

TO AMEND SECTION 17.05.010 OF THE CODE: AUTHORITY; TO AMEND SECTION 17.05.030 A. 3.a. AND b. OF THE CODE: PURPOSE; TO AMEND SECTION 17.05.060 OF THE CODE: DEFINITIONS; TO AMEND SECTION 17.05.070 A. OF THE CODE: APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.05.070 B. OF THE CODE: APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.05.070 C. OF THE CODE: APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.05.070 D. 1. B. ii. OF THE CODE: APPLICABILITY AND EXEMPTIONS; TO CREATE SECTION 17.05.070 D. 2. c. OF THE CODE: APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.080 A. OF THE CODE: PROHIBITED ACTIVITIES; TO AMEND SECTION 17.05.085 B. 2., 3. AND 4. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.05.085 C. 1. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.05.085 D. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.05.090 A. 4. OF THE CODE: FEES; TO AMEND SECTION 17.05.095 A. B. AND C. OF THE CODE: APPLICATION REVIEW PROCESSES; TO RELETTER SECTION 17.05.095 D. AND E. TO C. AND D. OF THE CODE: APPLICATION REVIEW PROCESSES; TO AMEND SECTION 17.05.100 A. 1., 2., 3. & 4. AND B. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO AMEND SECTION 17.05.100 B. 8., 11., 12., 14., AND 17 OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO REPEAL SECTION 17.05.100 C. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO AMEND SECTION 17.05.100 D. 1. a. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO AMEND SECTION 17.05.100 C. 2. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO AMEND SECTION 17.05.100 C. 2. b. xiii. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO RENUMBER SECTION 17.05.100 C. 3. TO 4. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO CREATE SECTION 17.05.100 C. 3. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO RELETTER SECTION 17.05.100 E. TO D. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO AMEND SECTION 17.05.110 A. 12 AND 13. OF THE CODE: APPLICATION REQUIREMENTS; TO AMEND SECTION 17.05.120 A. 2. OF THE CODE: TECHNICAL STANDARDS AND SPECIFICATIONS; TO AMEND SECTION 17.05.150 A. 2. OF THE CODE: ENFORCEMENT; TO CREATE APPENDIX A OF CHAPTER 17.05 OF THE CODE: EROSION CONTROL; TO AMEND SECTION 17.06.020 OF THE CODE: FINDINGS; TO AMEND SECTION 17.06.030 B. AND C. OF THE CODE: PURPOSE; TO AMEND SECTION 17.06.070 B.5 AND C.1.a AND h. OF THE CODE: APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.06.070 D. 2.e. OF THE CODE: APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.06.070 D. 2. f. iv.(B) OF THE CODE: APPLICABILITY AND EXEMPTIONS; TO AMEND SECTION 17.06.080 A. OF THE CODE: PROHIBITED ACTIVITIES; TO AMEND SECTION 17.06.085 A. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.06.085 A.2.b OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.06.085 B. 3. AND 4. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.06.085 C. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.06.085 D.2 OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.06.090 A.4. OF THE CODE: FEES; TO AMEND SECTION 17.06.095 OF THE CODE: APPLICATION REVIEW PROCESS; TO AMEND SECTION 17.06.095 A.3.b AND d. OF THE CODE: APPLICATION REVIEW PROCESS; TO AMEND SECTION 17.06.100 C.1.h. OF THE CODE: STORM WATER PERMIT PROCESSES, LAND DIVISIONS AND ZONING; TO CREATE SECTION 17.06.100 D. OF THE CODE: STORM WATER PERMIT PROCESSES, LAND DIVISIONS AND ZONING; TO AMEND SECTION 17.06.110 A. 3. AND 7. OF THE CODE: STORMWATER PERMIT REQUIREMENTS; TO

AMEND SECTION 17.06.110 C. 3 OF THE CODE: STORMWATER PERMIT REQUIREMENTS; TO AMEND SECTION 17.06.130 B. 12. AND 13. OF THE CODE: STORM WATER MANAGEMENT PLAN REQUIREMENTS; TO AMEND SECTION 17.06.130 C. 1. THROUGH 3. OF THE CODE: STORM WATER MANAGEMENT PLAN REQUIREMENTS; TO AMEND SECTION 17.06.130 C. 5.f. OF THE CODE: STORM WATER MANAGEMENT PLAN REQUIREMENTS; TO AMEND SECTION 17.06.130 C.6. OF THE CODE: STORM WATER MANAGEMENT PLAN REQUIREMENTS; TO RENUMBER SECTION 17.06.130 C. 4. AND 5. TO 5. AND 6. OF THE CODE: STORM WATER MANAGEMENT PLAN REQUIREMENTS; TO AMEND SECTION 17.06.130 C.12.i. AND E.7 OF THE CODE: STORM WATER MANAGEMENT PLAN REQUIREMENTS; TO RELETTER SECTION 17.06.130 D. AND E. TO E. AND F. OF THE CODE: STORM WATER MANAGEMENT PLAN REQUIREMENTS; TO AMEND SECTION 17.06.140 A.1.d. OF THE CODE: TECHNICAL STANDARDS AND SPECIFICATIONS; TO AMEND SECTION 17.06.140 A. 2.,3., AND 5., OF THE CODE: TECHNICAL STANDARDS AND SPECIFICATIONS; TO AMEND SECTION 17.06.170 A.2. OF THE CODE: ENFORCEMENT

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

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

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

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

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

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

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

17.05.060 Definitions.

A. The following definitions shall apply in this chapter:

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

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

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

a. In the case of a corporation, by a principal executive officer of at 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.

b. In the case of a limited liability company, by a member or manager.

c. In the case of a partnership, by the general partner.

d. In the case of a sole proprietorship, by the proprietor.

e. For a unit of government, by a principal executive officer, ranking elected official or other duly authorized representative.

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

~~3.~~5. “Best management practice” (or “BMP”) means structural and nonstructural measures, practices, techniques or devices employed to avoid or minimize sediment or other pollutants carried in runoff.

~~4.~~6. “Clean runoff” means that runoff which is derived from relatively uncontaminated sources which may include, but is not limited to: uncontaminated ground water, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.

~~5.~~7. “Common plan of development” means all lands included within the boundary of a certified survey map or subdivision plat created for the purpose of development or sale of property where integrated, multiple, separate and distinct land developing activity may take place at different times by future owners.

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

~~6.~~9. “Conservation Plan” means a plan outlining the planting, growing, and harvesting of agricultural crops and other associated land uses which meet the state’s soil and water conservation standards contained within Wis. Admin. Code ch. ATPC 50 and Wis. Admin. Code ch. NR 151.

~~7.~~10. “County mapping standards” means Eau Claire County’s mapping standards conform to National Map Accuracy Standards (NMAS) of the United States Geological Survey (USGS). The geodetic referenced is to the Eau Claire County Coordinate System which is directly relatable to the Wisconsin State Plane Coordinate System, Central South Zone, North American Datum 1983(91) (NAD 83(91) and North American Vertical Datum of 1988 (NAVD 88).

~~8.~~11. ~~OBJ:~~ “County zoning administrator” means the ~~Supervisor~~ manager of the Eau Claire County Department of Planning and Development, Land Use Controls Division, or designee.

~~9.~~12. “County committee on planning and development” means the zoning agency of Eau Claire County as defined under Wis. Stat. § 59.69 (2)(a).

~~10.~~13. “Design storm” means a hypothetical depth of rainfall that would occur for the stated return frequency (i.e. once every 2 years or 10 years), duration (i.e 24 hours) and timing of distribution (e.g. ~~type HMSE3~~). All values are based on the historical rainfall records for the area. Design storms used in this ordinance are summarized in ~~17.06.120~~ 17.06.140.

~~11.~~14. “Dewatering” means the removal of trapped water from a construction site to allow land development or utility installation activities to occur.

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

~~13.~~15. “Effective infiltration area” means the area of the infiltration system that is used exclusively to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

~~14.~~16. “Environmentally sensitive area” means any area that, due to the natural resources present or the lack of filtering capacity, is more susceptible to the adverse impacts of sediment and other pollutants associated with erosion and urban runoff. Examples include

environmental corridors, slopes of 20% and greater, direct hydrologic connections to lakes, streams, wetlands, groundwater or other water resources, or very coarse or shallow soils above groundwater or bedrock.

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

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

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

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

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

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

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

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

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

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

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

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

26.29. “Infiltration system(s)” means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or

minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

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

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

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

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

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

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

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

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

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

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

- a. A plan required under Wis. Admin. Code §§ ATCP 50.04 (3) or 50.62 (5) (f); or
- b. A farm nutrient plan prepared or approved, for a landowner, by a qualified nutrient management planner.

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

~~38-41.~~ Ordinary high-water mark (OHWM)” has the meaning given in Wis. Admin. Code ch. NR 115.

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

~~39-43.~~ “Planned land use” means the land use designated in the latest version of the Eau Claire County land use plan.

~~40-44.~~ “Plat” means a map of a proposed condominium or subdivision.

~~41-45.~~ “Pollutant” has the meaning as defined in Wis. Stat. § 283.01 (13).

~~42-46.~~ “Pollution” has the meaning as defined in Wis. Stat. § 283.01 (14).

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

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

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

~~43-50.~~ “Preliminary plat” means a map showing the salient features of a proposed condominium or subdivision submitted to an approving authority for purposes of preliminary consideration.

~~44-51.~~ “Preventive action limit” means a numerical value expressing the concentration of a substance in groundwater which is adopted under Wis. Stat. § 160.15 and Wis. Admin Code ch. NR 140.

~~45-52.~~ “Process Water” or “Process Wastewater” includes any water used in noncontact cooling water (NCCW), mine dewatering, scrubber water, dust suppression, wash water, flotation process wastewater, wet process water, or any other water conveyed or used on site.

~~46-53.~~ “Protective areas” means an area of land that commences at the top of the channel of lakes, streams, and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, for purposes of this Chapter, “protective area” does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

~~47-54.~~ “Publicly funded development” means a land development, such as a public road or municipal building that is being funded solely by a unit of government. It does not include new roads or other structures built with private funds, or a combination of public and private funds, and subsequently dedicated to a unit of government.

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

~~48-56.~~ “Redevelopment” means ~~land development that replaces previous land development of similar impervious conditions~~ areas where development is replacing older development.

~~49-57.~~ “Regional storm water management plan” means a planning document, adopted by a local unit of government, that coordinates storm water management activities for an entire drainage area or watershed, including future land development activities within the watershed. The plan may prescribe the use of BMPs for individual development sites and for selected points or phases within the drainage area to meet the goals and objectives of the plan.

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

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

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

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

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

- a. Is designed or used for collecting water or conveying runoff.
- b. Is not part of a combined sewer system.
- c. Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- d. Discharges directly or indirectly to waters of the state.

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

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

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

~~57.66.~~ “Steep Slope” means naturally occurring areas with slopes 20% or greater. For purposes of this ordinance, slope shall be measured as the change in elevation over a horizontal distance of 50 feet perpendicular to consecutive contour lines and expressed as a percentage. See Figures 1 through 5 in Appendix A for examples of slope measurements. ~~20% or greater. For the purpose of application of these regulations, slope shall be measured over a horizontal distance of 50 feet parallel to the direction of the existing slope and within the proposed “land disturbing activity”. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. Modeling software, where used, shall be adjusted to account for large areas with steep slopes.~~

~~58.67.~~ “Storm drainage system” means a publicly owned facility by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and manmade or altered drainage channels, reservoirs, and other drainage structures.

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

~~60.69.~~ “Storm water BMP” means any best management practice that is designed to collect or manage the quantity or quality of storm water runoff for an indefinite time period.

This term is a subset of the term “best management practice” and distinct in that they require long term maintenance. Some examples include, but are not limited to: wet or dry detention basin, infiltration trench or basin, bioretention basin, stilling basin, green roof, filter strip, artificial wetland or any combination of these or other permanent storm water management practices, as determined by the LCD.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. That Subsection A. of Section 17.05.080 of the code be amended to read:

A. Land disturbance activities on 30% slopes and greater (see example slope calculation figures in Appendix A), unless:

SECTION 9. That subparagraphs c. of paragraph 2. of Subsection D. of Section 17.05.085 of the code be created to read:

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

SECTION 10. That paragraphs 2., 3. and 4. of Subsection B. of Section 17.05.085 of the code be amended to read:

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

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

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

SECTION 11. That paragraph 1. of Subsection C. of Section 17.05.085 of the code be amended to read:

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

SECTION 12. That Subsection D. of Section 17.05.085 of the code be amended to read:

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

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

SECTION 13. That paragraph 4. of Subsection A. of Section 17.05.090 of the code be amended to read:

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

SECTION 14. That Subsections A., B., and C. of Section 17.05.095 of the code be amended to read:

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

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

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

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

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

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

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

~~b. Disapprove the application.~~

~~5. An extension may be approved by written mutual consent. Application and issuance of a preliminary erosion control review letter for a project that is reviewed in conjunction with a storm water permit application for the same site will follow the procedures as~~

~~outlined in 17.06.080 B. Issuance of a preliminary storm water plan review letter will encompass issuance of the preliminary erosion control review letter and a separate notification will not be issued for the erosion control portion.~~

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

SECTION 15. That Subsections D. & E. of Section 17.05.095 of the code be relettered to C. & D.

SECTION 16. That paragraphs 1., 2., 3., and 4. of Subsection A. and Subsection B. of Section 17.05.100 of the code be amended to read:

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

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

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

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

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

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

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

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

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

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

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

8. Overland Flow. Trap sediment in overland flow before discharge from the

site using BMPs such as silt fence, vegetative filter strips, or temporary sediment ponds.

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

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

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

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

SECTION 18. That Subsection C. of Section 17.05.100 of the code be repealed.

SECTION 19. That subparagraph a. of paragraph 1. of Subsection D. of Section 17.05.100 of the code be amended to read:

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

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

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

SECTION 20. That paragraph 2. of Section C. of Section 17.05.100 of the code be amended to read:

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

SECTION 21. That xiii. of subparagraph b. of paragraph 2. of Subsection C. of Section 17.05.100 of the code be amended to read:

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

SECTION 22. That paragraph 3. be renumbered to paragraph 4. of Subsection C. of Section 17.05.100 of the code.

SECTION 23. That paragraph 3. of Subsection C. of Section 17.05.100 of the code be created to read:

3. Sites that Only Include clearing and grubbing.

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

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

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

SECTION 24. That Subsection E. be relettered to Subsection D. of Section 17.05.100 of the code.

SECTION 25. That paragraphs 12. and 13. of Subsection A. of Section 17.05.110 of the code be amended to read:

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

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

SECTION 26. That paragraph 2. of Subsection A. of Section 17.05.120 of the code be amended to read:

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

SECTION 27. That paragraph 2. of Subsection A. of Section 17.05.150 be repealed and paragraphs 3. through 7. be renumbered to 2. through 6. of the code.

SECTION 28. That Appendix A be created to read:

Appendix A

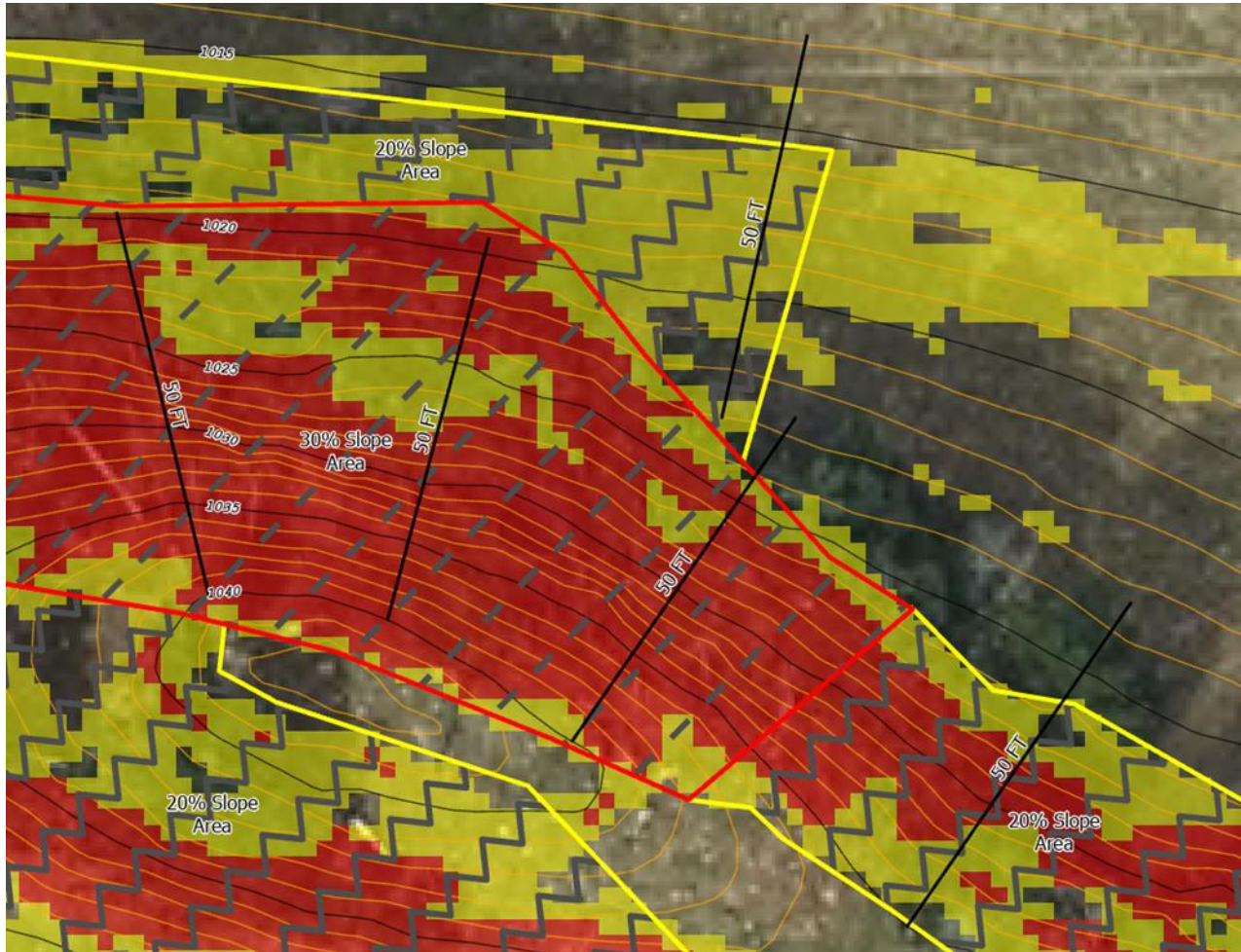


Figure 1 – Slope Calculation: The elevation change depicted by the black lines drawn perpendicular to the contour lines represent the 50ft horizontal distance used to calculate slope as a percentage. Areas that have slope over 30% are shown by the dashed hatching within the red outline. Areas with slope over 20% are shown with zig-zag hatching within the yellow outline.

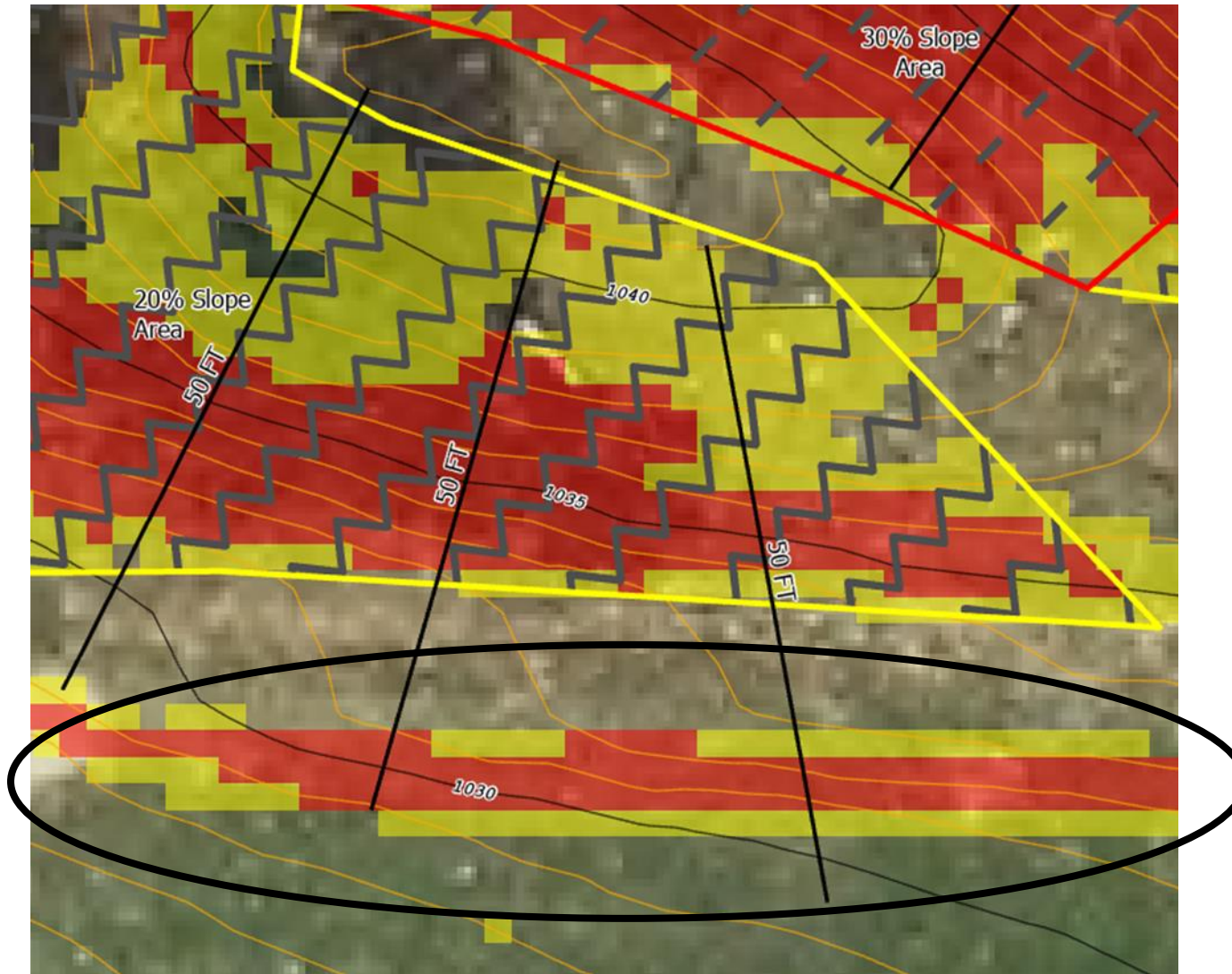


Figure 2 – Artificial Slope: The elevation change depicted by the black lines drawn perpendicular to the contour lines represent the 50ft horizontal distance used to calculate slope as a percentage. Areas that have slope over 30% are shown by the dashed hatching within the red outline. Areas with slope over 20% are shown with zig-zag hatching within the yellow outline. The area circled is an artificial slope and is not considered a steep slope area.



Figure 3 – Slopes with a Horizontal Distance of less than 50': The elevation change depicted by the black lines drawn perpendicular to the contour lines represent the 50ft horizontal distance used to calculate slope as a percentage. Areas that have slope over 30% are shown by the dashed hatching within the red outline. Even though the total horizontal distance of the digitally created slope color is not 50 feet long, it still qualifies as a steep slope, because the slope measured within 50' horizontal increments is greater than 30%.

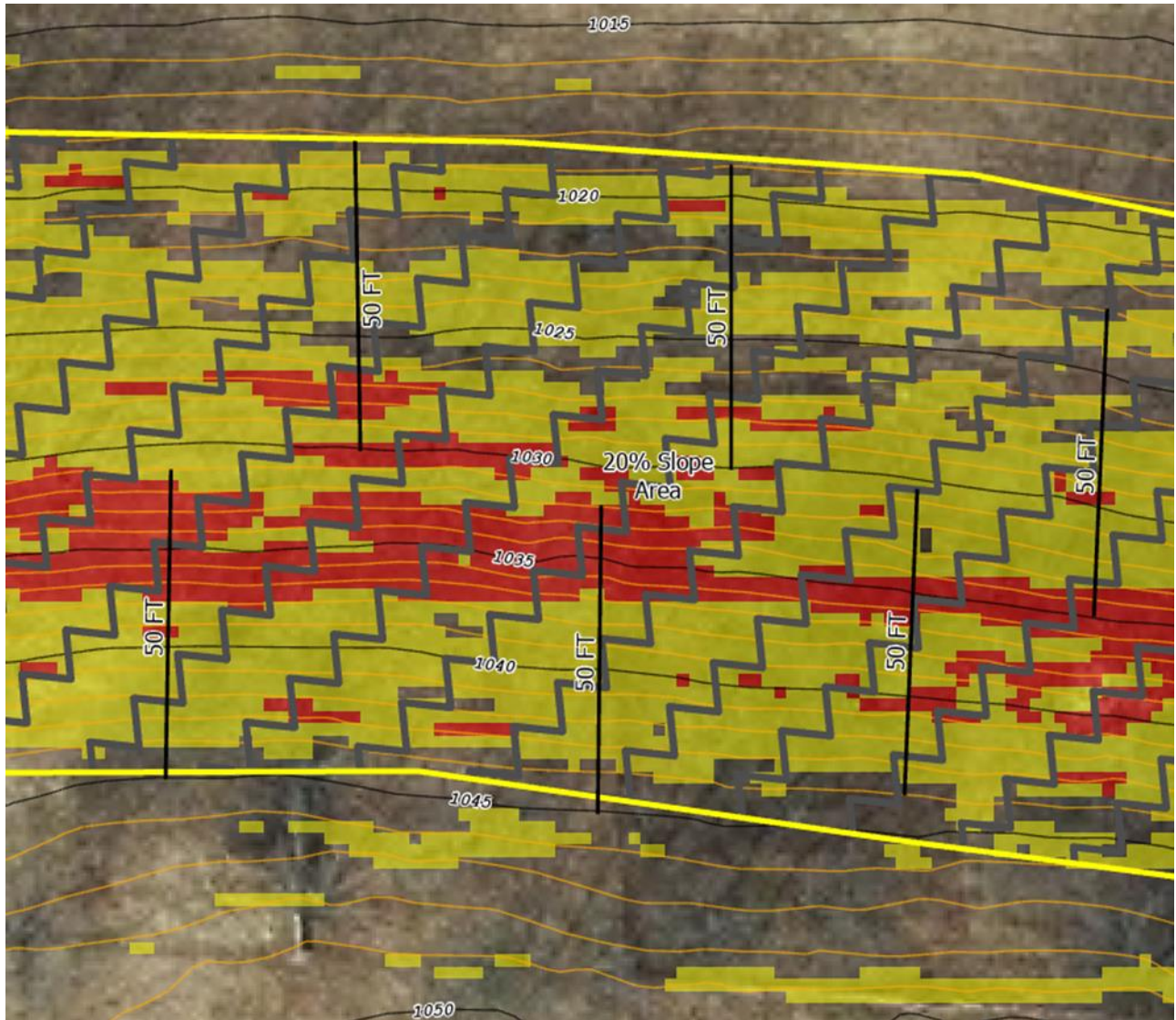


Figure 4 – Intermittent Slope Lengths: The elevation change depicted by the black lines drawn perpendicular to the contour lines represent the 50ft horizontal distance used to calculate slope as a percentage. Areas with slope over 20% are shown with zig-zag hatching within the yellow outline. The digitally created slope colors do not have to be continuous for a slope to be considered a steep slope in Chapter 17.

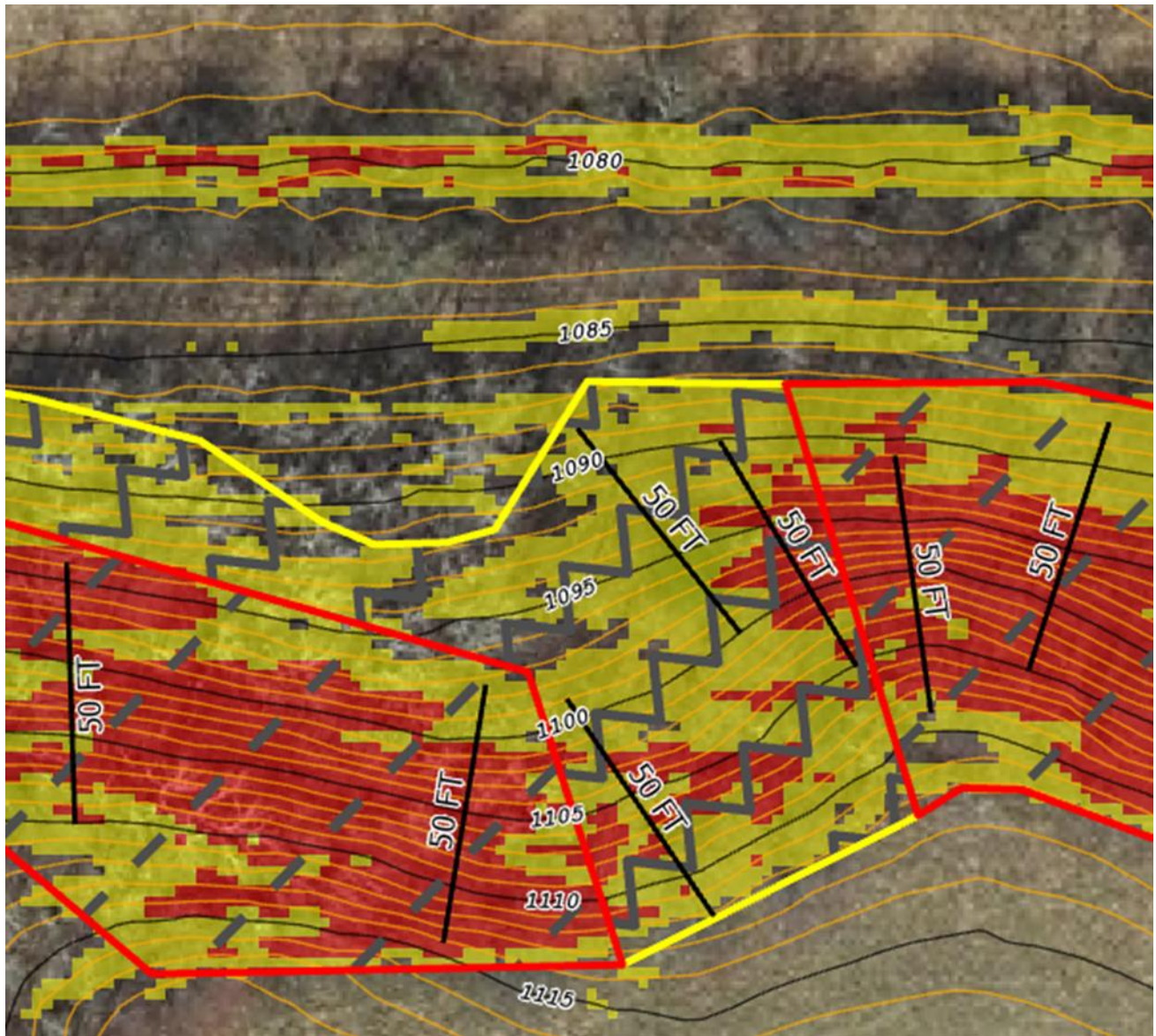


Figure 5 – Diverse Slope Lengths greater than 50': The elevation change depicted by the black lines drawn perpendicular to the contour lines represent the 50ft horizontal distance used to calculate slope as a percentage. Areas that have slope over 30% are shown by the dashed hatching within the red outline. Areas with slope over 20% are shown with zig-zag hatching within the yellow outline. Hillsides can have multiple slope determinations.

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

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

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

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

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

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

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

C. Applicability Exemptions.

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

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

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

SECTION 31. That subparagraph e. of paragraph 2. of Subsection D. of Section 17.06.070 be amended to read:

e. A copy of a recorded maintenance agreement in accordance with ~~17.06.130~~ 150 for all storm water management facilities constructed as part of the project.

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

(B) A copy of the recorded maintenance agreement in accordance with ~~17.06.130~~150, and any other easements or legal arrangement that may be involved to ensure the long term maintenance of the offsite BMP(s);

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

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

1. Exempted in ~~17.05.070~~ 17.06.070 C.; or
2. For activities that require public improvements; or

3. To correct a preexisting erosion problem.

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

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

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

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

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

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

4. All storm water BMPs shall comply with the provision of any applicable wellhead protection plan for a community water supply under Wis. Admin. Code ch. NR 811 and Chapter 18.~~55~~230.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Certification of Compliance for Final Plat or CSM.

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

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

b. Is a subdivision plat; or

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

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

17.06.070 B.

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

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

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

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

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

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

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

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

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

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

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

7. Inspection Log. The permit holder shall provide a qualified professional to conduct inspections and maintain an inspection log for the site. All best management practices shall be inspected within 24 hours after each rain event of 0.5 inch or more that results in runoff, or at least once each week. The inspection log shall include the name of the inspector, the date and time of inspection, a description of the present phase of construction, the findings of the inspection, including an assessment of the condition of erosion and sediment control measures and the installation of storm water management BMPs, and any action needed or taken to comply with this ordinance. The inspection log shall also include a record of BMP maintenance and repairs conducted. A WDNR inspection log is acceptable.

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

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

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

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

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

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

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

~~1.2.~~ Peak Discharge.

a. Minimum requirement. To minimize downstream bank erosion and the failure of downstream conveyance systems, the calculated post development peak storm water discharge rate shall not exceed the calculated predevelopment discharge rates for the 2-year, 10-year, 25-year, and 100-year, 24-hour design storms. Modeling requirements for this provision are further described in ~~17.06.120-17.06.140.~~

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

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

~~2.3.~~ Total Suspended Solids.

a. By design, each storm water management plan shall meet the following post-development total suspended solids (TSS) reduction targets, based on average 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:~~

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

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

~~c.b. Modeling. Refer to 17.06.140 A. for details on calculating runoff volumes and predevelopment conditions.~~

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

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

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

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

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

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

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

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

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

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

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

~~h.g.~~ Permanent Land Protection. Sites may choose to offset their impacts to the ecosystem, groundwater recharge/infiltration capabilities, watershed hydrologic patterns, and landscape by permanently protecting lands within the drainage area, as identified on the site map submitted under ~~17.06.110 B.~~ 17.06.130 B.

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

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

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

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

~~a.1.~~ An outstanding resource water (ORW) or exceptional resource water (ERW), as identified under Wis. Admin ch. NR102. ~~Stat. § 281.15;~~

~~b.2.~~ A cold water stream;

~~c.3.~~ An environmentally sensitive area;

~~d.4.~~ A downstream property;

~~e.5.~~ Public health or safety

~~f. 6.~~ An impaired water and meet its associated Total Maximum Daily Load, where applicable, as identified in Wis. Stat. § 283.13 (5) and adopted pursuant to 33 U.S.C. § 1313.

~~g.7.~~ Receiving Storm Sewer System infrastructure.

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

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

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

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

SECTION 52. That Subsections D. & E. be rel-ettered to E. and F. of Section 17.06.130 of the code.

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>	4.2 <u>4.10</u>	4.7 <u>5.03</u>	6.0 <u>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>	56 <u>55</u>	70 <u>69</u>	79 <u>78</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.

ENACTED: July 16, 2024

Sue McDonald
County Clerk