

TITLE 17 – SUMMARY OF PROPOSED CHANGES

TO FILE NO. 24-25/001

Eau Claire County Land Conservation Division has proposed updated changes to Chapter 17.05 Erosion Control and Chapter 17.06 Storm Water Management ordinances. Wis. Admin Code ch. NR 151 was updated in 2011. The proposed changes in Chapters 17.05 and 17.06 bring them into compliance with the current NR 151 performance standards. The changes also amend incorrect section references and other minor clarifications.

The following revisions and additions are being proposed.

17.05 Erosion Control

17.05.010 Authority

- Added Wis. Stats. §281.33.
- No other changes.

17.05.030 Purpose

- Minor renumbering.

17.05.040 Administration

- No change.

17.05.060 Definitions

- Added a definition for “agricultural facilities and practices.”
- Added a definition for “average annual rainfall.”
- Added a definition for “connected imperviousness.”
- Updated storm distribution and cross reference in the “design storm” definition.
- Updated the definition for “groundwater recharge areas.”
- Corrected cross reference in the “nonmetallic mining” definition.
- Added a definition for “pervious surface.”
- Added a definition for “post-construction site.”
- Added a definition for “post-development site.”
- Added a definition for “pre-development site.”
- Added a definition for “qualified professional.”
- Updated the definition for “redevelopment” to be consistent with NR 151.
- Added a definition for “separate storm sewer.”
- Updated the definition for “steep slope.”
- Updated the definition for “storm water” by removing “process water” as part of the definition.

- Corrected cross reference in “subdivision” definition.
- Renumbered as needed.
- No other changes.

17.05.070 Applicability and Exemptions

- A. Applicability
 - Combined large (1+ acres) and small site (4,000 ft² – 1 acre) permits to just one permit that covers sites 4,000 ft² and larger.
- B and C – minor grammar corrections.
- D.2.c. Exempt from Certain Requirements
 - Non-metallic mining reclamation plans permitted under Chapter 18.250 were added as exemptions from erosion control permits to limit sites from having multiple Eau Claire County permits. Non-metallic mining reclamation plans are permitted under Chapter 18.250 which require an erosion control plan meeting the requirements of Chapter 17.05.
- No other changes.

17.05.080 Prohibited Activities

- No change.

17.05.085 Protective Areas

- B.2. Corrected cross reference.
- B.3. Corrected cross reference.
- C.1. Corrected cross references.
- D.2. Corrected cross reference.
- No other changes.

17.05.090 Fees

- Updated the after the fact permit fee from a double fee to a quadruple fee.
- No other changes.

17.05.095 Application Review Process

- A. Updated five hard copies to one hard copy.
- Removed section B. “Preliminary Erosion Control Review Letter”. It was an unnecessary burden for the applicant and reviewer.
- Renumbered as needed.
- No other changes.

17.05.100 Erosion Control Plan Requirements

- A. General Erosion Control Plan Requirements and Performance Standards. Updated to meet current NR 151 standards.

- B.11. Added requirements to control concrete truck washout.
- B.12 Added a requirement for erosion control measures for concrete truck washout and other chemicals.
- B.14 Updated final site stabilization requirements.
- Removed section C. “Preliminary Erosion Control Plan Contents”.
- Removed references to “small site” and “large site” since they have been combined into one permit application.
- C.2.b.xiii. Corrected cross reference.
- Added section C.3. Sites that Only Include Clearing and Grubbing. This allows land disturbing activities that only involve clearing and grubbing to apply for an erosion control permit with a simplified application submittal.
- Renumbered as needed.
- No other changes.

17.05.110 Application Requirements

- Updated cross references.

17.05.150 Enforcement

- Removed A.2.
- Renumbered as needed.
- No other changes.

Appendix A

- Added Appendix A and Figures 1 through 5.

17.06 Stormwater Management

17.06.010 Authority.

- Added Wis. Stats. §281.33.
- No other changes.

17.06.030 Purpose.

- B. Added Wis. Admin. Code NR 151 as a regulatory requirement for storm water management. Added the acronym, WDNR, for the Wisconsin Department of Natural Resources.
- No other changes.

17.06.060 Definitions.

- See 17.05 changes. Definitions relating to storm water management were added.
- No other changes.

17.06.070 Applicability and Exemptions.

- B. Storm Water Management Applicability
 - B.5. "A certified survey map" was added to applicability.
 - B.5. The date of December 19, 2006 was added to define existing impervious area. Existing impervious area is excluded from storm water management requirements.
- C. Applicability Exemptions
 - C.1.a. "This exemption does not apply to agricultural facility construction projects associated with construction of barns, barnyard runoff control systems, or other like facilities" was removed. These facilities are covered under Chapter 17.04.
 - C.1.h. Added reference 17.06.070 B.5.
- D. Administrative Waiver Process
 - D.2.e. Corrected cross reference.
 - D.2.f.iv.(B). corrected cross reference.
- No other changes.

17.06.080 Prohibited Activities

- A. Added "Land disturbing activities" as a prohibited activity on 30% slopes and greater.
- A.1. Corrected cross reference.
- No other changes.

17.06.085 Protective Areas

- A. Added "Land disturbing activities" as a prohibited activity in protective areas.
- A.2.b. Removed a repetitive and incomplete sentence.
- B.3. Corrected the cross reference.
- B.4. Corrected the cross reference.
- C.1. Corrected the Shoreland and Floodplain Zoning cross references.
- D.2. Corrected the cross reference.
- No other changes.

17.06.090 Fees

- Updated the after the fact permit fee from a double fee to a quadruple fee.
- No other changes.

17.06.095 Application Review Process

- A. Updated five hard copies to one hard copy.
- A.3.b., the text was updated to issue a "certification of compliance" instead of a "permit."
- A.3.d., the text was updated to read "...the applicant may proceed with the deed recording without the certification of compliance."
- No other changes.

17.06.100 Storm Water Permit Processes, Land Divisions and Zoning.

- Added Section “D. Certification of Compliance for Final Plat or CSM”. This section was referenced numerous times throughout the ordinance, but it did not exist in the ordinance. The section was included in the 2014 version of the ordinance but was excluded when 17.05 and 17.06 were created in 2015.
- No other changes.

17.06.110 Storm Water Permit Requirements.

- A.3. corrected cross reference.
- A.7. “W” was added to “DNR”.
- C.3. corrected cross reference.
- No other changes.

17.06.130 Storm Water Management Plan Requirements.

- B.12. corrected shoreland overlay cross reference.
- B.13. corrected cross reference.
- C. Specific Storm Water Management Plan Requirements and Performance Standards
 - Added Section 1 “Maintenance of Effort.”
 - 2.a. Corrected cross reference.
 - 2.c. Peak Discharge Exemptions. Added “redevelopment sites with no increase in impervious surface area” as an exempt activity.
 - 3. Total Suspended Solids. Updated the performance standards to meet the current NR 151 performance standards.
 - 4. Infiltration. Updated the performance standards to meet the current NR 151 performance standards.
 - 4.g. corrected cross reference.
 - 5.f. Added “storm sewers shall be designed and adequately sized so as to protect the properties receiving runoff from impacts of flooding and erosion.”
- D. corrected cross reference and renumbered as needed.
- F.7. corrected cross reference.
- F.12.i. updated the cost estimates for financial assurance to include erosion control BMPs along with stormwater BMPs.
- Renumbered as needed.
- No other changes.

17.06.140 Technical Standards and Specifications.

- A. Hydrologic and Hydraulic Computations
 - A.1.d. corrected cross reference.
 - A.2. Updated rainfall depths to current NOAA Atlas 14 rainfall depths.
 - A.3. Updated the maximum pre-development runoff curve numbers to match NR 151. Grassland/Meadow and Woodland landuses were added to the table.

- A.5. Updated the rainfall distribution from Type II to MSE3 to meet current NOAA Atlas 14 standards.
- Renumbered as needed.
- No other changes.

17.06.170 Enforcement.

- A.2. corrected cross reference.
- No other changes.