 LCD may establish more stringent erosion and sediment control requirements than the minimum
12 requirements set forth in Wis. Admin. Code ch. NR 151.11 if the WDNR is silent on a
13 requirement.

14
15 SECTION 16. That paragraphs 8., 11., 12., 14., and 17. of Subsection B. of Section
16 17.05.100 of the code be amended to read:

17
18 8. Overland Flow. Trap sediment in overland flow before discharge from the
19 site using BMPs such as silt fence, vegetative filter strips, or temporary sediment ponds.

20
21 11. Topsoil Application. Save existing topsoil and reapply to all disturbed
22 areas for final stabilization such as for temporary seeding or storm water infiltration BMPs. ~~The~~
23 ~~LCD may give credit toward meeting the sediment performance standard of Wis. Admin. Code~~
24 ~~ch. NR151.11(6m)(b) for limiting the duration or area, or both, of land disturbing construction~~
25 ~~activity, or for other appropriate mechanisms.~~

26 12. Waste Material. Recycle or properly dispose of all waste and unused
27 building materials in a timely manner. Control runoff from waste materials, chemicals, cement,
28 and other building compounds until they are removed or reused. Wastewaters, such as from
29 concrete truck washout, need to be properly managed to limit the discharge of pollutants to
30 waters of the state.

31
32 14. Final Site Stabilization. For nonmetallic mining operations, final
33 stabilization will be completed in accordance with Title ~~20~~ and a reclamation plan shall be
34 submitted with the erosion control plan. For all other areas the final site stabilization items shall
35 be addressed in the erosion control plan. ~~18. Disturbed areas shall be stabilized within 7 days of~~
36 final grading and topsoil application. The final site stabilization items shall be addressed in the
37 erosion control plan.

38 17. ~~Large Sites over one acre permitted under 17.05.100 D. 2.~~ shall be treated
39 in stages or phases as final grading is completed in each stage or phase.

40
41 SECTION 17. That Subsection C. of Section 17.05.100 of the code be repealed.

42
43 SECTION 18. That subparagraph a. of paragraph 1. of Subsection D. of Section
44 17.05.100 of the code be amended to read:

45
46 ~~D.C.~~ Final Erosion Control Plan Contents. The following shall be the minimum
47 requirements for items to be included in a final erosion and sediment control plan:

48 1. ~~Small Site.~~ Sites Less than One Acre of Total Land Disturbance.

1 a. ~~A sequence~~narrative describing the proposed land disturbing
2 activity, construction timeline and sequencing, temporary BMPs to be used to minimize offsite
3 impacts during the construction phase, and proposed methods to stabilize the site following
4 construction in accordance with the requirements of this ordinance;

5
6 SECTION 19. That paragraph 2. of Section C. of Section 17.05.100 of the code be
7 amended to read:

8
9 2. ~~Large Site-~~Sites One Acre or Greater of Total Land Disturbance shall
10 include all applicable items listed under 17.05.100 D.1. ~~for small site plans~~, but shall also include
11 ~~ensure that~~ the following applicable items are included:

12
13 SECTION 20. That xiii. of subparagraph b. of paragraph 2. of Subsection C. of Section
14 17.05.100 of the code be amended to read:

15
16 xiii. Final site stabilization procedures for all other disturbed
17 areas, showing areas to be stabilized in acres, depth of applied topsoil, seed types, rates and
18 methodology, fertilizer, sod or erosion matting specifications, maintenance requirements until
19 plants are well established, and other BMPs used to stabilize the site. For nonmetallic mining
20 operations, final stabilization shall be completed in accordance with Subtitle IV of ~~Title~~
21 ~~18~~Chapter 18.250, Nonmetallic Mineral Mining Reclamation; ~~and a reclamation plan shall be~~
22 ~~submitted with erosion control plan for reference;~~

23
24 SECTION 21. That paragraph 3. be renumbered to paragraph 4. of Subsection C. of
25 Section 17.05.100 of the code.

26
27 SECTION 22. That paragraph 3. of Subsection C. of Section 17.05.100 of the code be
28 created to read:

29
30 3. Sites that Only Include clearing and grubbing.

31 a. A narrative describing the proposed clearing and grubbing activity,
32 timeline and sequencing, temporary BMPs to be utilized to minimize offsite impacts during
33 clearing and grubbing, and proposed methods to stabilize the site following clearing and
34 grubbing in accordance with the requirements of this ordinance.

35 b. A survey map or site plan drawing of sufficient clarity showing a
36 north arrow, the location of the proposed clearing and grubbing activity, proposed BMPs, existing
37 slopes, and water bodies within 50 feet of the proposed land disturbance.

38 c. The name, address and daytime phone number of the person(s)
39 charged with installing and maintaining all BMPs.

40
41 SECTION 23. That Subsection E. be relettered to Subsection D. of Section 17.05.100 of
42 the code.

43

1 SECTION 24. That paragraphs 12. and 13. of Subsection A. of Section 17.05.110 of the
2 code be amended to read:

3
4 12. Boundaries of shoreland zones and the ordinary high water mark
5 (OHWM) for any navigable water body as defined by Title ~~2018~~, Eau Claire County Shoreland
6 Protection Overlay District. For final land divisions, the OHWM boundaries shall be field
7 verified;

8 13. Boundaries and elevation of the 100-year floodplains, flood fringes and
9 floodways, as defined by Chapter 18.200, Eau Claire County Floodplain Overlay District. For
10 final land divisions, these boundaries and elevations shall be field verified;

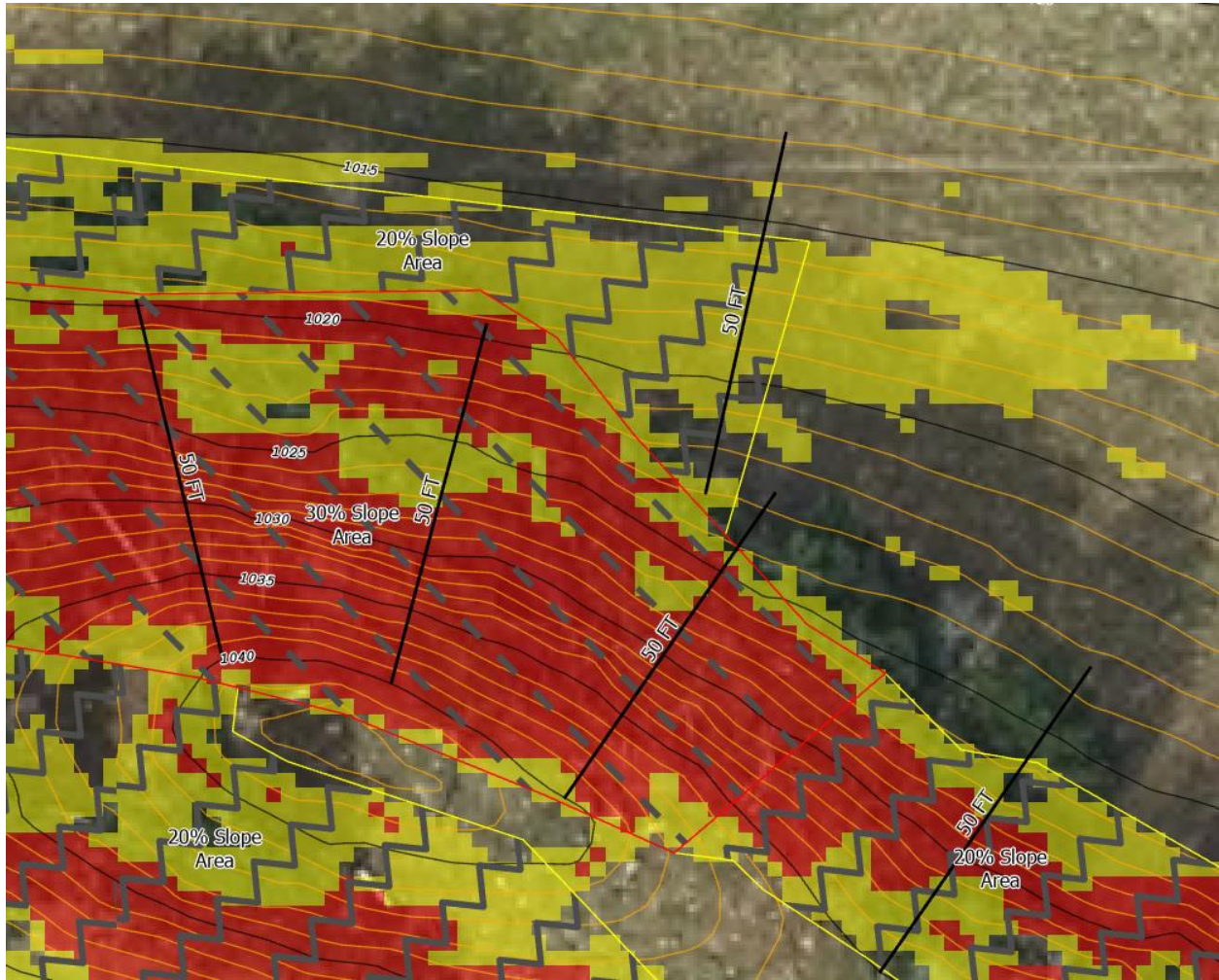
11
12 SECTION 25. That paragraph 2. of Subsection A. of Section 17.05.120 of the code be
13 amended to read:

14
15 2. Where BMP standards have not been identified or developed by state law,
16 the LCD may approve the use of other available standards, such as those from other states or
17 USDA-NRCS.

18
19 SECTION 26. That paragraph 2. of Subsection A. of Section 17.05.150 be repealed and
20 paragraphs 3. through 7. be renumbered to 2. through 6. of the code.

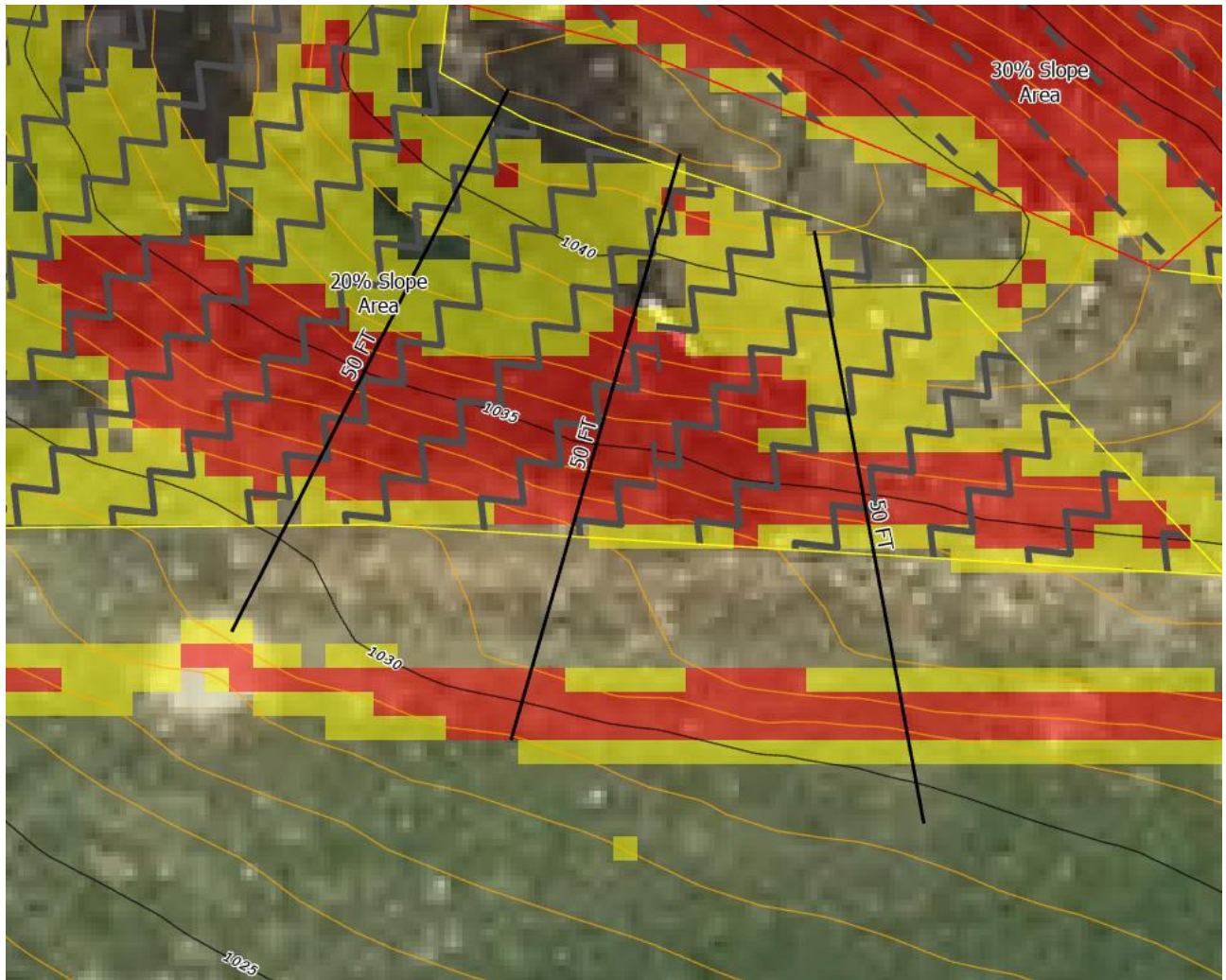
1 SECTION 27. That Appendix A be created to read:

2
3 Appendix A

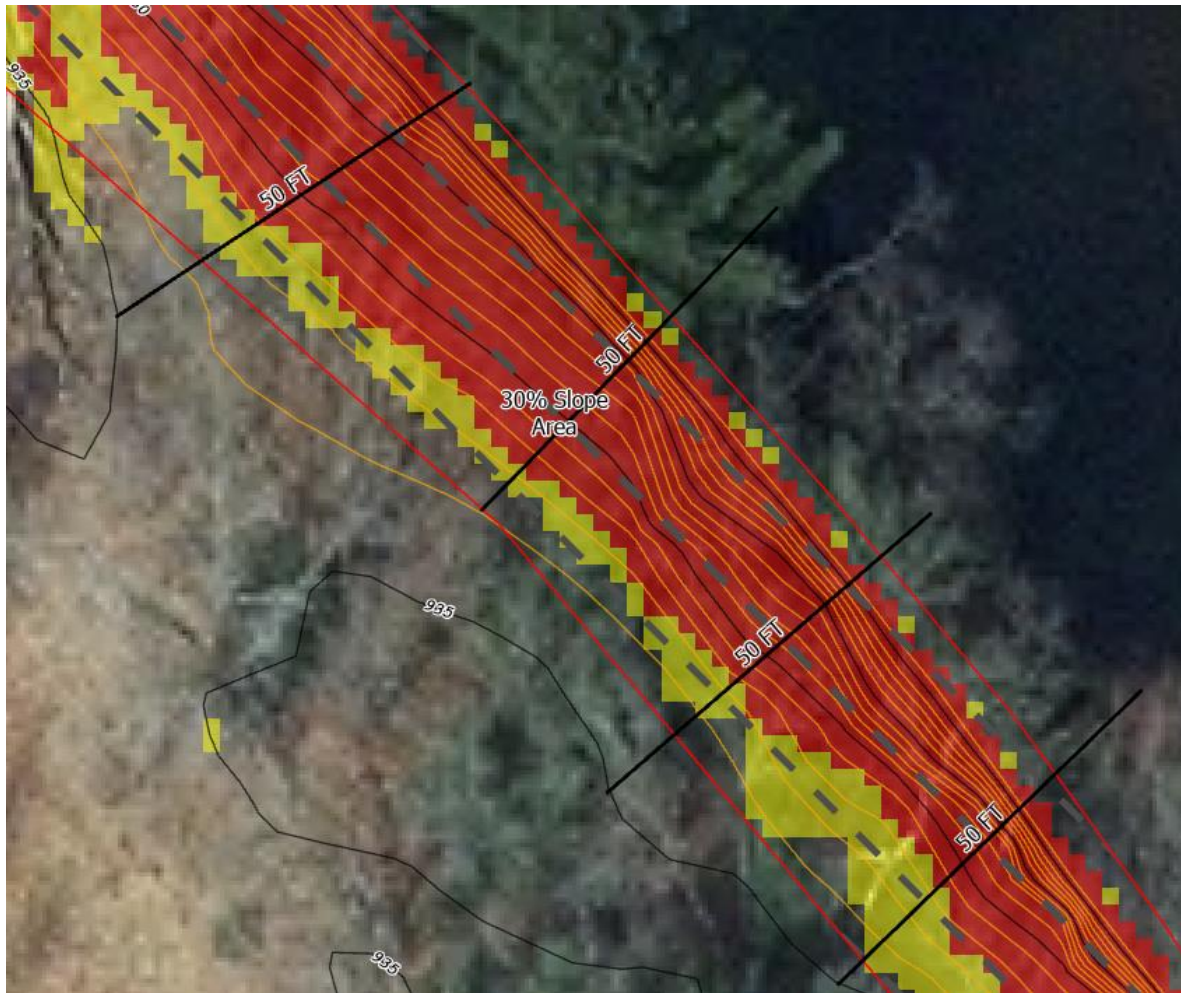


5
6 Figure 1: The elevation change within the black lines drawn perpendicular to the contour lines
7 represent the 50ft horizontal distance used to calculate slope in percent. Areas that have slope
8 over 30% are shown by the dashed hatching. Areas with slope over 20% are shown with zig-zag
9 hatching.

10



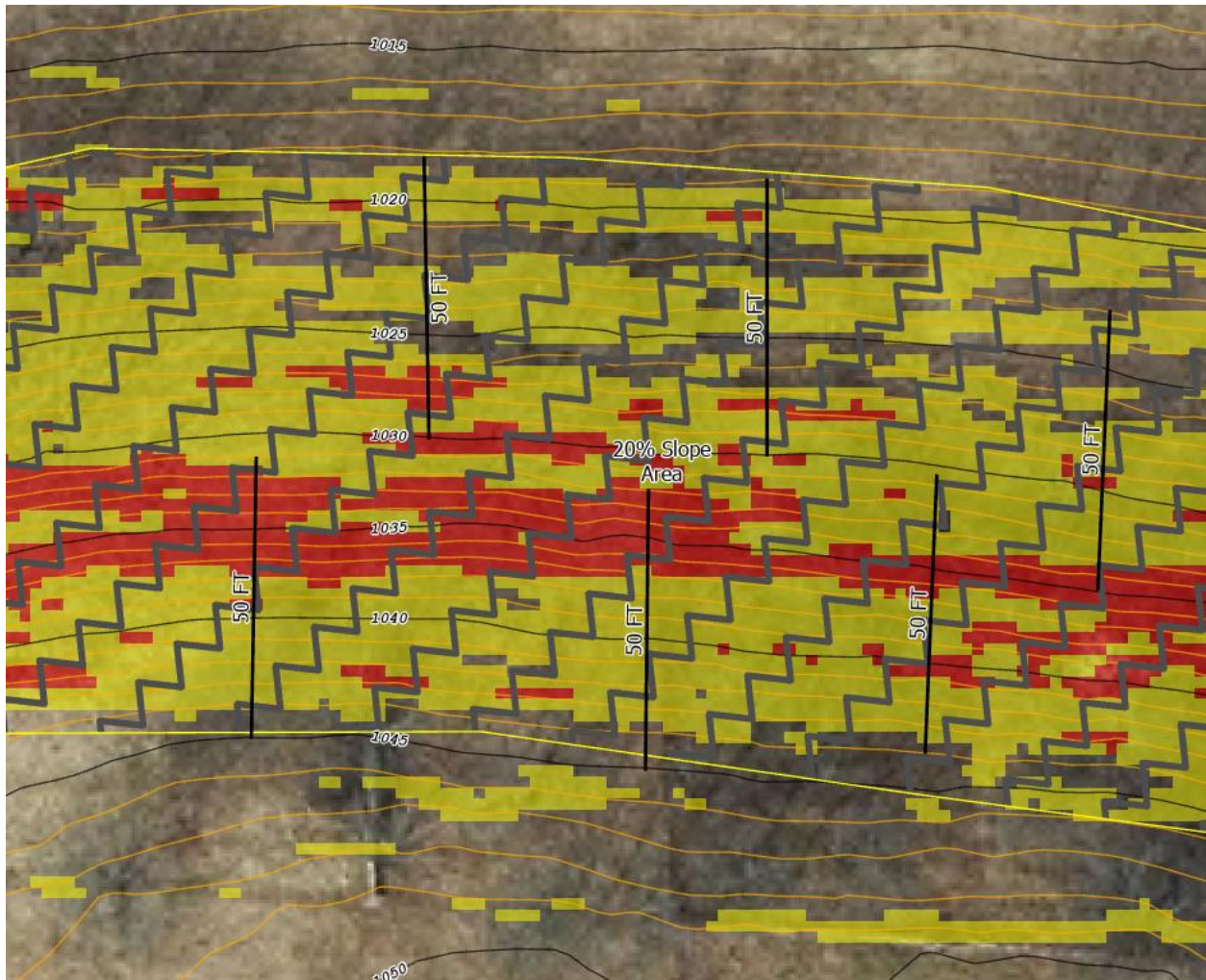
1
2 Figure 2: The elevation change within the black lines drawn perpendicular to the contour lines
3 represent the 50ft horizontal distance used to calculate slope in percent. Areas that have slope
4 over 30% are shown by the dashed hatching. Areas with slope over 20% are shown with zig-zag
5 hatching. The pictured artificial slope is not considered a steep slope area.
6



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Figure 3: The elevation change within the black lines drawn perpendicular to the contour lines represent the 50ft horizontal distance used to calculate slope in percent. Areas that have slope over 30% are shown by the dashed hatching. Areas with slope over 20% are shown with zig-zag hatching. Even though the total horizontal distance of the digitally created slope color is not 50 feet long, it still qualifies for a steep slope, because the slope measured in 50 foot horizontal increments is greater than 30%.

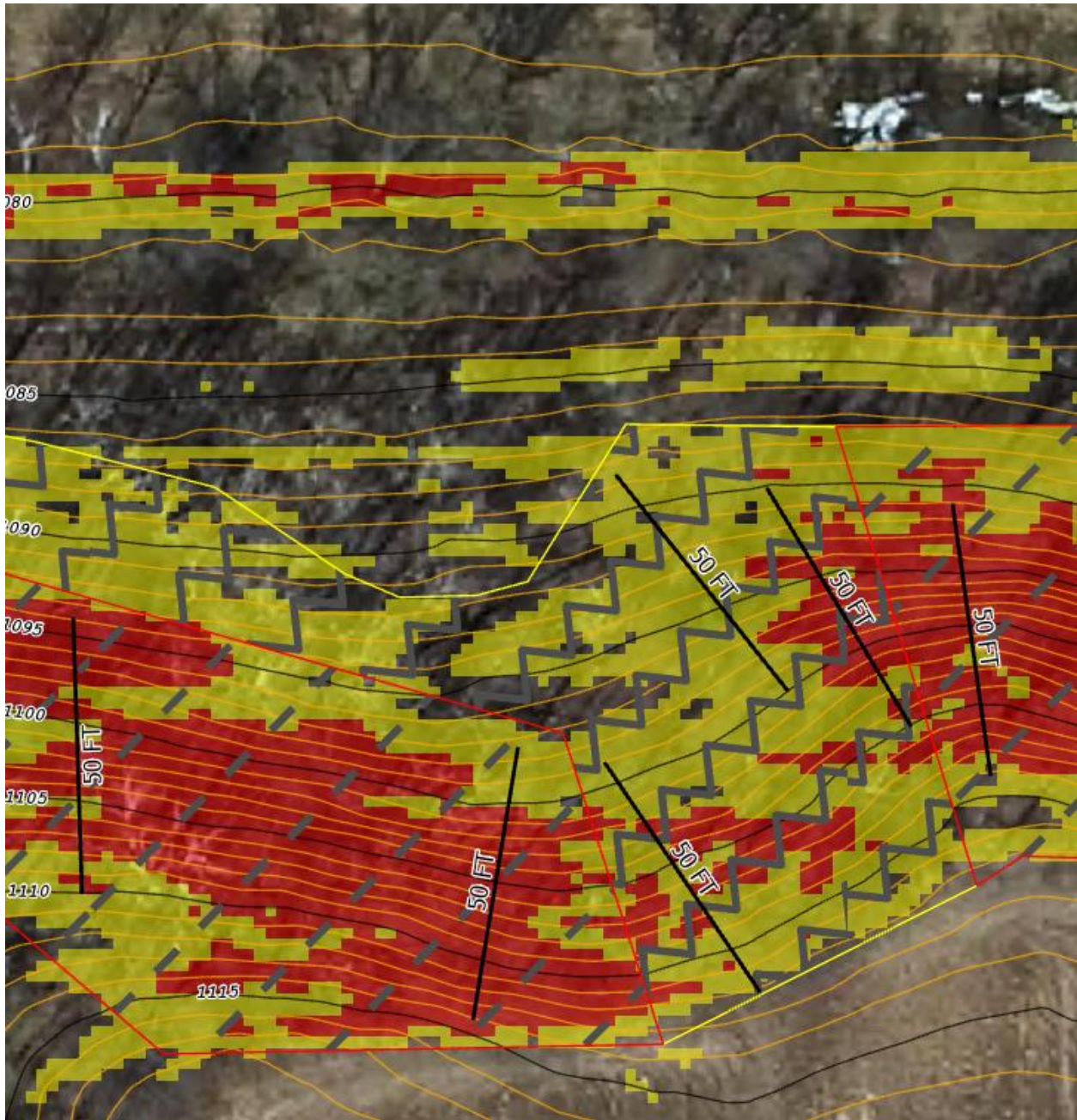
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2

3 Figure 4: The elevation change within the black lines drawn perpendicular to the contour lines
4 represent the 50ft horizontal distance used to calculate slope in percent. Areas that have slope
5 over 30% are shown by the dashed hatching. Areas with slope over 20% are shown with zig-zag
6 hatching. The digitally created slope colors do not have to be continuous for a slope to be
7 considered a steep slope in chapter 17.

8



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Figure 5: The elevation change within the black lines drawn perpendicular to the contour lines represent the 50ft horizontal distance used to calculate slope in percent. Areas that have slope over 30% are shown by the dashed hatching. Areas with slope over 20% are shown with zig-zag hatching. Hillsides can have multiple slope determinations.

1 SECTION 28. That Section 17.06.010 of the code be amended to read:

2
3 17.06.010 Authority. This ordinance is adopted by the county board under the authority
4 granted by Wis. Stats. §§ 59.693, 92.07(6), 92.07(15), 281.33 and Wis. Stat. ch 236.

5
6 SECTION 29. That Subsections B. & C. of Section 17.06.030 of the code be amended to
7 read:

8
9 a.B. Through this storm water permit process, this ordinance is intended to meet the
10 current post-construction storm water management regulatory requirements of Wis. Admin.
11 Code Subchapter III of NR 151 and ch. NR 216 on the effective date of this ordinance. Nothing
12 in this ordinance prevents the Wisconsin Department of Natural Resources (WDNR) from
13 adopting or enforcing more stringent storm water management requirements in future revisions
14 of Wis. Admin. Code.

15 b.C. Provisions have also been incorporated to coordinate the storm water permit
16 requirements of this ordinance with other county and town zoning and land division regulations.

17
18 SECTION 30. That paragraph 5. of Subsection B. and subparagraphs a. and h. of
19 paragraph 1. of Subsection C. of Section 17.06.070 of the code be amended to read:

20
21 5. A certified survey map or ~~a~~Any other land development activity that may
22 ultimately result in the addition of 0.5 acres or greater of impervious surfaces that did not exist
23 prior to December 19, 2006, including smaller individual sites that are part of a common plan of
24 development that may be constructed at different times.

25 C. Applicability Exemptions.

26 1. Exempt From All Requirements. Qualification for an exemption under
27 this chapter is subject to approval by the LCD and may require a more complete applicability
28 review, as identified under each item, before an exemption is granted. The following activities
29 shall be exempt from all of the requirements of this ordinance:

30 a. Land disturbing activities directly involved in the planting,
31 growing and harvesting of any plant grown for human or livestock consumption and pasturing
32 or yarding of livestock, including sod farms and tree nurseries. ~~This exemption does not apply~~
33 ~~to agricultural facility construction projects associated with construction of barns, barnyard~~
34 ~~runoff control systems, or other like facilities.~~ To recognize an exemption under this paragraph,
35 the LCD may require the applicant to provide a copy of the conservation plan and/or nutrient
36 management plan for the property.

37
38 h. Unless 17.06.070 B. 1, 2, ~~or 4,~~ or 5 are applicable, land disturbance
39 activity associated with construction of one and two-family dwellings pursuant to Title 15.

40
41 SECTION 31. That subparagraph e. of paragraph 2. of Subsection D. of Section 17.06.
42 070 be amended to read:

43
44 e. A copy of a recorded maintenance agreement in accordance with
45 17.06.~~430~~ 150 for all storm water management facilities constructed as part of the project.

1 SECTION 32. That (B) of iv. of subparagraph f. of paragraph 2. of Subsection D. of
2 Section 17.06.070 of the code be amended to read:

3
4 (B) A copy of the recorded maintenance agreement in
5 accordance with 17.06.430150, and any other easements or legal arrangement that may be
6 involved to ensure the long term maintenance of the offsite BMP(s);

7
8 SECTION 33. That Subsection A. of Section 17.06.080 of the code be amended to read:

9
10 A. Land disturbing or land development activities on 30% slopes and greater,
11 unless:

- 12 1. Exempted in ~~17.05.070~~ 17.06.070 C.; or
- 13 2. For activities that require public improvements; or
- 14 3. To correct a preexisting erosion problem.

15
16 SECTION 34. That Subsection A. of Section of Section 17.06.085 of the code be amended
17 to read.

18
19 A. Land disturbing or land development activities are prohibited in the following
20 areas unless otherwise stated:

21
22 SECTION 35. That subparagraph b. of paragraph 2. of Subsection A of Section 17.06.085
23 be amended to read:

24
25 b. 50 feet for highly susceptible wetlands, as determined by LCD.
26 Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low
27 prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow
28 marshes, deep marshes, and seasonally flooded basins. Wetland boundary delineations shall be
29 made in accordance with Wis. Admin. Code ch. NR 103 and performed by a certified wetland
30 delineator. This paragraph does not apply to wetlands that have been completely filled in
31 accordance with all applicable state and federal regulations. ~~The protective area for wetlands that~~
32 ~~have been partially filled in accordance with all applicable state and federal regulations.~~ The
33 protective area for wetlands that have been partially filled in accordance with all applicable state
34 and federal regulations shall be measured from the wetland boundary delineation after fill has
35 been placed.

36
37 SECTION 36. That paragraphs 3. and 4. of Subsection B. of Section 17.06.085 of the code
38 be amended to read:

39
40 3. No storm water BMP shall be installed that meets the definition of an
41 injection well under Wis. Admin. Code ch. NR ~~812~~815.

42 4. All storm water BMPs shall comply with the provision of any applicable
43 wellhead protection plan for a community water supply under Wis. Admin. Code ch. NR 811 and
44 Chapter 18.55230.

1 SECTION 37. That paragraph 1. of Subsection C. of Section 17.06.085 of the code be
2 amended to read:

3
4 C. Requirements. The following requirements shall be met for all land development
5 activity located within a protective area:

6 1. Impervious surfaces shall be kept out of the protective area, except for
7 boathouses and walkways authorized under Shoreland and Floodplain Zoning in ~~Title 20~~
8 Chapters 18.260 and 18.200. The erosion control plan shall contain a written site-specific
9 explanation for any parts of the protective area that are disturbed during construction.

10
11 SECTION 38. That paragraph 2. of Subsection D. of Section 17.06.085 of the code be
12 amended to read:

13
14 2. Structures constructed or placed on property in a shoreland setback area in
15 accordance with Wis. Stat. § 59.692(1v) and ~~Title 20~~Chapter 18.260; and

16
17 SECTION 39. That paragraph 4. of Subsection A. of Section 17.06.090 of the code be
18 amended to read:

19
20 4. A ~~double quadruple~~ permit fee shall be charged by the LCD at the
21 discretion of the planning and development department director if land development activity
22 requiring approval under 17.06.070 commences prior to obtaining a storm water permit. Such
23 ~~double quadruple~~ fee shall not release the responsible party from full compliance with this
24 chapter nor from prosecution for violation of this chapter.

25
26 SECTION 40. That Subsection A. of Section 17.06.095 of the code be amended to read:

27
28 A. In addition to an electronic copy, ~~five one hard copies~~ copy of the application
29 materials shall be submitted to the LCD. The following additional requirements apply for review
30 of applications under this ordinance:

31
32 SECTION 41. That subparagraphs b. and d. of paragraph 3. of Subsection A. of Section
33 17.06.095 of the code be amended to read:

34
35 b. If all requirements of this ordinance have been met through the
36 application, the LCD shall approve the application and issue a certification of compliance ~~permit~~.
37 If all requirements of this ordinance have not been met, the LCD shall state in writing the reasons
38 for disapproval.

39
40 d. Failure of the LCD to inform the applicant of missing information
41 or of a decision within 30 calendar days shall be deemed to mean approval of the application and
42 the applicant may proceed with the deed recording without the certification of compliance. ~~as if a~~
43 ~~permit had been issued.~~

44 SECTION 42. That subparagraph h. of paragraph 1. of Subsection C. of Section
45 17.06.100 of the code be amended to read:

46
47 h. Abandonment and site reclamation plans for sites in
48 accordance with 17.06.130 E.-14; and

1 SECTION 43. That Subsection D. of Section 17.06.100 of the code be created to
2 read:

3
4 D. Certification of Compliance for Final Plat or CSM.

5 1. Applicability. The LCD shall certify compliance with this section prior to
6 the County Zoning Administrator approving any final plat, and prior to the recording of any
7 certified survey map with the Eau Claire County Register of Deeds that meets one of the following:

8 a. The site may ultimately result in the addition of 0.5 acres or greater
9 of impervious surfaces, including smaller individual sites that are part of a common plan of
10 development; or

11 b. Is a subdivision plat; or

12 c. Includes the construction of any new public or private road; or

13 d. Other land development activities as identified by the LCD under

14 17.06.070 B.

15 2. Review Items. To obtain certification of compliance, the applicant shall
16 submit a final plat or CSM to the LCD for review. The LCD shall review submittals for compliance
17 with all of the following items based on preliminary or final site plans and storm water
18 management plans:

19 a. Location and size of drainage easements and other areas set aside
20 for storm water management, and the associated language describing use restrictions;

21 b. Setback requirements from wells, structures, steep slopes, wetlands,
22 road right-of-ways, and other items related to the location of storm water management facilities;

23 c. Location of access drives and associated easements and use
24 restrictions to ensure adequate access to storm water management facilities for future maintenance;

25 d. Utility easements as they may affect the grading and erosion control
26 plans;

27 e. The final maintenance agreement in accordance with 17.06.150 for
28 all storm water BMPs;

29 f. Groundwater elevation as it impacts stormwater and erosion control
30 options at the site; and

31 g. Other items that the LCD determines are necessary to achieve
32 compliance with this ordinance.

33 3. Review Process. Review procedures for certification of compliance for
34 final plat or CSM shall be as described in 17.06.095 A.3.

35
36 SECTION 44. That paragraphs 3. and 7. of Subsection A. of Section 17.06.110 of the code
37 be amended to read:

38
39 3. Plan Modifications. The LCD shall be notified of any modifications
40 proposed to be made to the approved plans. The LCD may require proposed changes to be
41 submitted for review prior to incorporation into the approved plans or prior to implementation.
42 No modifications may be made during plan implementation without prior approval by both the
43 project engineer, as identified under ~~17.06.090 A. 6.,~~ 17.06.130 B.6. and the LCD representative.

44 7. Inspection Log. The permit holder shall provide a qualified professional to
45 conduct inspections and maintain an inspection log for the site. All best management practices
46 shall be inspected within 24 hours after each rain event of 0.5 inch or more that results in runoff,
47 or at least once each week. The inspection log shall include the name of the inspector, the date
48 and time of inspection, a description of the present phase of construction, the findings of the
49 inspection, including an assessment of the condition of erosion and sediment control measures

1 and the installation of storm water management BMPs, and any action needed or taken to comply
2 with this ordinance. The inspection log shall also include a record of BMP maintenance and
3 repairs conducted. A WDNR inspection log is acceptable.

4
5 SECTION 45. That paragraph 3. of Subsection C. of Section 17.06.110 of the code be
6 amended to read:

7
8 3. Design Summaries. Any changes noted in the as-built survey or final
9 design data compared to the design summaries approved with the final storm water management
10 plans shall be documented and resubmitted to the LCD as part of the verification under
11 ~~17.05.110 C. 2.~~ 17.06.110 C.2.

12
13 SECTION 46. That paragraphs 12. and 13. of Subsection B. of Section 17.06.130 of the
14 code be amended to read:

15
16 12. Boundaries of shoreland zones and the ordinary high water mark
17 (OHWM) for any navigable water body as defined by ~~Title 20 Chapter 18.260~~, Eau Claire County
18 Shoreland Protection Overlay District. For final land divisions, the OHWM boundaries shall be
19 field verified;

20 13. Boundaries and elevation of the 100 year floodplains, flood fringes and
21 floodways, as defined by Chapter ~~18.2018.200~~, Eau Claire County Floodplain Overlay District.
22 For final land divisions, these boundaries and elevations shall be field verified;

23
24 SECTION 47. That paragraphs 1. Through 3. of Subsection C. of Section 17.06.130 of
25 the code be amended to read:

26
27 1. Maintenance of Effort. For redevelopment sites where the redevelopment
28 will be replacing older development that was subject to post-construction performance standards
29 of NR 151 and Eau Claire County Stormwater Management Ordinance in effect on or after
30 December 19, 2006, the responsible party shall meet the peak discharge control, total suspended
31 solids reduction, infiltration, and protective areas standards applicable to the older development
32 or meet the redevelopment standards of this ordinance, whichever is more stringent.

33 ~~1.2.~~ Peak Discharge.

34 a. Minimum requirement. To minimize downstream bank erosion and
35 the failure of downstream conveyance systems, the calculated post development peak storm water
36 discharge rate shall not exceed the calculated predevelopment discharge rates for the 2-year, 10-
37 year, 25-year, and 100-year, 24-hour design storms. Modeling requirements for this provision are
38 further described in ~~17.06.120.17.06.140.~~

39 b. Release Rate Per Acre. The LCD may establish a maximum
40 allowable release rate on a per acre basis based on site conditions and/or proximity to
41 exceptional water resources or environmentally sensitive areas.

42 c. Peak Discharge Exemptions. Certain sites or portions of sites may
43 be exempted from the peak discharge requirements of this subsection in accordance with
44 ~~17.05.070 D.~~ 17.06.070 C. This subsection does not apply to a redevelopment site with no
45 increase in impervious surface area.

46 ~~2.3.~~ Total Suspended Solids.

47 a. By design, each storm water management plan shall meet the
48 following post-development total suspended solids (TSS) reduction targets, based on average
49 annual rainfalls, as compared to no runoff management controls:

- i. — For new land development, 80% reduction in total suspended solids load;
- ii. — For redevelopment, 40% reduction of total suspended solids load;
- iii. — For in-fill development that occurs prior to October 1, 2012, 40 % reduction total suspended solids load;
- iv. — For infill development that occurs after October 1, 2012, 80% reduction of total suspended solids load.

Table 1: TSS Reduction Standards

| Development Type | TSS Reduction |
|---------------------|--|
| New Development | 80% |
| In-fill Development | 80% |
| Redevelopment | 40% of load from parking areas and roads |

3.4. Infiltration.

a. — BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following requirements, except as otherwise provided herein.

i. — For development up to 40% Connected Imperviousness, such as parks, cemeteries, and low density residential development. Practices shall be designed to infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the site is required to be used as an effective infiltration area.

ii. — For development with more than 40% and up to 80% Connected Imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks. Practices shall be designed to infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the site is required to be used as an effective infiltration area.

iii. — For development with more than 80% Connected Imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns. Practices shall be designed to infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the site is required to be used as an effective infiltration area.

a. — ~~Residential. For residential developments no more than 1% of the project site is required as an effective infiltration area and one of the following shall be met:~~

~~i. — Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90% of the predevelopment infiltration volume, based on an average annual rainfall.~~

~~ii. — Infiltrate 25% of the post-development runoff volume from the 2year, 24hour design storm with a type II distribution. Separate runoff curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, not composite curve numbers, as prescribed in 17.06.140.~~

~~b. — Nonresidential. For nonresidential development, (including commercial, industrial and institutional development), no more than 2% of the project site is required as an effective infiltration area and one of the following shall be met:~~

1 i. ~~Infiltrate sufficient runoff volume so that the post-~~
2 ~~development infiltration volume shall be at least 60% of the predevelopment infiltration volume,~~
3 ~~based on an average annual rainfall.~~

4 ii. ~~Infiltrate 10% of the post development runoff volume from~~
5 ~~the 2year, 24hour design storm. Separate curve numbers for pervious and impervious surfaces~~
6 ~~shall be used to calculate runoff volumes, not composite curve numbers, as defined in TR55.~~

7 e.b. Modeling. Refer to 17.06.140 A. for details on calculating runoff
8 volumes and predevelopment conditions.

9 e.c. Pretreatment. Pretreatment shall be required before infiltrating
10 parking lot and road runoff from nonresidential areas. The pretreatment shall be designed to
11 protect the infiltration system from clogging prior to scheduled maintenance and to protect
12 groundwater quality in accordance with 17.06.085 B. Pretreatment options may include, but are
13 not limited to, oil/grease separators, separator plates, sedimentation or bioretention basins,
14 filtration swales or filter strips. All designs shall comply with the technical standards in
15 17.05.140 B.

16 e.d. Infiltration Exclusions. Infiltration of runoff shall not be credited
17 toward meeting the requirements of this subsection for the following land uses:

18 i. Infiltration of runoff from outdoor material storage and
19 loading docks for tier 1 and tier 2 industrial facilities, as identified in Wis. Admin. Code ch. NR
20 216 (2).

21 ii. Infiltration of runoff from fueling and vehicle maintenance
22 areas, not including rooftops and canopies.

23 iii. Infiltration of runoff within 1,000 feet upgradient or within
24 100 feet downgradient of karst features or other direct conduit to groundwater.

25 iv. Infiltration of runoff from any area except for infiltration of
26 runoff derived from areas contributing clean runoff as defined in 17.05.060, into locations with
27 less than three feet separation distance from the top of the filtering layer to the elevation of
28 seasonal high groundwater or the top of bedrock.

29 v. Infiltration of runoff from nonresidential parking lots,
30 roads, and residential arterial roads with less than five feet separation distance from top of the
31 filtering layer to the elevation of seasonal high groundwater or the top of bedrock.

32 vi. Areas within 400 feet of a community water system well as
33 specified in Wis. Admin. Code ch. NR 216.47(4), or within 100 feet of a private well as specified
34 in Wis. Admin. Code ch. NR 812.08(4), for runoff infiltrated from nonresidential land uses or
35 regional devices for residential development, not including infiltration of runoff derived from
36 areas contributing clean runoff.

37 vii. Areas where contaminants of concern, as defined in Wis.
38 Admin. Code ch NR720.03(2), are present in the soil through which infiltration will occur.

39 e.e. Infiltration Exemptions. These infiltration requirements do not
40 apply to frozen soil conditions. The administrative waiver process, as outlined in 17.06.070 D.
41 may be utilized if soils have a measured infiltration rate of less than 0.6 inches per hour and the
42 LCD determines it would be impracticable to modify existing soil conditions.

43 e.f. Alternate runoff uses. Where storage and reuse of runoff are
44 employed, such as to support green roofs, landscape watering, toilet flushing, laundry or
45 irrigation, such alternate uses shall be given equal credit toward the infiltration volume required
46 by this section. Such activities must also comply with all other local, state, and federal laws.

47 e.g. Permanent Land Protection. Sites may choose to offset their
48 impacts to the ecosystem, groundwater recharge/infiltration capabilities, watershed hydrologic

1 patterns, and landscape by permanently protecting lands within the drainage area, as identified
2 on the site map submitted under ~~17.06.110 B.~~ 17.06.130 B.
3

4 SECTION 48. That subparagraph f. of paragraph 5. of Subsection C. of Section
5 17.06.130 of the code be amended to read:
6

7 f. Storm sewers. All storm sewers shall be designed in accordance
8 with applicable community technical standards and specifications as well as any agreements or
9 contracts that may be in effect. Storm sewers shall be designed and adequately sized so as to
10 protect the properties receiving runoff from impacts of flooding and erosion.
11

12 SECTION 49. That paragraph 6. of Subsection C. of Section 17.06.130 of the code be
13 amended to read:
14

15 ~~6.D.~~ Additional Requirements. The LCD may establish more stringent requirements
16 than the minimums set forth in this section, such as addressing thermal impacts of storm water
17 or chronic wetness conditions, if the LCD determines that an added level of protection is
18 needed to protect:

- 19 ~~a.1.~~ An outstanding resource water (ORW) or exceptional resource water
20 (ERW), as identified under Wis. Admin ch. NR102, Stat. § 281.15;
21 ~~b.2.~~ A cold water stream;
22 ~~c.3.~~ An environmentally sensitive area;
23 ~~d.4.~~ A downstream property;
24 ~~e.5.~~ Public health or safety
25 ~~f. 6.~~ An impaired water and meet its associated Total Maximum Daily Load,
26 where applicable, as identified in Wis. Stat. § 283.13 (5) and adopted pursuant to 33 U.S.C. §
27 1313.
28 ~~g.7.~~ Receiving Storm Sewer System infrastructure.
29

30 SECTION 50. That paragraphs 4. and 5. of Subsection C. of Section 17.06.130 of the
31 code be renumbered to 5. and 6.
32

33 SECTION 51. That paragraph 7. of Subsection E. and i. of subparagraph 12. of
34 Subsection C. of Section 17.06.130 of the code be amended to read:
35

36 7. Location, dimensions and surfacing material or soils data of proposed
37 access lanes and delineation of easements needed to allow future maintenance of all storm water
38 BMPs in accordance with ~~17.06.130~~ 17.06.150. The minimum width of any access easement shall
39 be 15 feet;

40 i. Cost estimates for the installation of proposed erosion control and
41 storm water BMPs, which shall serve as a basis for the financial assurance under 17.06.110 B.
42 The applicant may use average costs for BMP installations in the county rather than specific
43 estimates, upon approval by the LCD.
44

45 SECTION 52. That Subsections D. & E. be relettered to E. and F. of Section 17.06.130
46 of the code.
47

SECTION 53. That subparagraph d. of paragraph 1. of Subsection A. of Section 17.06.140 of the code be amended to read:

d. HydroCAD and other similar modeling software may be used only if the components incorporated therein comply with all other requirements outlined in ~~17.06.120~~17.06.140.

SECTION 54. That paragraphs 2., 3. and 5. of Subsection A. of Section 17.06.140 of the code be amended to read:

2. Rainfall depths. To determine compliance with this ordinance, the following design storm rainfall depths shall be used, which are derived from NRCS publications and extrapolated for Eau Claire County:

Table 2: Rainfall Depth per Design Storm for Eau Claire County

| | | | | | |
|----------------|-------------------|-------------------|--------------------|--------------------|---------------------|
| Design Storm | 1-year 24 hour | 2-year 24 hour | 10-year 24 hour | 25-year 24 hour | 100-year 24 hour |
| Rainfall Depth | <u>2.46</u> | <u>2.83</u> | <u>4.2-4.10</u> | <u>4.7-5.03</u> | <u>6.0-6.65</u> |

Note: The above noted rainfall depths are used in NRCS runoff modeling methodology and are based on Volume 8 of Atlas 14, published by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, 2013.

3. Runoff curve numbers. All computations of predevelopment conditions as specified in this ordinance shall use those NRCS runoff curve numbers assigned for a "good" hydrologic condition for each land cover type. For lands where the predevelopment land use was cropland, grassland/meadow, or woodland the following NRCS curve number values shall be used as maximums:

| Pre-development Land Use Soil Hydrologic Group | <u>Hydrologic Soil Group (letter) / Maximum Runoff Curve Number</u> | | | |
|--|---|-------------|-------------|-----------|
| | A | B | C | D |
| <u>Cropland NRCS Runoff Curve Number</u> | <u>5655</u> | <u>7069</u> | <u>7978</u> | 83 |
| <u>Grassland/Meadow</u> | <u>39</u> | <u>61</u> | <u>71</u> | <u>78</u> |
| <u>Woodland</u> | <u>30</u> | <u>55</u> | <u>70</u> | <u>77</u> |

5. Rainfall distribution. All peak flow calculations shall use MSE3 Type II rainfall distribution patterns, as defined in NRCS methodologies.

SECTION 55. That paragraph 2. of Subsection A. of Section 17.06.170 of the code be amended to read:

2. Failing to apply for a LCD preliminary storm water review letter in accordance with ~~17.06.080 B.~~ 17.06.100 B. of this ordinance.

1 ENACTED:

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Committee on Planning & Development
VOTE: _____ Aye _____ Nay

Land Conservation Commission

VOTE: _____ Aye _____ Nay

yk

Dated this _____ day of _____, 2024.