



Plan Commission

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Monday, September 26, 2016	7:00 PM	De Pere City Hall Council Chambers
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Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Plan Commission** of the City of De Pere will be held on **September 26, 2016** at **7:00 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

This meeting can be viewed LIVE at www.depere.tv. This meeting is also rebroadcast on TW Cable Channel 4 and AT&T U-verse Channel 99 throughout the week and available on demand at www.depere.tv.

Call to Order

1. Roll Call
2. Approval of the minutes of the August 22, 2016 Plan Commission meeting.
3. Land Use Review requested for 1645 Fort Howard Avenue (B-2 General Business District). Applicant: Blue Car Technology, LLC.
4. Review and Recommendation for a Site Plan request at 335 Marsh Street in De Pere for a St. Norbert College new parking lot (Parcels WD-220, WD-220-1, WD-221, WD-841, WD-844, WD-845, WD-846, and WD-846-1). Applicant: Mau & Associates LLP
5. Review and Recommendation for a Site Plan request at 324 College Avenue in De Pere for a St. Norbert College parking lot addition (Parcel WD-672). Applicant: Mau & Associates LLP
6. Review and recommendation for a Proposed Extraterritorial Two-Lot Certified Survey Map at 3975 Creamery Road in Ledgeview (Parcel ED-F0081-2). Submitted by Richard A. Huxford, PLS.*
7. Review and recommendation for a Proposed Four-Lot Certified Survey Map at 2100 BLK Richco Road in De Pere (Parcels WD-L178-1-1, WD-L179, WD-L179-3, WD-L179-4). Submitted by City of De Pere.*
8. Review and recommendation for a Proposed Right-Of-Way Vacation for a public street at 2100 BLK Richco Road in De Pere (Parcel - None). Submitted by City of De Pere.*
9. Review and recommendation for a Proposed Right-Of-Way Vacation for a former Railroad Spur at 500 BLK Fortune Avenue in De Pere (Parcel WD-D0079-A). Submitted by City of De Pere.*
10. Consider Updates to Chapter 28, Stormwater Management Ordinance (Post Construction).*

Adjournment

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the City Planner's office at 920-339-4043 by Noon on the day of the meeting so that arrangements can be made.

Agenda Sent To:
Alderspersons
City Administrator

Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Mike Wellens
Tonya Wagner
Pat Wrenn
Richard A. Huxford, PLS
Laura Peters
Tina Warnke
City of De Pere

City of De Pere, Wisconsin**Request For Plan Commission Action**

MEETING DATE: September 26, 2016

DEPARTMENT: Plan Commission

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the August 22, 2016 Plan Commission meeting.

ATTACHMENTS:

- PC_Aug2016_Minutes_Draft (PDF)



Plan Commission

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Monday, August 22, 2016

7:00 PM

De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 7:00 PM by Mayor Michael J. Walsh

Attendee Name	Title	Status	Arrived
Michael J. Walsh	Mayor	Present	
James Boyd	Aldersperson	Excused	
Larry Lueck	Aldersperson	Present	
Derek Beiderwieden	Commissioner	Present	
Jim Kalny	Commissioner	Present	
Amy Kundinger		Present	
Steve Taylor	Commissioner	Excused	

Also present: Planning Director Kim Flom, City Planner Peter Schleinz, and members of the public.

2. Approval of the minutes of the July 25, 2016 Plan Commission meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Derek Beiderwieden, Commissioner
AYES:	Walsh, Lueck, Beiderwieden, Kalny, Kundinger
EXCUSED:	James Boyd, Steve Taylor

3. Informational Item: Potential Infrastructure Improvements at Main Ave and Lawrence Dr

Planning Director Kim Flom reported on the possible round-about at the Main & Lawrence intersection. For about a year, the City has been working with a consultant, talking with WISDOT, and exploring the possibility for a round-about at this intersection. The traffic counts have confirmed that the round-about is feasible and the City has come up with a preliminary design and has met with some of the property owners that would be affected. Kim stated that there are three main benefits of a round-about at this location. The first benefit relates to access to the potentially redeveloped property at 1030-1040 Main Avenue which was recently rezoned from residential to commercial. As of right now, these parcels are only accessible from the residential street and from a perspective of business growth and development, this is not very conducive. Access for this parcel and also McDonald's would change to Lawrence Drive. The second benefit is the removal of some driveways along Main Avenue which will help traffic flow more smoothly and also make it safer to get in and out of this area. According to Kim, the largest impact of this round-about is to the DOT park & ride, one of the heaviest used park & rides in the state. The City is working with the DOT to look at different parking lot arrangements with the goal of maintaining the same number of parking spaces that are there now. This project is still in the preliminary phase. The next steps are to continue working with the surrounding property owners as related to impacts to their parcels, get cost estimates, and also explore funding mechanisms. As of right now, the City is looking at possibly creating a TID district and using increment from future development and redevelopment to fund the infrastructure for this project. There will be some DOT review and approval as well. Kim stated that this project could possibly begin

construction in 2018 at the earliest, with an overall construction time frame of 4-5 months.

Mayor Walsh asked if all property owners have been contacted regarding this project. Kim replied that Garritt Bader, the owner of the potential redevelopment property on Main Avenue has been notified, as well as the Midwest real estate manager of McDonald's. She has not yet met with the local owners of McDonald's and Burger King but the next step is to set up a meeting with these two property owners. Amy Kunding asked if the scale of the proposed round-about is similar to the other round-about on Main Avenue or if it will be smaller. Kim replied that in theory, it is pretty similar and both are two lane round-about. Kim added that signal detection would be placed in the pavement so that when back-ups occurred, the signals further down the street could possibly adjust to help flow the traffic through as needed. As this is an informational item only, no action is needed from the Plan Commission at this time.

RESULT:	DISCUSSED
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4. Review and recommendation for a Proposed Four-Lot Extraterritorial Certified Survey Map on Wrightstown Road in Rockland (Parcel R-313). Submitted by CQM INC.*

City Planner Peter Schleinz reviewed the proposed four lot extraterritorial CSM on Wrightstown Road at the southern most border in the Town of Rockland. The current property has one residential structure in the northeast corner. He reported that this property will be divided into 4 lots, each approximately 6 acres in size. He explained that since this particular property is south of the City's urban reserve area, the minimum 10 acre lot size does not apply to this property. He stated that it complies with all the City's rules and regulations. Staff recommended approval and it will be forwarded to the Common Council for approval, subject to two conditions: 1. A color air photograph should not be used on the map on page 2 on the CSM and 2. It meets all other state and local regulations, including the Town of Rockland and Brown County Planning & Land Services.

Mayor Walsh motioned, seconded by Amy Kunding, to approve the CSM. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Amy Kunding
AYES:	Walsh, Lueck, Beiderwieden, Kalny, Kunding
EXCUSED:	James Boyd, Steve Taylor

5. Review and recommendation for a Proposed Two-Lot Certified Survey Map at 400 Destiny Drive (Parcel ED-F0081-2). Submitted by the City of De Pere.*

City Planner Peter Scheinz reported on a two lot CSM at 400 Destiny Drive. He explained that this proposal is being made by the City because of the fact that this is a city-owned lot. The proposal is to cut the lot into two halves with Lot 1 at the northern end of the property. Lot 1 is proposed to be developed into a 3000 square foot office. The site plan for the proposed office will also be discussed at this meeting, as agenda item 6. Peter reported that planning staff identified six technical corrections for this CSM, which would be corrected by the surveyor. Staff recommended approval of the CSM to be forwarded to the Common Council for its final approval. Jim Kalny motioned, seconded by Derek Beiderwieden, to approve the CSM. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Kalny, Commissioner
SECONDER:	Derek Beiderwieden, Commissioner
AYES:	Walsh, Lueck, Beiderwieden, Kalny, Kunderinger
EXCUSED:	James Boyd, Steve Taylor

6. Review and Recommendation for a Site Plan request at 400 Destiny Drive for a new office and parking lot. Applicant: Paroubek Holdings LLC

City Planner Peter Schleinz explained that the proposed site plan being discussed references Lot 1 of the CSM that was recommended for approval in agenda item 5. It is for a 3000 square foot office and parking lot for Paroubek Holdings, which will relocate from its current location on Broadway due to the fact that the company has grown too large for its existing facility. This approval is only for the 3000 square foot office and parking lot although the site plan does identify a silhouette for a total 6000 square foot building. The site plan shows a proposed mirror image of the 3000 square foot building. Peter stated that in the future, the other half of the building may possibly go before the Plan Commission when the company decides to expand their building even further. The exterior facade of the building includes a combination of fiber cement siding, stone, brick, aluminum, anodized windows, as well as timber beams and post detail. Planning staff recommended approval subject to compliance with comments and conditions that were identified by the engineering, forestry, and building and planning departments. Mayor Walsh motioned, seconded by Larry Lueck, to approve the site plan request. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Larry Lueck, Alderperson
AYES:	Walsh, Lueck, Beiderwieden, Kalny, Kunderinger
EXCUSED:	James Boyd, Steve Taylor

7. Erosion Control Ordinance Revisions

City Planner Peter Schleinz explained that the purpose for the ordinance revision is due to the fact that the Department of Natural Resources is requiring changes to both erosion control and storm water management ordinances as a result of the MS4 permit. The storm water management ordinance will be reviewed by the Board of Public Works in September but the erosion control ordinance must be reviewed by the Plan Commission and the Common Council. The majority of the changes relate to exemptions that clarify transportation facilities and exemptions for maintenance of smaller sites with hydraulic or grade capacities. It also addresses a clean up of definitions related to construction sites, design storm areas, the definition of landowner, silvaculture activity, and a definition of transportation facility. There are also a handful of miscellaneous text cleanups that make the ordinance easier to read. Staff recommended approval of the ordinance revisions to be forwarded to the Common Council for final approval. Derek Beiderwieden motioned, seconded by Jim Kalny, to approve the ordinance revisions. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Derek Beiderwieden, Commissioner
SECONDER:	Jim Kalny, Commissioner
AYES:	Walsh, Lueck, Beiderwieden, Kalny, Kunding
EXCUSED:	James Boyd, Steve Taylor

8. Nomination and Election of a Vice-Chair

Larry Lueck motioned, seconded by Mayor Walsh, to nominate Derek Beiderwieden as vice-chair. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Lueck, Alderperson
SECONDER:	Michael J. Walsh, Mayor
AYES:	Walsh, Lueck, Beiderwieden, Kalny, Kunding
EXCUSED:	James Boyd, Steve Taylor

Adjournment

Mayor Walsh motioned, seconded by Derek Beiderwieden, to adjourn the meeting at 7:20 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker

City of De Pere, Wisconsin**Request For Plan Commission Action**

MEETING DATE: September 26, 2016

DEPARTMENT: Plan Commission

FROM: Kimberly Flom

SUBJECT: Land Use Review requested for 1645 Fort Howard Avenue (B-2 General Business District). Applicant: Blue Car Technology, LLC.

ATTACHMENTS:

- PC Report Blue Dolphin 9-2016 (DOCX)
- Blue Dolphin Letter (PDF)

- Item 3:** Land Use Interpretation request submitted by Blue Dolphin Car Care Products at 1645 Fort Howard Avenue, Parcel WD-65-6.

SITE MAP



1645 Fort Howard Avenue highlighted in blue – in B-2 Zoning District

REQUESTED ACTION:

Land Use Interpretation

Given the fluid nature of businesses and business models, there are sometimes land uses that do not neatly fit into the lists provided in the Zoning Code. For these instances, the Code grants the Plan Commission authority to determine if a proposed land use is similar in nature, and compatible with, listed permitted or conditional uses.

Section 14-07(1): The Plan Commission may allow land uses (permitted or conditional) which, though not contained by name in a zoning district of permitted or conditional uses, are deemed to be similar in nature and clearly compatible with the listed uses.

PROPERTY LOCATION:

1645 Fort Howard Avenue (Parcel #WD-65-6)

EXISTING ZONING:

B-2 General Business District

APPLICANT NAME:

Mike Wellens
Blue Dolphin Car Wash Technology, LLC

1015 Challenger Court
Green Bay, WI 54311

PROJECT BACKGROUND:

The applicant submitted a letter to the City of De Pere requesting a land use interpretation for a Car Wash Supply and Service business. Their business, Blue Dolphin Car Wash Technology, LLC, is interested in occupying the existing building located at 1645 Fort Howard Avenue.

STAFF REVIEW:

The land use as described in the attached letter does not clearly fall within any of the permitted or conditional land uses listed by the Zoning Code. However, many aspects of the land use align with permitted uses in both the B1 and B2 business districts (any land use permitted in B1 is also permitted in B2). Blue Dolphin Car Wash Technology, LLC primarily offers business to business supplies, service and installation to car washes. Staff believes that the land use aligns with parts of the below land uses, which are all permitted:

- Business Machine Sales & Service
- Offices, Business & Professional
- Machinery, Equipment and Supplies
- Motor Vehicle Sales and Service

The applicant noted that 100% of business activity is completed indoors. If the Plan Commission supports the land use interpretation request, it is important to emphasize that business activities must be conducted indoors and that outdoor storage is not permitted.

It is also worthwhile to consider the property location in context with the land use. 1654 Fort Howard Avenue backs up to Ashland Avenue in a neighborhood that includes a variety of land uses ranging from a gas station, to car repair facilities, to the fairgrounds, to residential. Many of the properties in this area have the potential to become redevelopment sites (mixed use, residential, business), but, it is unlikely that the properties will turn over into neighborhood or regional retail stores.

STAFF RECOMMENDATION:

Staff recommends that the Plan Commission interpret car wash service businesses, as described by Blue Dolphin Car Wash Technology, LLC, as similar and compatible uses in the B-2 General Business District.



September 26, 2016

Dear Mayor Walsh & Members of the City Plan Commission,

I am writing to you requesting a land use review and approval to allow for Blue Dolphin Car Wash Technology to continue our growth and relocate from East Green Bay to a larger facility in West De Pere.

Blue Dolphin Car Wash Technology LLC. is a full service car wash company. We sell car wash equipment, parts, products and service to car wash owners. We are a distributor of four different car wash manufacturers, one of which is manufactured in De Pere. The equipment is shipped from the desired manufacturer to the site and then we install it. We have a large parts inventory in multiple locations across the state as well as within our service vehicles. Local customers will buy parts directly from our facility otherwise we ship them or have them dropped shipped. We have five different lines of car wash products, only one of which we blend for retail sales ourselves, the others come in their usable containers which we either deliver ourselves or the customer will pick up. We have service techs located around the state as well, they perform all services from preventative maintenance to complete overhauls to installation of new equipment. Out of the 30+ car wash units we install a year, we may rebuild one or two which consists of us removing and replacing parts on the main components and then re-installing the components either back where they came from or in an entirely different location.

1645 Fort Howard Ave is an exceptional facility for what we do. It is zoned B-2, which pointed out by a few of the commission's finest, aligns with certain aspects of the following land uses, which are permitted in B1 & B2: Business Machine Sales & Service, Electronic Sales & Service, Offices, Business & Professional and Machinery, Equipment and Supplies. Ms. Kim Flom, Mr. Peter Smith & Mr. Dave Hongisto had multiple discussions about how, and if Blue Dolphin would fit, zoning wise, and once provided with the proper information decided they would support our request.

The De Pere facility will be mainly inventory for retail sales and offices, 90% of our services are performed at the car wash site. Offices for a couple of book keepers, a parts department with an inventory manager, a sales office, a service office, a marketing office, a conference room and a couple other various offices and in inventory, we have tools, parts, equipment and product for retail sales. Car wash owners rely on us to supply & install their equipment, service their equipment, and provide quality products.

Please consider our request to allow our car wash company to conduct business at 1645 Fort Howard Ave De Pere. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Michael Wellens
Blue Dolphin Car Wash Technology LLC

Attachment: Blue Dolphin Letter (5134 : Land Use Review for Blue Dolphin Soap)

City of De Pere, Wisconsin**Request For Plan Commission Action**

MEETING DATE: September 26, 2016

DEPARTMENT: Plan Commission

FROM: Peter Schleinz

SUBJECT: Review and Recommendation for a Site Plan request at 335 Marsh Street in De Pere for a St. Norbert College new parking lot (Parcels WD-220, WD-220-1, WD-221, WD-841, WD-844, WD-845, WD-846, and WD-846-1). Applicant: Mau & Associates LLP

ATTACHMENTS:

- 09-26-16 Plan Commission Site Plan (new parking lot) - St Norbert College (DOCX)
- Application Form (PDF)
- S-5608 092016 - Updated Site Plans (PDF)

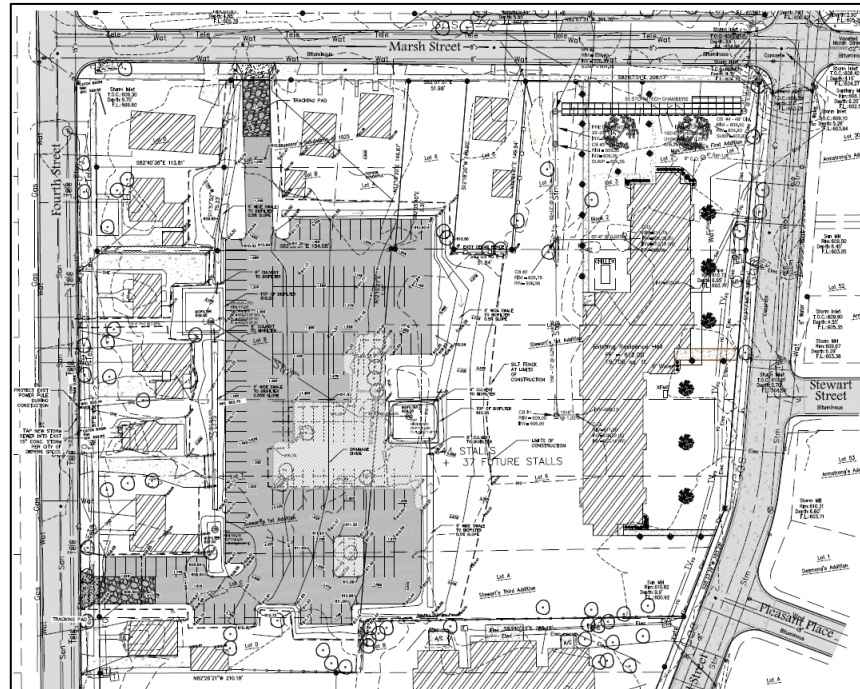
- Item 4: Review and Recommendation for a Site Plan request at 335 Marsh Street in De Pere for a St. Norbert College new parking lot (Parcels WD-220, WD-220-1, WD-221, WD-841, WD-844, WD-845, WD-846, and WD-846-1). Applicant: Mau & Associates LLP

SITE MAP



REQUESTED ACTION:	Site Plan Approval.
	Site Plan approval for a new parking lot on a vacant greenspace and the rear lots of property owned by St. Norbert College.
COMMON DESCRIPTION:	335 Marsh Avenue and southward, located southeast from Marsh Street and Fourth Street.
PARCEL NUMBERS:	WD-220, WD-220-1, WD-221, WD-841, WD-844, WD-845, WD-846, and WD-846-1
EXISTING ZONING:	R-2 (Single and Two-Family Residential District)
PROPOSED ZONING:	None

SURROUNDING LAND USES:	College and privately owned residential to the north, west, and south. College owned residential facility to the east.
COMPREHENSIVE PLAN:	Neighborhood residential (including multi-family). Institutional and government facilities to the east.
APPLICANT NAME:	Tonya Wagner, authorized agent for St. Norbert College Mau & Associates LLP 400 Security BLVD Green Bay, WI 54313
SITE HISTORY:	The St. Norbert College owned property had a residential home on it that was removed on Marsh Street for a proposed access driveway to the parking lot. The site plan proposes a new parking lot that holds approximately 148 stalls, with an expansion area for 35 additional stalls. The parking lot is immediately to the west of Gries Hall, northwest from Michels Hall, and about 1 block to the west (across the street) from the Mulva Fitness and Sports Center. St. Norbert College identified that the spaces are needed to make up for the spaces lost due to the development of the Mulva Sports Center.
STAFF REVIEW:	When reviewing a Site Plan request, staff considers the future land use recommendation of the Comprehensive Plan, surrounding land uses and desired development patterns, as well as the criteria identified in Zoning Code Section 14-60. The parking lot expansion accommodates 148 additional motor vehicles with an expansion area for 35 more vehicles, totaling 183 stalls. The lots are properly sized for 90-degree angled parking. There are no handicap stalls identified. Likewise, there are no pathways connecting the east end of the parking lot to the campus to the east. There are minimal proposed landscaped islands in the parking lot. The parking lot has no curb and gutter. Verification of the function of the storm water management system for the parking lot was not provided to staff for review at the time this report was prepared. Storm water will be discussed briefly at the time of the Plan Commission meeting.



Parking Lot Layout in medium gray, future expansion in light gray.

Site plans are approved by the Plan Commission and not reviewed by the Common Council.

STAFF COMMENTS:

Engineering:

1. Please provide a key or legend for all symbology.
2. Staff will review internally: any abandoned sanitary laterals or water services should have their respective lines removed and capped at the main.
3. The City will need to enter a storm water agreement for the proposed systems.
4. Sheet 3.0 is difficult to read at the current scale. Between the contours, utility lines and proposed work the sheet needs to be drawn at a smaller scale or break drawing into separate pieces. The City will review this page again once it is legible.
5. How will you treat buried property irons?
6. Please provide all property dimensions for all affected parcels
7. Improve the details on how the storm sewer is connected to the new underground facility.
8. Please provide a storm water report and calculations.
9. Show slopes of driveway approaches.
10. Consider an 8" concrete apron.

Fire:

None.

Forestry:

1. No formal landscape plan is shown.
2. There are notes to save trees during construction, but there are no plans

on how they will protect the trees. A formal plan should be established and followed. Some plants are shown as going in, but no planting details are included.

Health:

None.

Building & Planning:

1. Landscape Plan is required to be reviewed and approved prior to building permit issuance.
2. Identify which parking stalls, if any, are HCAP accessible on the site plan.

Recommendations:

The below items are not required by Code, but are recommended for consideration in order to improve the design of the site plan.

- The addition of landscaping islands at the end of each parking row, separating the main drive lane from the parking should be considered to minimize summer heat buildup on the parking lot surface.
- The addition of walkways that connects the east end of the parking lot areas to the campus to the east should be considered as parking lot users are unlikely to walk westward to an unsafe drive lane to avoid cutting across lawn, or snow in the winter.
- The parking lot crosses property lines. The property lines should be revised so the parking lot is on one property without crossing property lines.

STAFF RECOMMENDATION: Staff recommends APPROVAL of the site plan request for a parking lot addition, subject to compliance with the above comments and conditions.

	CITY OF DE PERE	Fee: \$ 290.00
	APPLICATION FOR SITE PLAN REVIEW	Receipt #: 115603
		Date: 9-6-16

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) Mau & Associates, LLP	Authorized Representative Tonya Wagner	Title Project Engineer	
Mailing Address 400 Security Blvd	City Green Bay	State WI	ZIP Code 54313
Email Address tawagner@mau-asscoates.com	Phone Number (incl. area code) 920-434-9670	Fax Number (incl. area code) 920-434-9672	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) St. Norbert College	Contact Person Pat Wrenn	Title Director of Facilities	
Mailing Address 100 Grant Street	City De Pere	State WI	ZIP Code 54115
Email Address patrick.wrenn@snc.edu	Phone Number (incl. area code) 920-403-4066	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description 335 Marsh Street	Parcel No. WD-221, 220, 220-1, 846, 846-1, 844-1
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SECTION 4: Project Information

Existing Zoning:	Single and Two Family Residential		
Present Use of Parcel:	Houses and dorm back yards		
Proposed Use of Parcel:	Parking lot for St. Norbert College		
Estimated Start Date:	September 17, 2016	Estimated Completion Date:	November 15, 2016

Please submit 1 hard copy 24x36, 1 hard copy 11x17 and 1 PDF copy of the submittal.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) Tonya Wagner	Title Project Engineer	Phone Number 920-434-9670
Signature of Applicant		Date Signed 9/6/2016

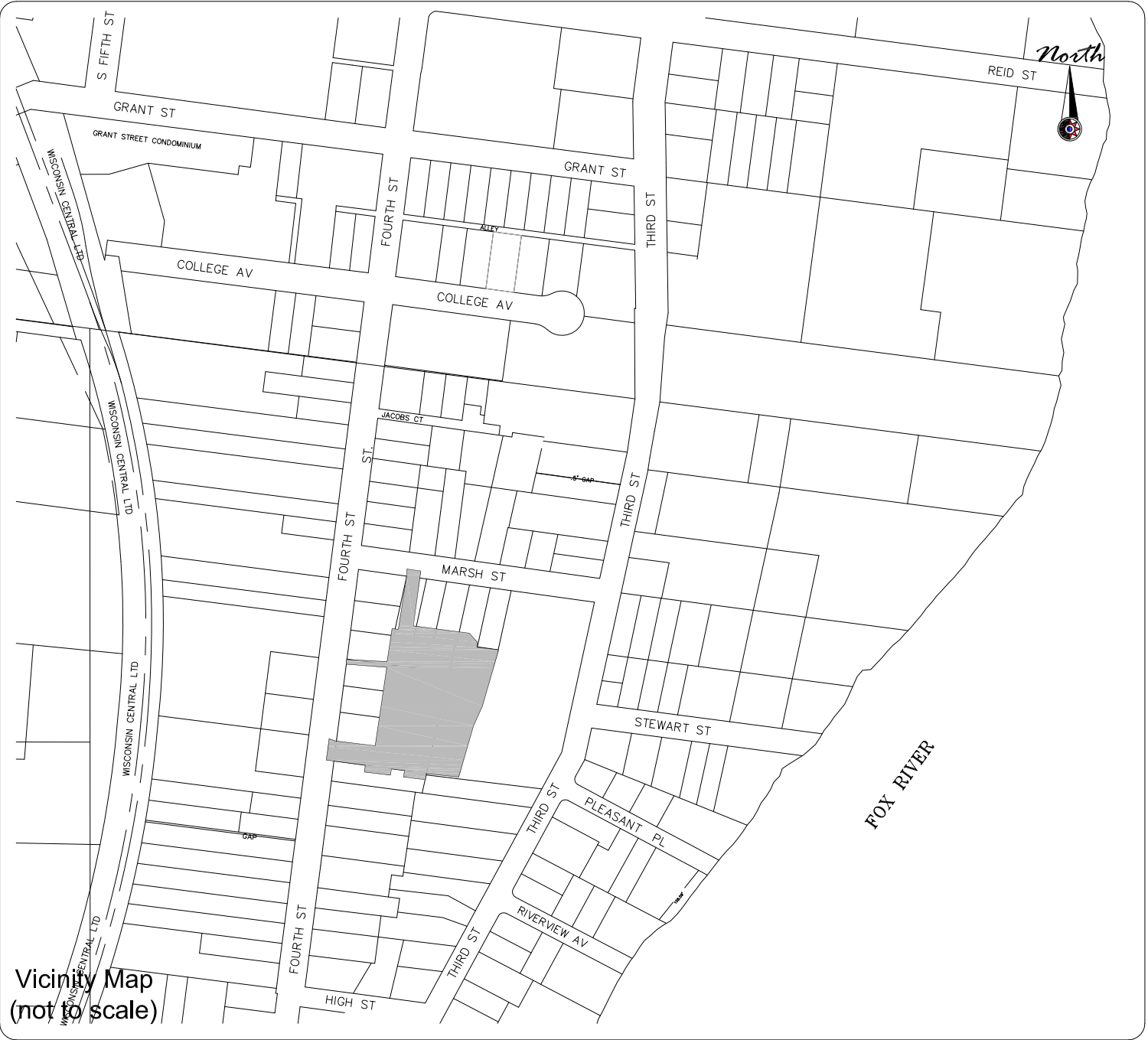
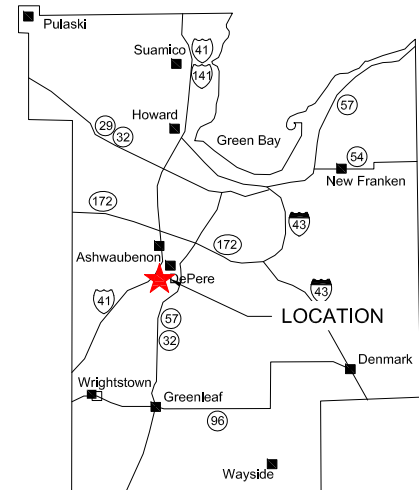
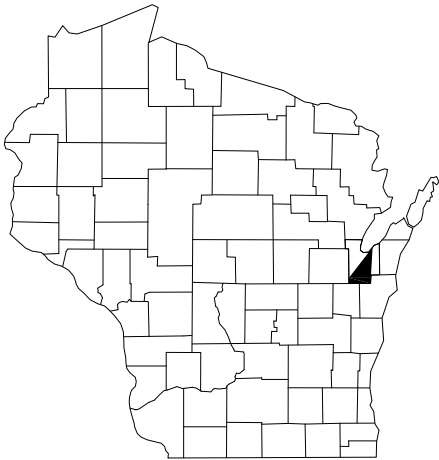
TO BE COMPLETED BY CITY STAFF

CSM Review authorized by the De Pere Municipal Code, Chapter 46.

St. Norbert College

Marsh Street Parking Lot

City of De Pere



Project Information

Owner(s):	St. Norbert College
Project Name:	Marsh Street Parking Lot
Project Description:	162 stall parking lot located at 335 Marsh Street. Parking lot is enclosed within St. Norbert College property.
Project Address:	335 Marsh Street

Contact Information

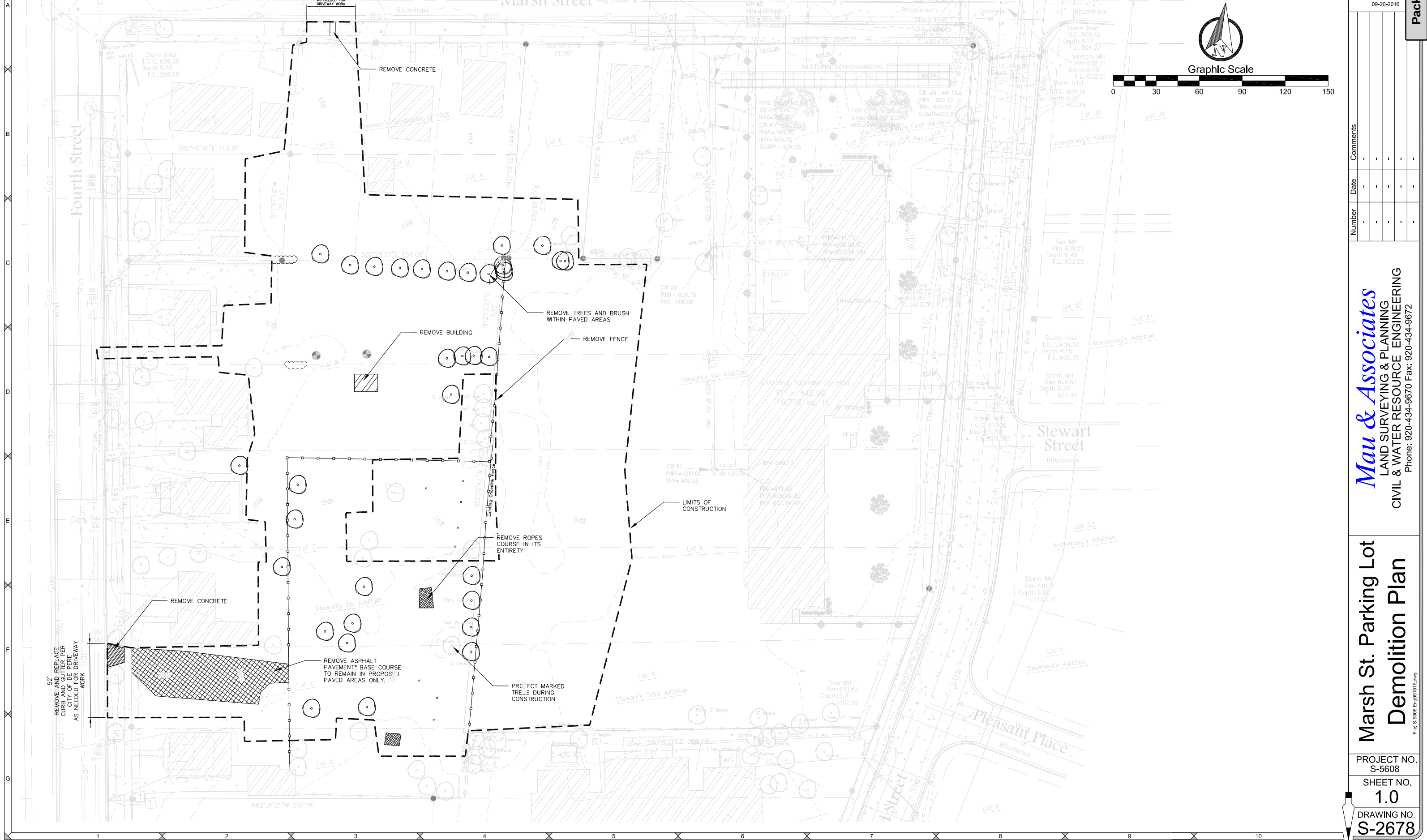
Owner(s):	St. Norbert college Patrick Wrenn 100 Grant Street De Pere, WI 54115 920-403-3176
Engineer:	Mau & Associates, LLP Contact: Tonya Wagner, P.E. 400 Security Boulevard Green Bay, WI 54313 (920) 434-9670

Sheet Index:
1.0 Site Demolition Plan
2.0 Site Plan
3.0 Grading, Utility Erosion Control Plan
4.0 Notes
5.0 Details

SITE STATISTICS

CONSTRUCTION AREA - 105,850 SF
EXST IMPERVIOUS DRIANING INTO AREA 4,295 SF
PAVEMENT 56,280 SF -PHASE 1
10,420 SF - PHASE 2
WHEN TREES DIE AREA WILL BE INFILLED WITH PARKING
PERVIOUS 45,275 SF - PHASE 1
34,855 SF - PHASE 2

Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672



Packet Pg. 20

PROJECT NO.
S-5608

SHEET NO.
1.0

DRAWING NO.
S-2678

Marsh St. Parking Lot
Demolition Plan

PROJECT NO.
S-5608

SHEET NO.
1.0

DRAWING NO.
S-2678

Mau & Associates

LAND SURVEYING & PLANNING

CIVIL & WATER RESOURCE ENGINEERING

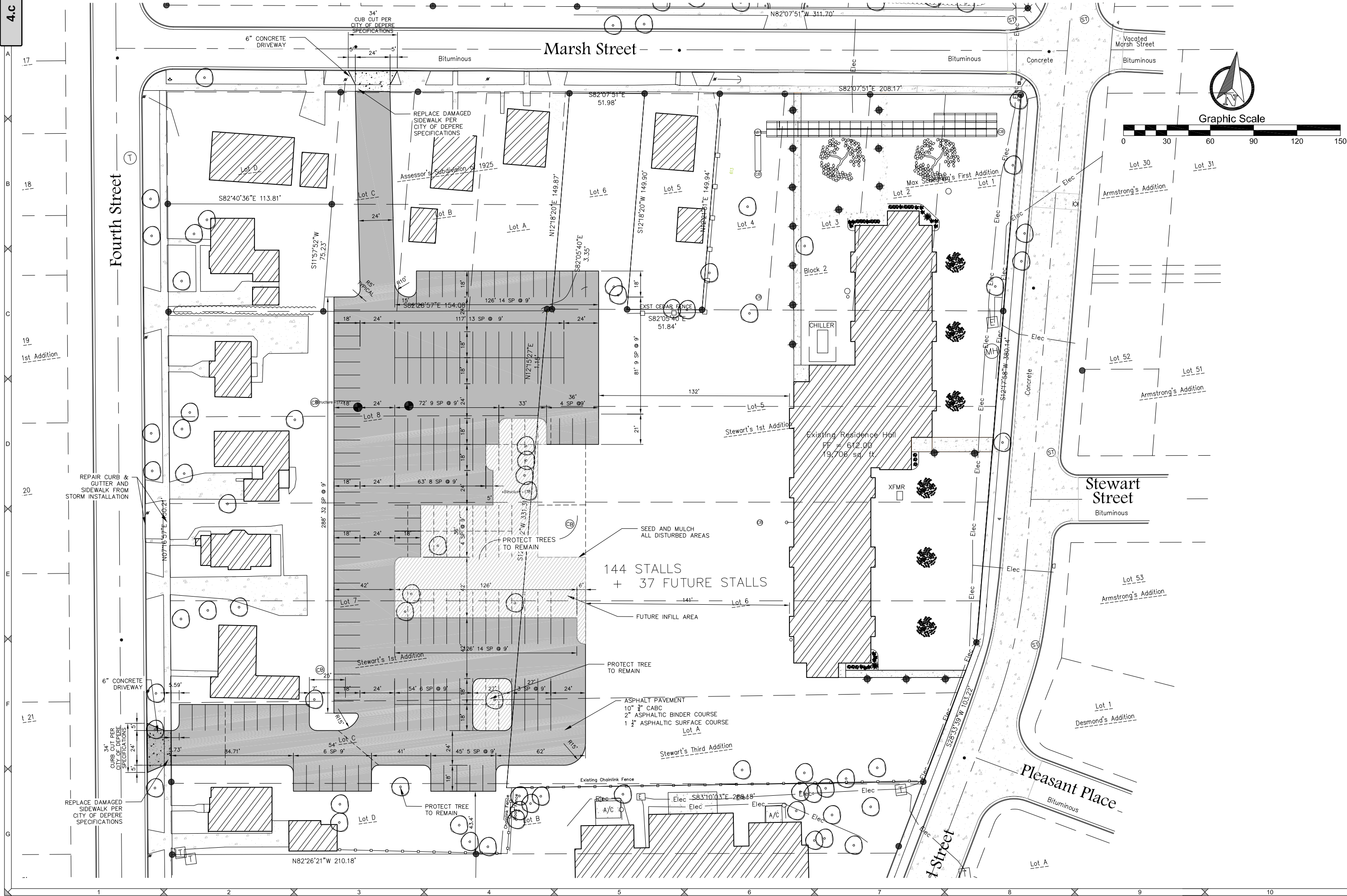
Phone: 920-434-9670 Fax: 920-434-9672

Number	Date	Comments
-	-	-
-	-	-
-	-	-
-	-	-

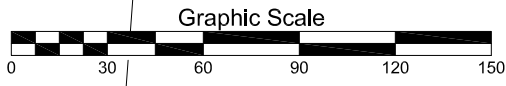
NEED BY
TAW

DATA FILE
S-5608.dxt

DATE
09-20-2016



Attachment: S-5608 092016 - Updated Site Plans (5149 : Site Plan - 335 Marsh Street Parking Lot)



NED BY TAW			
DATA FILE S-5608.dwg			
DATE 09-20-2016			
Number	Date	Comments	
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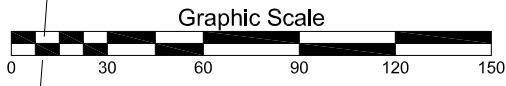
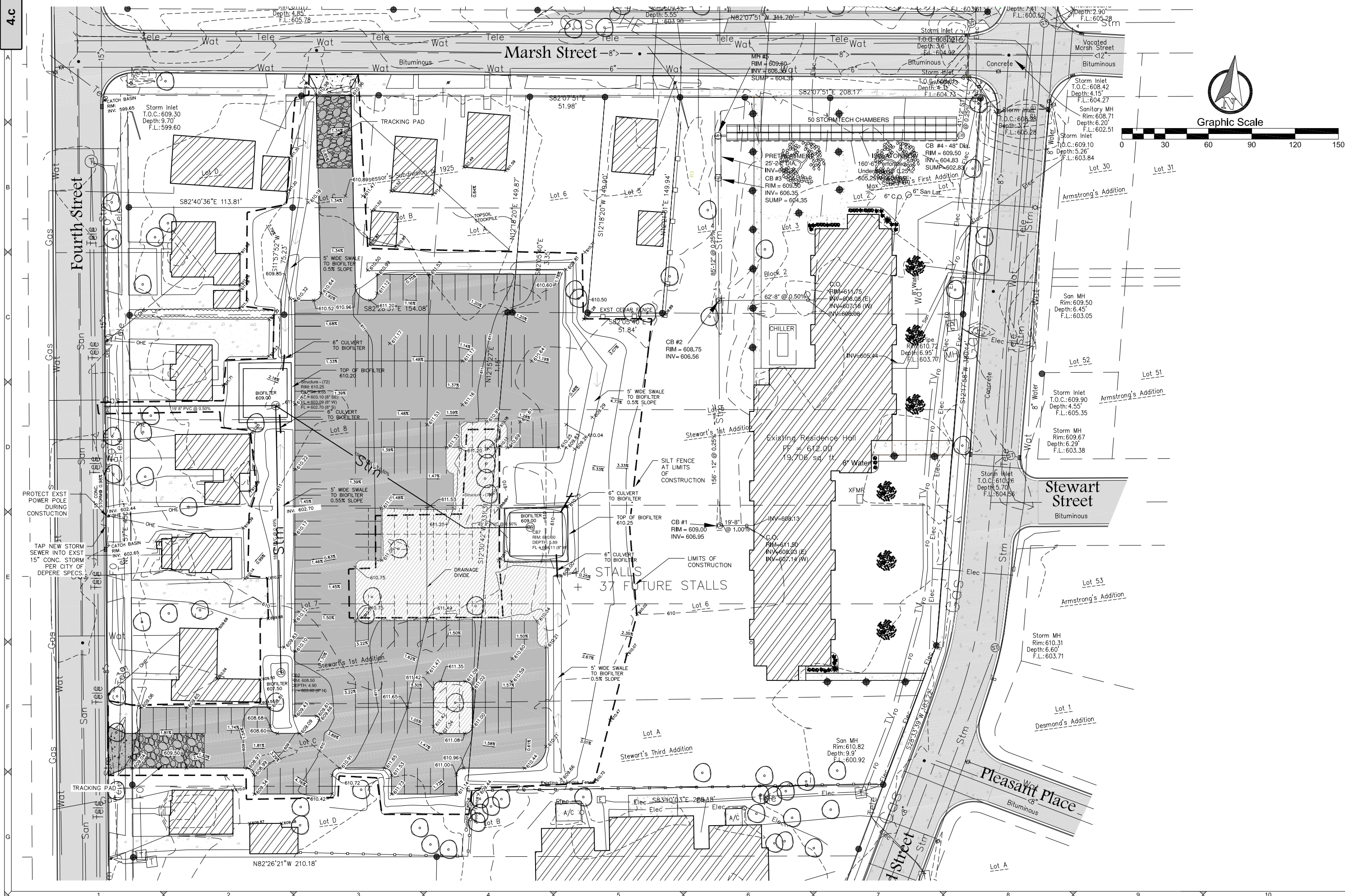
Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672

Marsh St. Parking Lot
Site and Landscape Plan

PROJECT NO.
S-5608

SHEET NO.
2.0

DRAWING NO.
S-2678



NED BY TAW		
DATA FILE S-5608.dwg		
DATE 09-20-2016		
Number	Date	Comments
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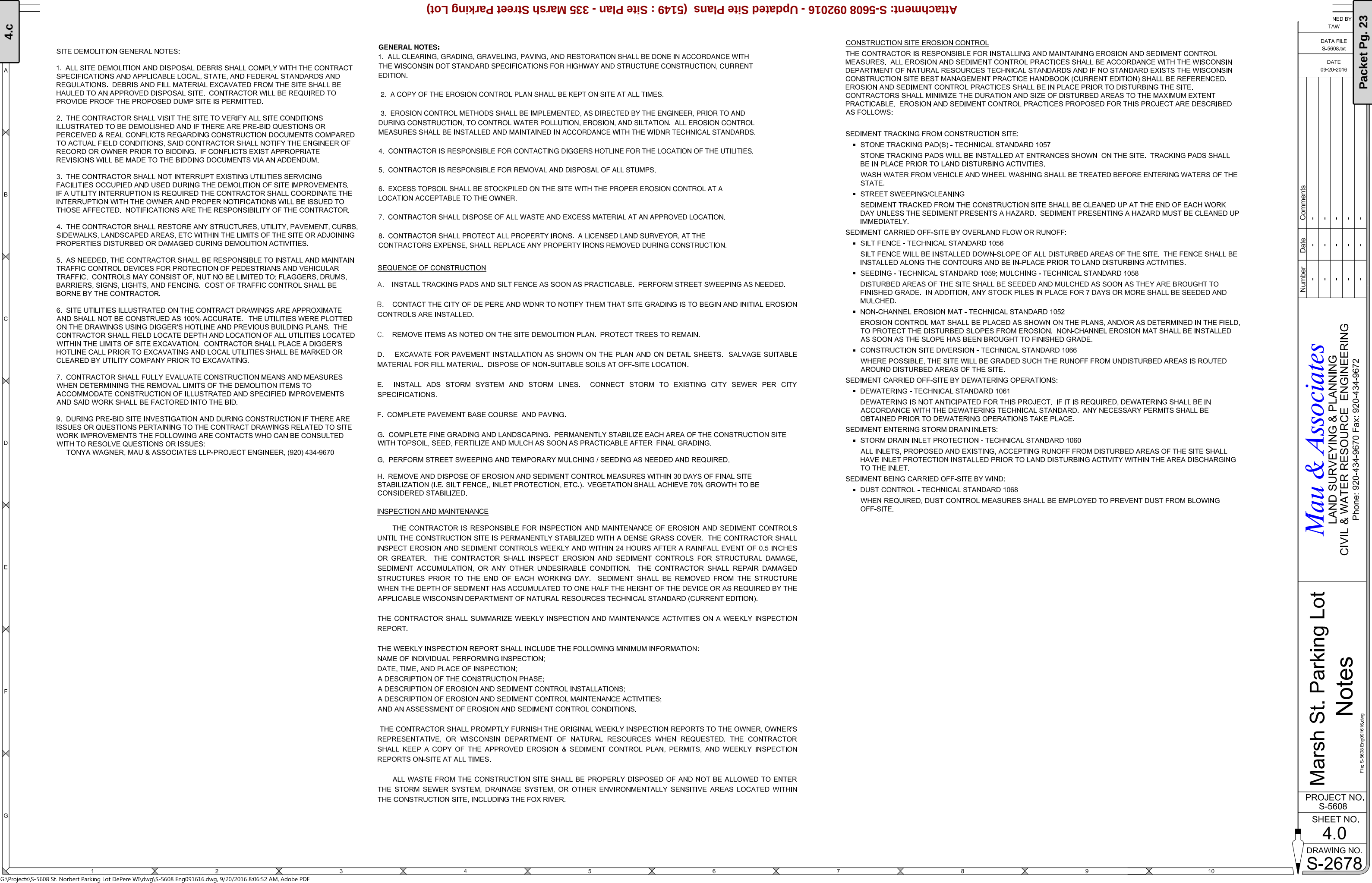
Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672

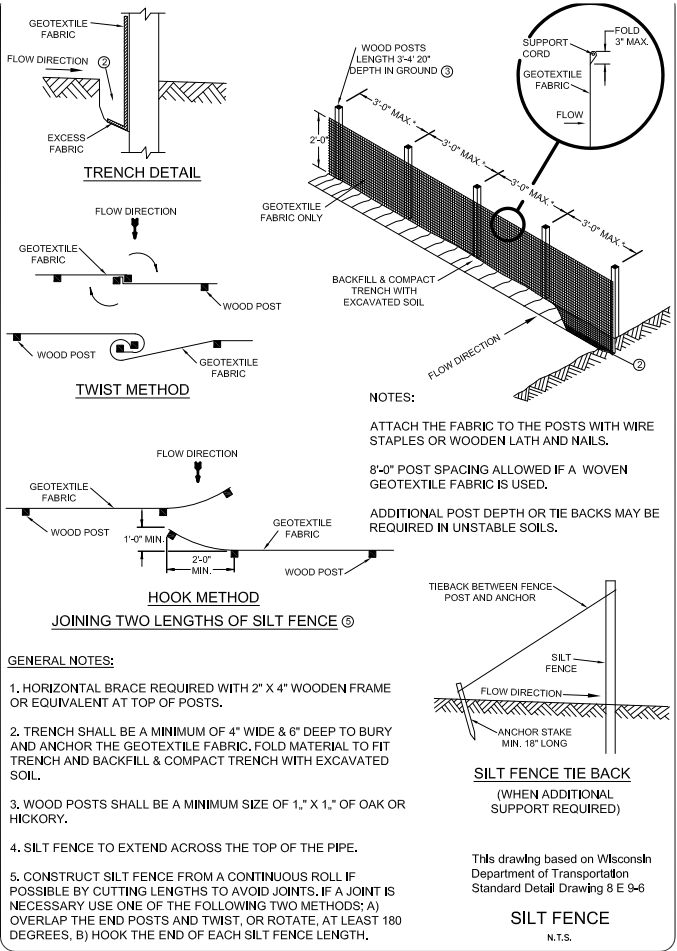
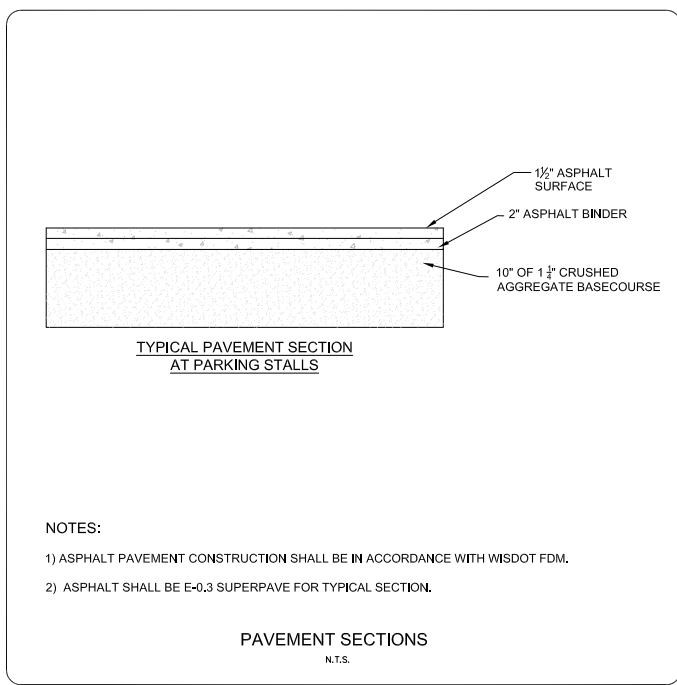
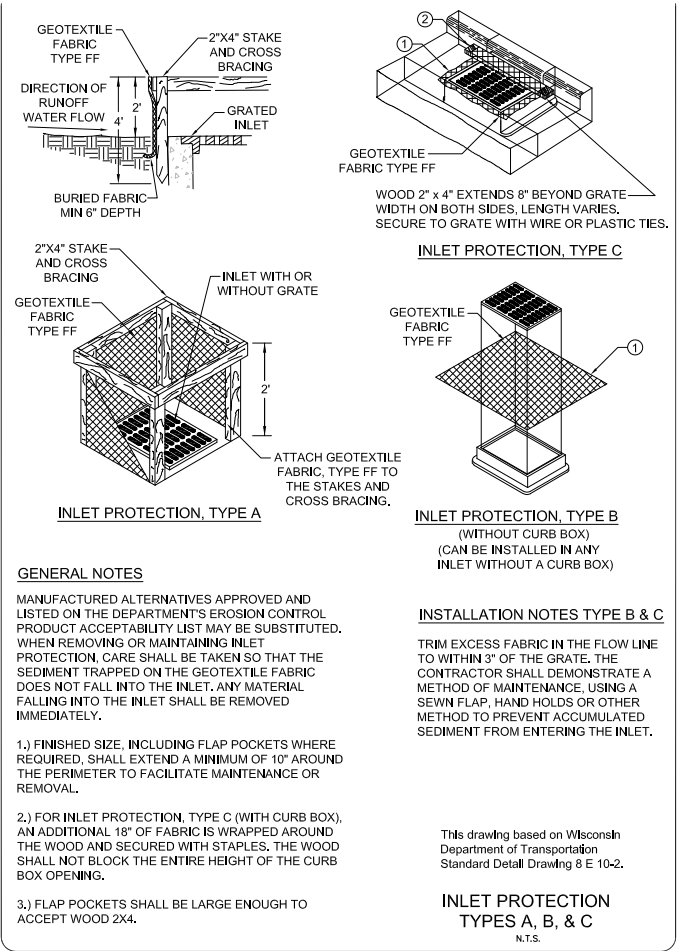
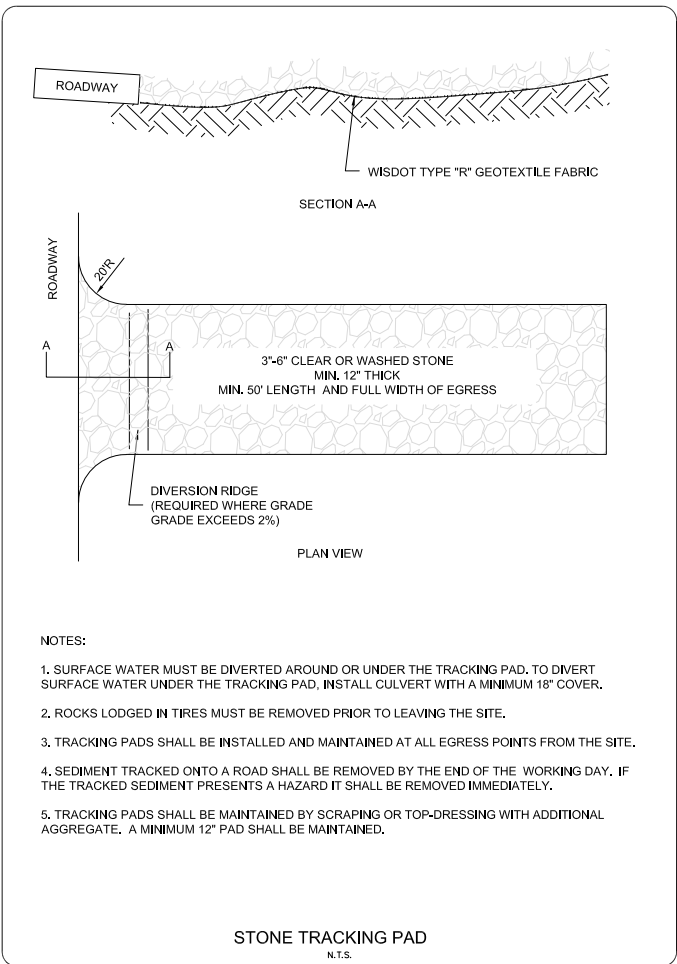
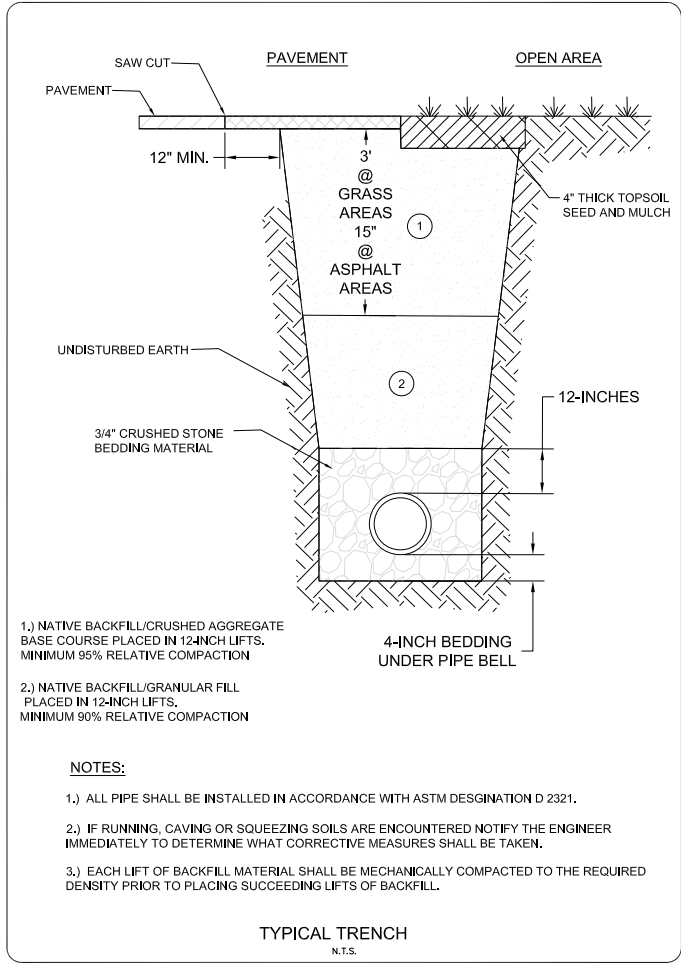
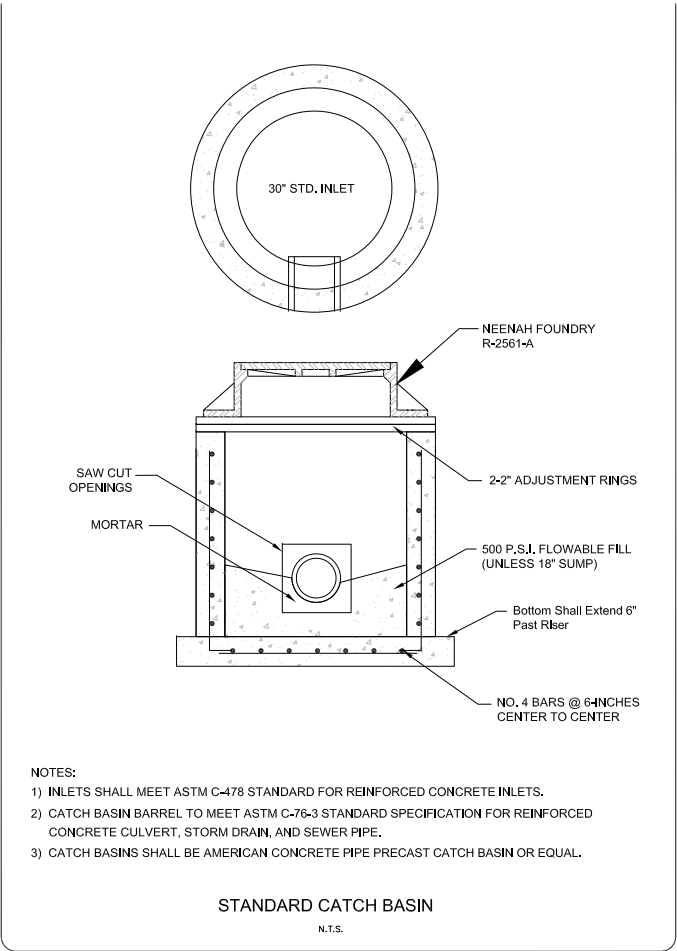
Marsh St. Parking Lot
Grading, Utility, and
Erosion Control Plan

PROJECT NO.
S-5608

SHEET NO.
3.0

DRAWING NO.
S-2678





City of De Pere, Wisconsin**Request For Plan Commission Action**

MEETING DATE: September 26, 2016

DEPARTMENT: Plan Commission

FROM: Peter Schleinz

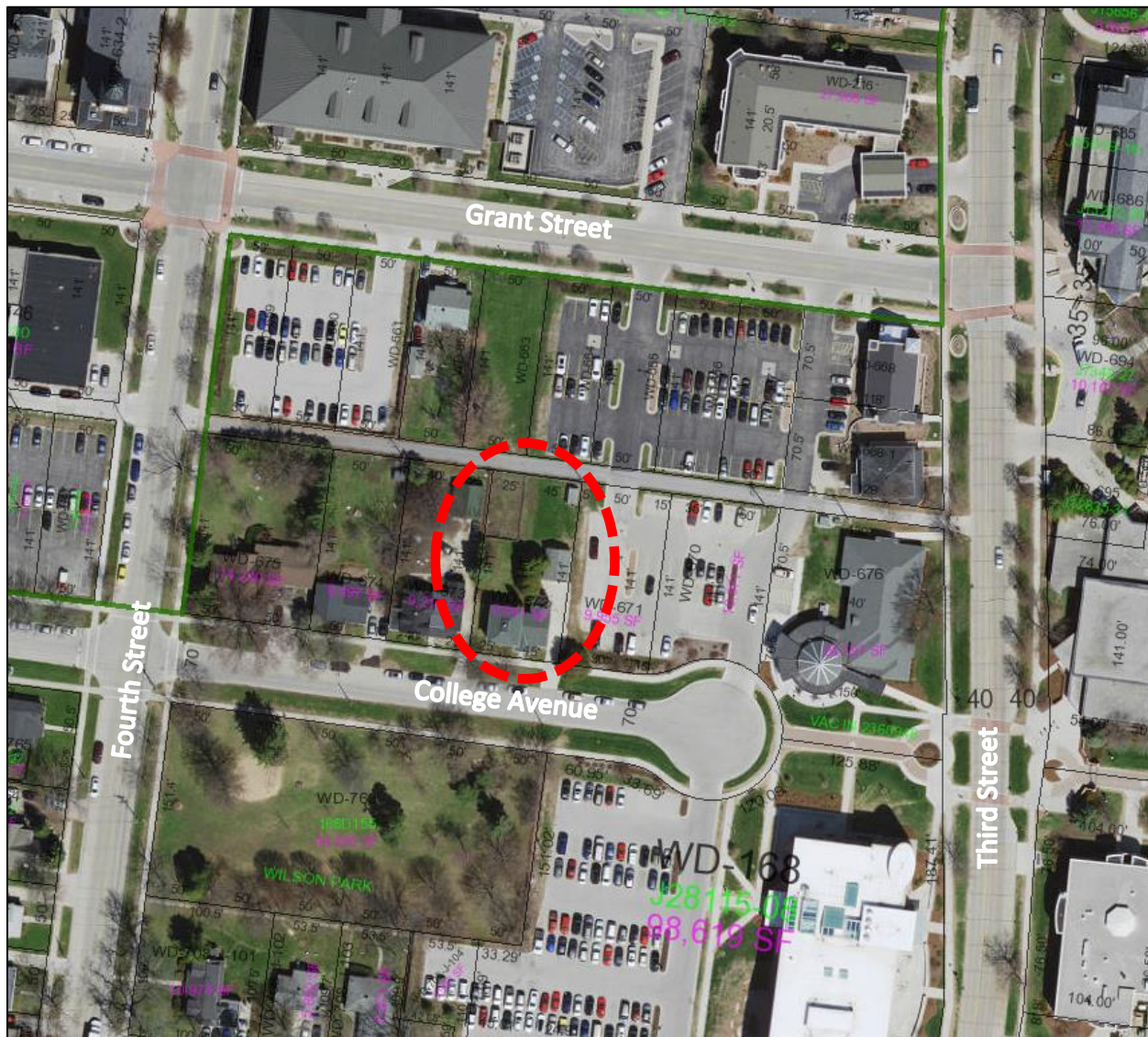
SUBJECT: Review and Recommendation for a Site Plan request at 324 College Avenue in De Pere for a St. Norbert College parking lot addition (Parcel WD-672). Applicant: Mau & Associates LLP

ATTACHMENTS:

- 09-26-16 Plan Commision Site Plan (parking lot addition) - St Norbert College (DOCX)
- Application Form (PDF)
- S-10707 Binder 083116 - Site Plan in 11x17 (PDF)

- Item 5: Review and Recommendation for a Site Plan request at 324 College Avenue in De Pere for a St. Norbert College parking lot addition (Parcel WD-672). Applicant: Mau & Associates LLP

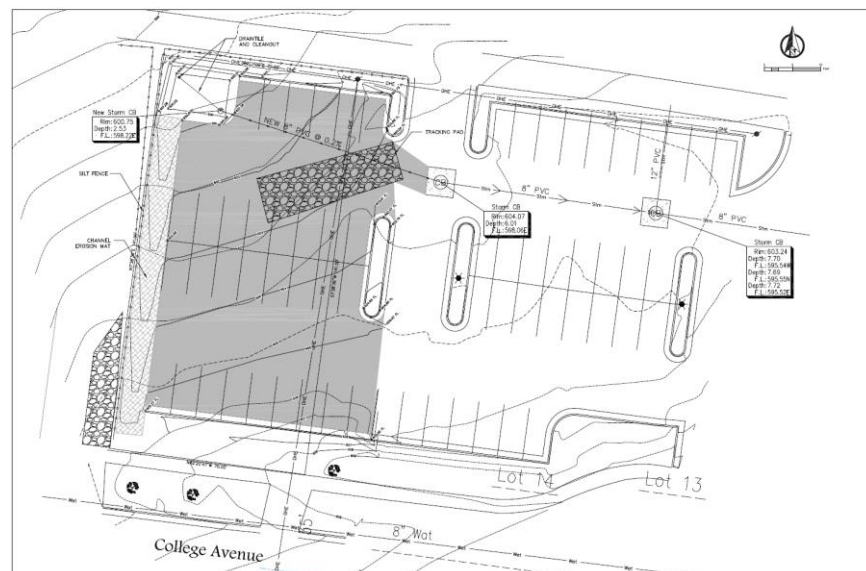
SITE MAP



REQUESTED ACTION:	Site Plan Approval
	Site Plan approval for an expansion to an existing parking lot on a vacant lot where a house was recently removed.
COMMON DESCRIPTION:	324 College Avenue, located northeast from College Avenue and Fourth Street.
PARCEL NUMBERS:	WD-672
EXISTING ZONING:	R-2 (Single and Two-Family Residential District)

PROPOSED ZONING:	None
SURROUNDING LAND USES:	Parking lot to north and east. Park to south. Residential to west.
COMPREHENSIVE PLAN:	Neighborhood residential (including multi-family). Transportation and utilities future use located to the north.
APPLICANT NAME:	Tonya Wagner, authorized agent for St. Norbert College Mau & Associates LLP 400 Security BLVD Green Bay, WI 54313
SITE HISTORY:	The St. Norbert College owned property had a residential home on it that was removed. The site plan proposes an expansion of an adjacent parking lot located to the east. The parking lot is immediately to the west of the Ariens Family Welcome Center. St. Norbert College identified that the spaces are needed due to the parking pressure created by removing the parking lot near the under-construction Mulva Sports Center.
STAFF REVIEW:	When reviewing a Site Plan request, staff considers the future land use recommendation of the Comprehensive Plan, surrounding land uses and desired development patterns, as well as the criteria identified in Zoning Code Section 14-60.

The parking lot expansion accommodates 31 additional motor vehicles. The lots are properly sized for 90-degree angled parking. There are no handicap stalls identified. There are proposed landscaped islands in the parking lot. The parking lot is also outlined with curb and gutter, less the west end. This is likely due to future expansions westward.



Parking Lot Layout, new area shaded in gray.

Site plans are approved by the Plan Commission and not reviewed by the Common Council.

STAFF COMMENTS:

Engineering:

1. Need to show all utilities on plan (electric, natural gas, telephone, water, sewer [sanitary & storm], fiber optic lines, transmission lines, etc).
2. All sheets are incorrectly scaled. Should be a 20 scale not a 10 scale.
3. Need to show all property lines with dimensions and need to better indicate the right-of-way lines.
4. Please show any changes in exterior lighting.
5. Please show the width for an individual stall on the pavement marking plan.
6. Please list 4" striping on the pavement marking plan (i.e. 4" typical).
7. Need to cut and cap existing sanitary sewer at the main.
8. Update the cut and cap existing water lateral comment to disconnect the water service at the corporate on the water main and close the corp.
9. Storm water calculations need to be provided to prove that the post construction will match or improve the existing residential runoff.
10. Need to remove the existing concrete drive approach and curb and gutter at the drive approach. Replace curb and gutter with full head curb.

Fire:

None.

Forestry:

1. No formal landscape plan is shown. Some plants are shown as going in, but no planting details are included.

Health:

None.

Building & Planning:

1. Landscape Plan is required to be reviewed and approved prior to building permit issuance.
2. Identify which parking stalls, if any, are HCAP accessible on the site plan.

Recommendations:

The below item is not required by Code, but is recommended in order to improve the design of the site plan.

Larger sized landscaping islands should be considered to minimize summer heat buildup on the parking lot surface and to improve the health of planted materials in the islands.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the site plan request for a parking lot addition, subject to compliance with the above comments and conditions.



CITY OF DE PERE

**APPLICATION FOR
SITE PLAN REVIEW**

SEP - 6 2016

PLANNING DEPT.

Fee: \$ 290.00

Receipt #: 115601

Date: 9-06-10

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) Mau & Associates, LLP	Authorized Representative Tonya Wagner	Title Project Engineer	
Mailing Address 400 Security Blvd	City Green Bay	State WI	ZIP Code 54313
Email Address tawagner@mau-asscoates.com	Phone Number (incl. area code) 920-434-9670	Fax Number (incl. area code) 920-434-9672	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) St. Norbert College	Contact Person Pat Wrenn	Title Director of Facilities	
Mailing Address 100 Grant Street	City De Pere	State WI	ZIP Code 54115
Email Address patrick.wrenn@snc.edu	Phone Number (incl. area code) 920-403-4066	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description 324 College Ave	Parcel No. WD-672
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SECTION 4: Project Information

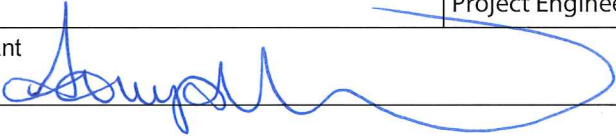
Existing Zoning:	Single and Two Family Residential		
Present Use of Parcel:	Open house because house was raxed		
Proposed Use of Parcel:	Parking lot for St. Norbert College		
Estimated Start Date:	September 12, 2016	Estimated Completion Date:	October 24, 2016

Please submit 1 hard copy 24x36, 1 hard copy 11x17 and 1 PDF copy of the submittal.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) Tonya Wagner	Title Project Engineer	Phone Number 920-434-9670
Signature of Applicant 		Date Signed 9/1/2016

TO BE COMPLETED BY CITY STAFF

CSM Review authorized by the De Pere Municipal Code, Chapter 46.

St. Norbert College

College Ave Parking Lot

City of De Pere

Project Information

Owner(s):	St. Norbert College
Project Name:	College Ave Parking Lot
Project Description:	31 stall parking lot located at 324 College Ave. Parking lot is an extension to the existing lot
Project Address:	324 College Ave

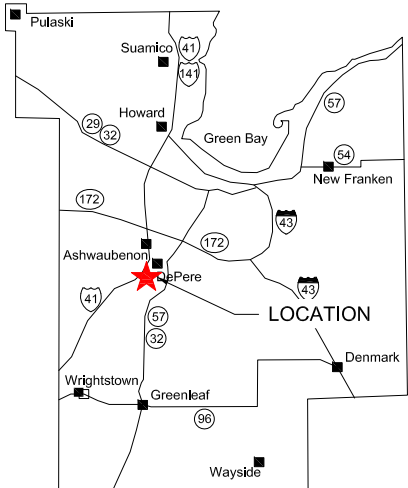
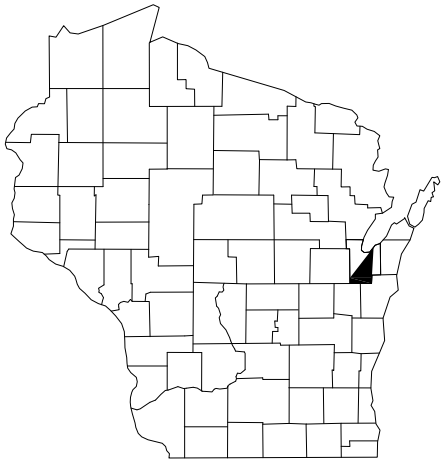
Contact Information

Owner(s):	St. Norbert college Patrick Wrenn 100 Grant Street De Pere, WI 54115 920-403-3176
Engineer:	Mau & Associates, LLP Contact: Tonya Wagner, P.E. 400 Security Boulevard Green Bay, WI 54313 (920) 434-9670

- Sheet Index:
- 1.0 Site Demolition Plan
 - 2.0 Site Plan
 - 3.0 Grading, Utility Erosion Control Plan
 - 4.0 Notes
 - 5.0 Details

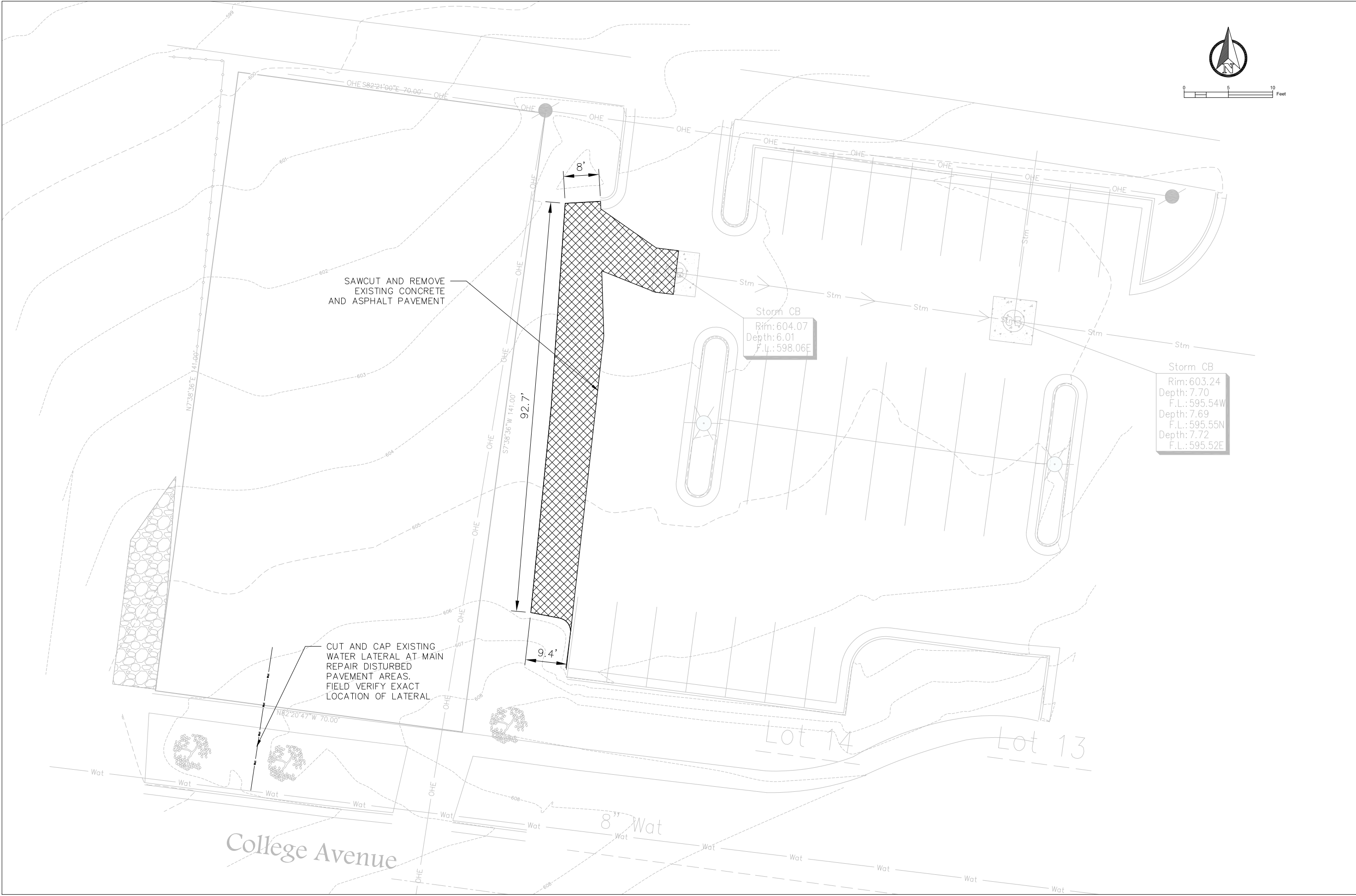
SITE STATISTICS

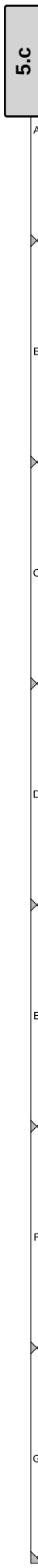
SITE AREA - 9,941 SF
BUILDING 0 SF
PAVEMENT 7,964 SF (80.1%)
Note an additional 677 SF of pavement is being added to parcel WD-671 to make the parking lot contiguous.
PERVIOUS 1,977 SF (19.9%)



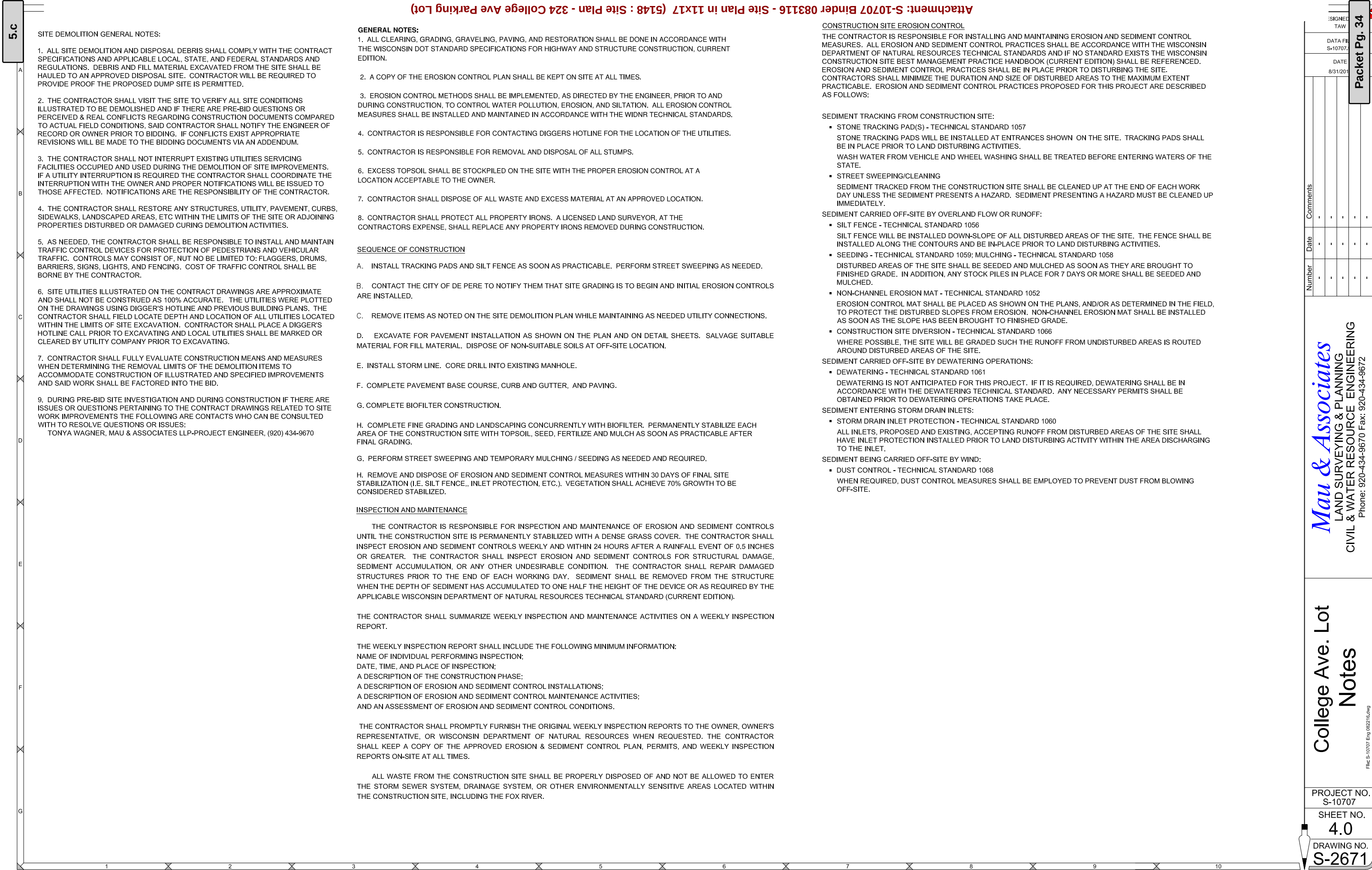
Vicinity Map
(not to scale)

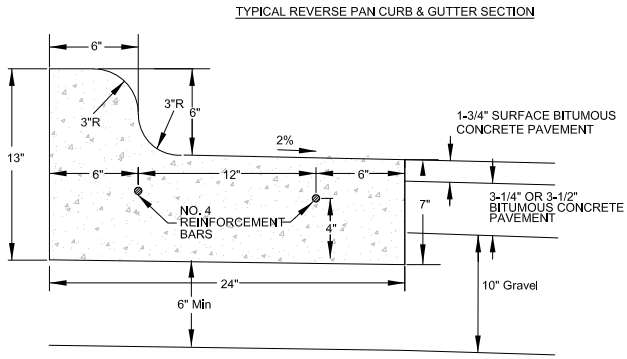
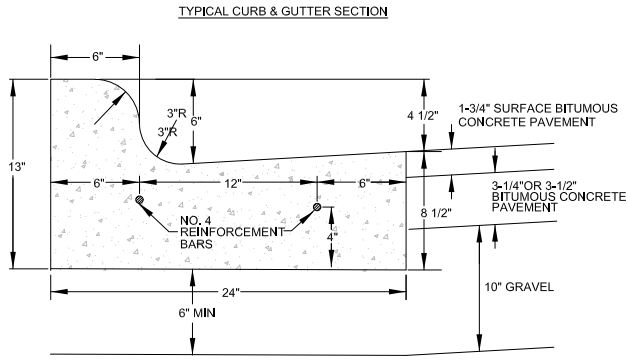
Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672





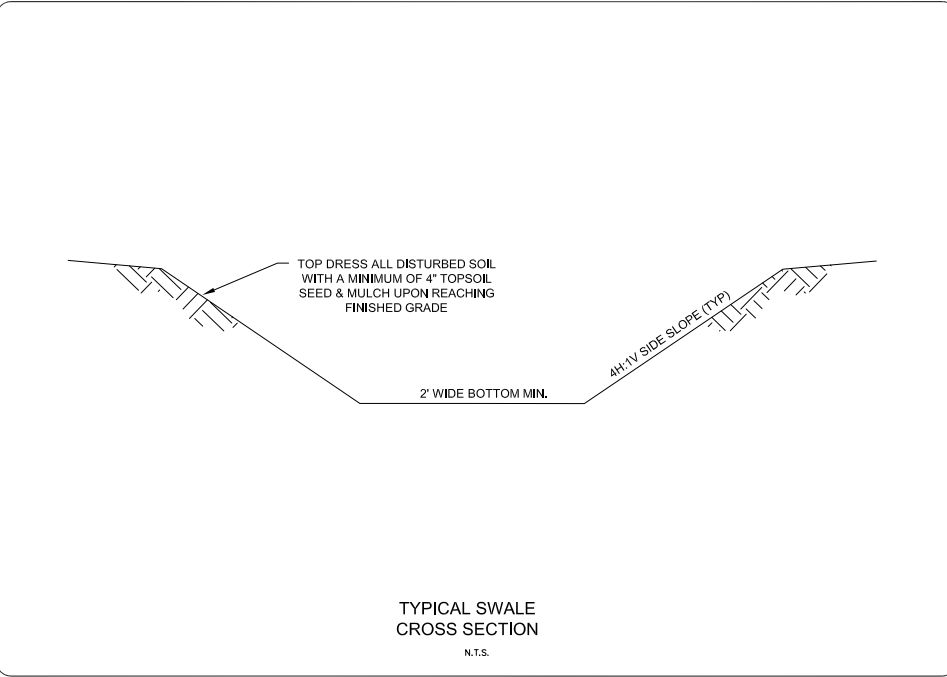
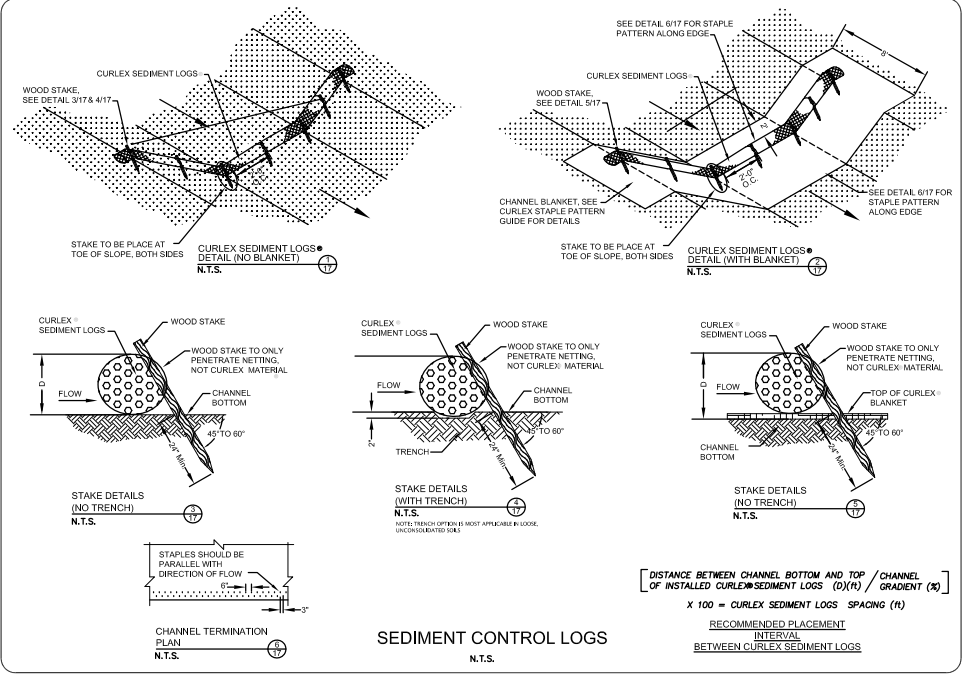
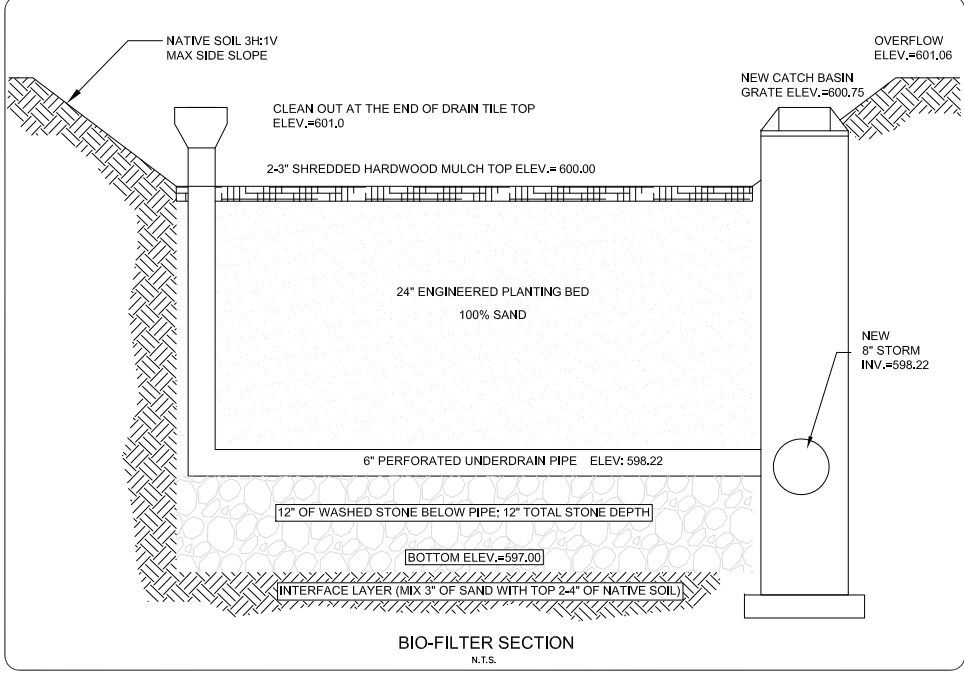
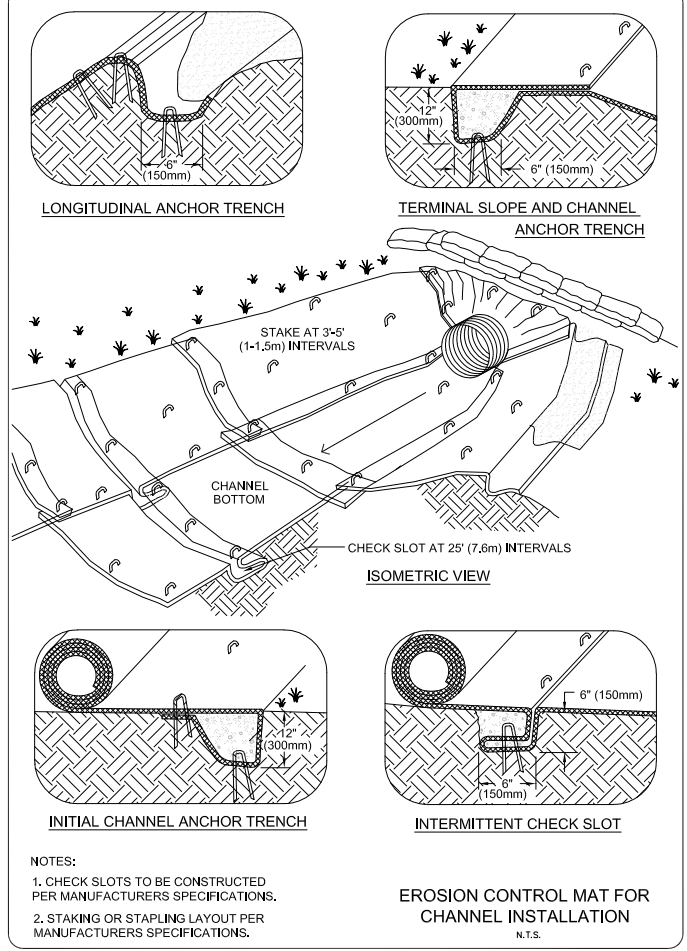
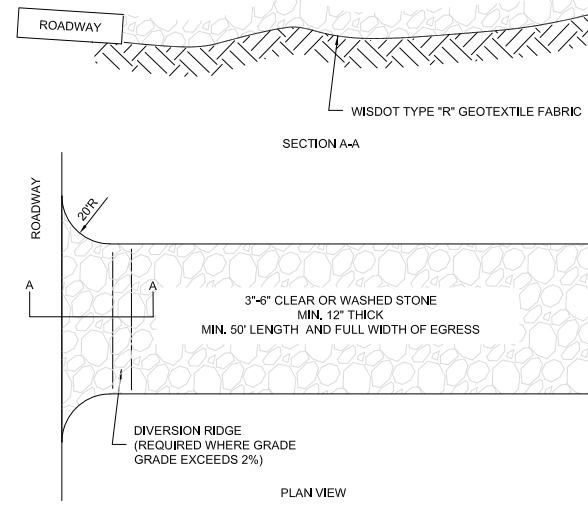
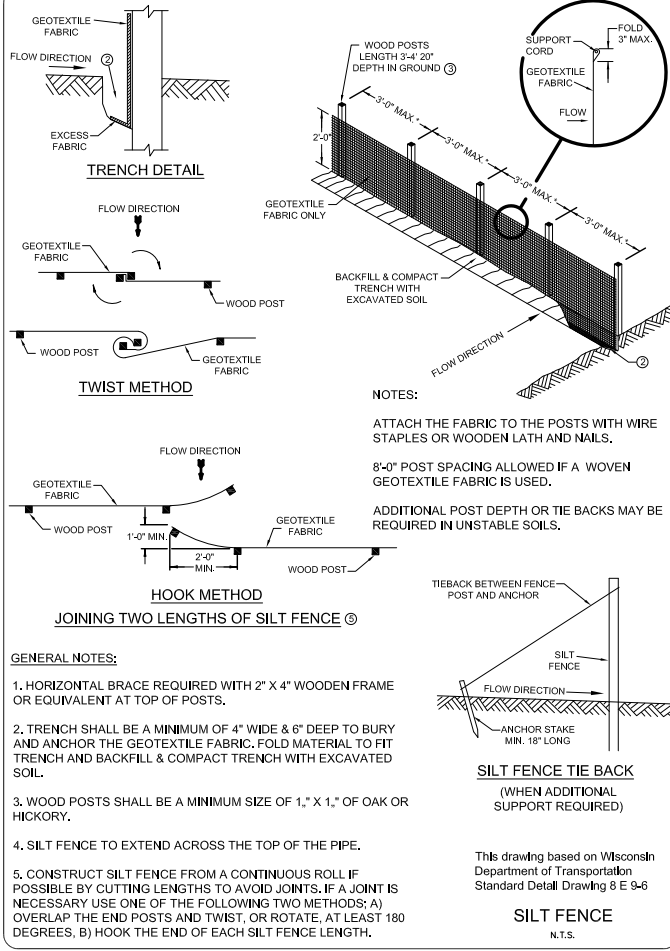
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NOTE: VERIFY PROFILE MATCHES
EXISTING CURB & GUTTER

CURB & GUTTER DETAIL
N.T.S.



City of De Pere, Wisconsin**Request For Plan Commission Action**

MEETING DATE: September 26, 2016

DEPARTMENT: Plan Commission

FROM: Peter Schleinz

SUBJECT: Review and recommendation for a Proposed Extraterritorial Two-Lot Certified Survey Map at 3975 Creamery Road in Ledgeview (Parcel ED-F0081-2). Submitted by Richard A. Huxford, PLS.*

ATTACHMENTS:

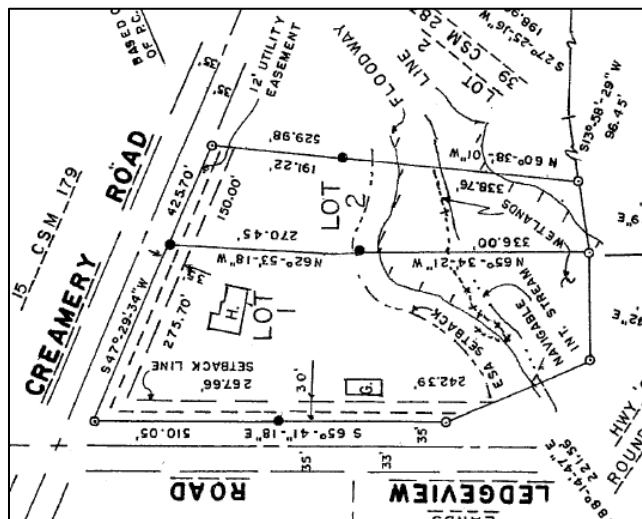
- Extraterritorial CSM - Gossen - Plan Commission Report FINAL (DOCX)
- Application Form - Gossen (PDF)
- Preliminary CSM REVISED - Gossen (PDF)

- ITEM 6: Review and recommendation for a Proposed Extraterritorial Two-Lot Certified Survey Map at 3975 Creamery Road in Ledgeview (Parcel D-486-2). Submitted by Richard A. Huxford, PLS.*

SITE MAP



PROPOSED CERTIFIED SURVEY MAP AREA



REQUESTED ACTION: Extraterritorial Certified Survey Map Approval.*

COMMON DESCRIPTION: 3975 Creamery Road in the Town of Ledgeview, located northeast from the Creamery Road and Ledgeview Road intersection.

PARCEL NUMBER(S):	D-486-2
EXISTING ZONING:	Located in Town of Ledgeview.
PROPOSED ZONING:	None.
SURROUNDING LAND USES:	Residential and natural areas to the north, east, and west. Residential and agricultural to the south.
COMPREHENSIVE PLAN:	Not identified as this is an extraterritorial area.
APPLICANT NAME:	Richard A. Huxford, PLS, Authorized Representative Huxford Surveyors INC 2589 Oak Ridge Circle De Pere, WI 54115
SITE HISTORY:	After a review of air photographs, the property has been used for residential purposes for over 25 years, and agricultural purposes prior to that. There is a waterway and floodway at the east end of the proposed lots that are likely environmentally sensitive areas (ESA) that do not affect the buildable area on the property. The ESA will be addressed by Brown County Planning Commission.
STAFF REVIEW:	When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns. The Certified Survey Map meets the criteria of State Statutes 236 and Section 46-8 of the De Pere Platting and Division of Land Code. Creating two lots for proposed residential sites does not impact the Comprehensive Plan negatively. For extraterritorial Certified Survey Map petitions, the Plan Commission either approves, rejects, or approves the map with conditions. The subject Certified Survey Map must also be approved by the Common Council due to being an extraterritorial review.
STAFF RECOMMENDATION:	Staff recommends APPROVAL of the extraterritorial Certified Survey Map and forwarding the map to the Common Council for final approval, subject to: 1. Meeting all other state and local regulations, including the Town of Ledgeview and Brown County Planning Commission.

	CITY OF DE PERE APPLICATION FOR CSM REVIEW	Fee: \$ 350.00	
		Receipt #: 115274	
		Date: 8-18-16	

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) POA. LAURA PETERS FOR OWNER	Authorized Representative RICHARD A. HUXFORD	Title LAND SURVEYOR	
Mailing Address 303 DESPLAINE	City DE PERE	State WI	ZIP Code 54115
Email Address 	Phone Number (incl. area code) 920 6608587	Fax Number (incl. area code) 	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) ELAINE M. GOSSEN	Contact Person LAURA PETERS POA	Title DAUGHTER	
Mailing Address % LAURA PETERS 303 DESPLAINE	City DE PERE	State WI	ZIP Code 54115
Email Address 	Phone Number (incl. area code) 920 6608587	Fax Number (incl. area code) 	

SECTION 3: Project or Site Location

Project Address/Description LOT 1, 39 CSM 283 N.E. COR. CREAMERY ROAD E. LEDGEVIEW ROAD	Parcel No. D-486-2
---	------------------------------

SECTION 4: CSM Information

Existing Zoning:	
Present Use of Parcel:	RESIDENTIAL
Proposed Use of Lots:	RESIDENTIAL

Please submit 1 hard copy and 1 PDF copy of the CSM if the property is located within the City or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) RICHARD A. HUXFORD, PLS	Title LAND SURVEYOR PLS-937	Phone Number 920 3364011
Signature of Applicant Richard A. Huxford		Date Signed 8-17-2016

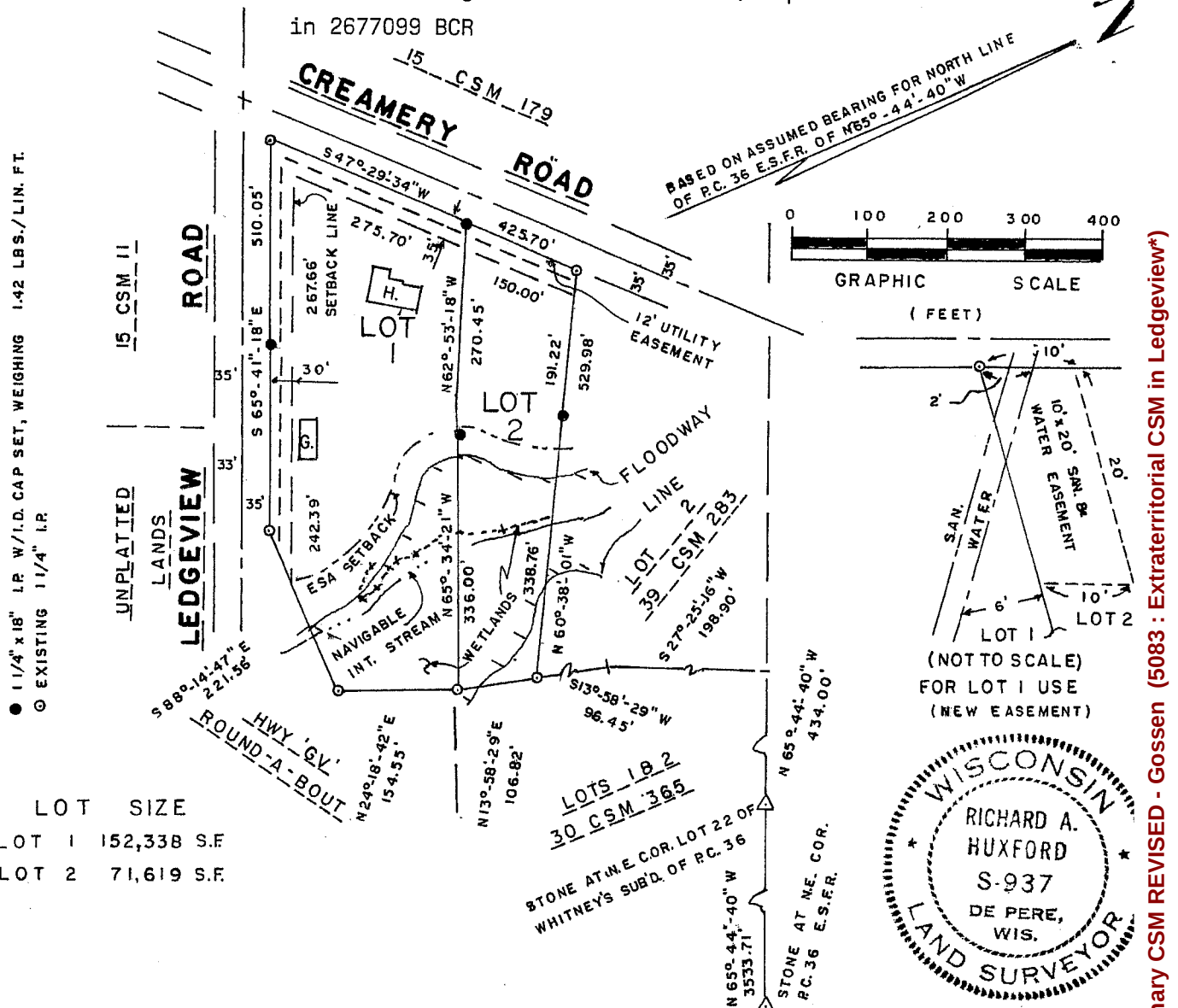
TO BE COMPLETED BY CITY STAFF

CSM Review authorized by the De Pere Municipal Code, Chapter 46.

#5083-PC
#5084-CC

CERTIFIED SURVEY MAP

Part of Lot 22 of Whitney's Sub'd. of P.C. 36, ESFR, Town of Ledgeview,
Brown County, Wisconsin being Lot 1 of 39 CSM 283, Map 5997 Ex. Road



I, Richard A. Huxford, Professional Land Surveyor do hereby certify that I have surveyed, divided and mapped a parcel of land located in Lot 22 of Whitney's Sub'd. of P.C. 36, ESFR in the Town of Ledgeview, Brown County, Wis. being all of Lot 1 of 39 CSM 283, Map 5997 Ex. Road in Doc. 2677099 BCR described as follows: Commencing at the NE corner of said PC 36; thence N 65°-44'-40" W, 3533.71 feet along the northerly PC line to the NE'ly corner of said Lot 22; thence continuing along said northerly PC line, N 65°-44'-40" W, 434.00 feet; thence S 27°-25'-16" W, 198.90 feet; thence S 13°-58'-29" W, 96.45 feet to the Point Of Beginning; thence N 60°-38'-01" W, 529.98 feet to a point on the E'ly R/W of Creamery Road; thence S 47°-29'-34" W along said R/W, 425.70 feet to a point on the N'ly R/W of Ledgeview Road; thence S 65°-41'-18" E along said R/W, 510.05 feet to a point on the N'ly R/W of a Hwy. "GV" Round-A-Bout; thence S 88°-14'-47" E along said R/W, 221.56 feet; thence N 24°-18'-42" E, 154.55 feet; thence N 13°-58'-29" E, 106.82 feet to the Point Of Beginning. Containing 223,957 sq. ft. (5.141 Ac.) more or less.

I do further certify that I have complied with the provisions of Chapter 236.15 and 236.34 of the Wisconsin Statutes and the Land Division Ordinances of the Town of Ledgeview, City of De Pere and Brown County and that this map correctly represents all exterior boundaries of the land surveyed, That I have made such survey and land division by the order and direction of Laura Peters who has POA for the owner Elaine M. Gossen.

Richard A. Huxford, PLS-937

Attachment: Preliminary CSM REVISED - Gossen (5083 : Extraterritorial CSM in Ledgeview*)



Stock No. 26273

Restrictive Covenants

Lots 1 & 2 contain wetland areas that may require a permit from the Army Corps of Engineers, wis. DNR or the Brown County Zoning Administrator prior to any development activity.

Lots 1 & 2 contain an environmentally sensitive area (ESA) as defined in the Brown County Sewerage Plan. The ESA includes all wetlands, all lands within 35 feet of wetlands 2 acres or greater, and all lands within 75 feet of a stream. Development and land disturbing activities are restricted in the ESA unless amendments are approved by the Brown County Planning Commission and the Wis. DNR.

The property owners, at the time of construction, shall implement the appropriate soil erosion control method(s) as outlined in "Wisconsin Construction Site Best Management Practice Handbook" to prevent soil erosion. However, if at the time of construction the Town has adopted a soil erosion control ordinance, it shall govern over this requirement. This provision applies to any construction or installation related activities.

A Shoreland Permit from the Brown County Zoning Administrator's Office is required prior to any construction, fill or grading activity within 300 feet of a stream.

The land on all side and rear lot lines of all lots shall be graded by the lot owner and maintained by the abutting property owners to provide for the adequate drainage of surface water.

Owner's Certificate:

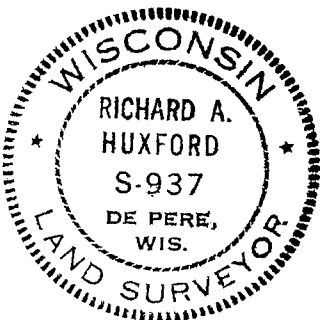
Having the POA for the owner Elaine M. Gossen, I do hereby certify that I have caused the land shown and described on this certified survey map to be surveyed, divided and dedicated as shown. Also that this map is required by SS 236.10 or 236.12 to be submitted to the following for approval or objection: Town of Ledgeview, City of De Pere and the Brown County Planning Commission.

Laura Peters, having POA for
Elaine M. Gossen

State of Wisconsin) SS
Brown County)

Personally came before me this _____ day of _____, 2016, the above named Laura Peters, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Brown Co., Wi.
My commission expires _____



Certificate of the Brown County Planning Commission

Approved for the Brown County Plan Commission this _____ day of _____, 2016.

Dan Teaters, Senior Planner
Brown County Plan Commission

Certificate of the City of De Pere

Approved by the City of De Pere this _____ day of _____, 2016.

Certificate of the Town of Ledgeview

Approved by the Town Board of the Town of Ledgeview this _____ day of _____, 2016

Sarah K. Burdette
Town of Ledgeview Clerk

Brown County and Town of Ledgeview Treasurers Certificate

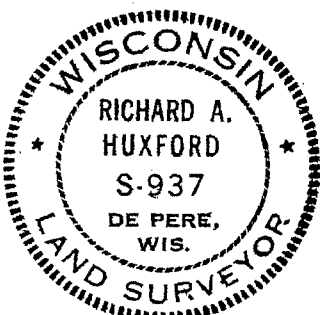
As the duly elected and appointed treasurers of Brown County and the Town of Ledgeview, we hereby certify that the records in our offices show no unredeemed taxes and no unpaid special assessments affecting any of the lands included in this certified survey map as of the date listed below.

Paul D. Zeller, Brown County Treasurer

Date

Ranae Peters, Town of Ledgeview Treasurer

Date

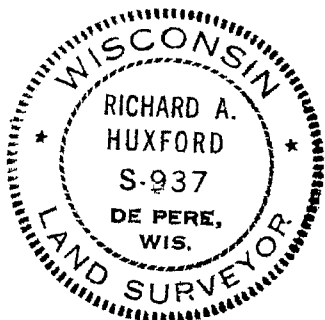


UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, and communications service is hereby granted by Laura Peters, having Power Of Attorney for Elaine M. Gossen, owner of record, Grantor, to WISCONSIN PUBLIC SERVICE CORPORATION, a

Wisconsin corporation, Grantee their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in conjunction with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incidental to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than six inches without written consent of grantees. This Utility Easement Provision does not prevent or prohibit others from utilizing or crossing the Utility Easement as the Utility easement(s) are non-exclusive.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.



City of De Pere, Wisconsin**Request For Plan Commission Action**

MEETING DATE: September 26, 2016

DEPARTMENT: Plan Commission

FROM: Peter Schleinz

SUBJECT: Review and recommendation for a Proposed Four-Lot Certified Survey Map at 2100 BLK Richco Road in De Pere (Parcels WD-L178-1-1, WD-L179, WD-L179-3, WD-L179-4). Submitted by City of De Pere.*

ATTACHMENTS:

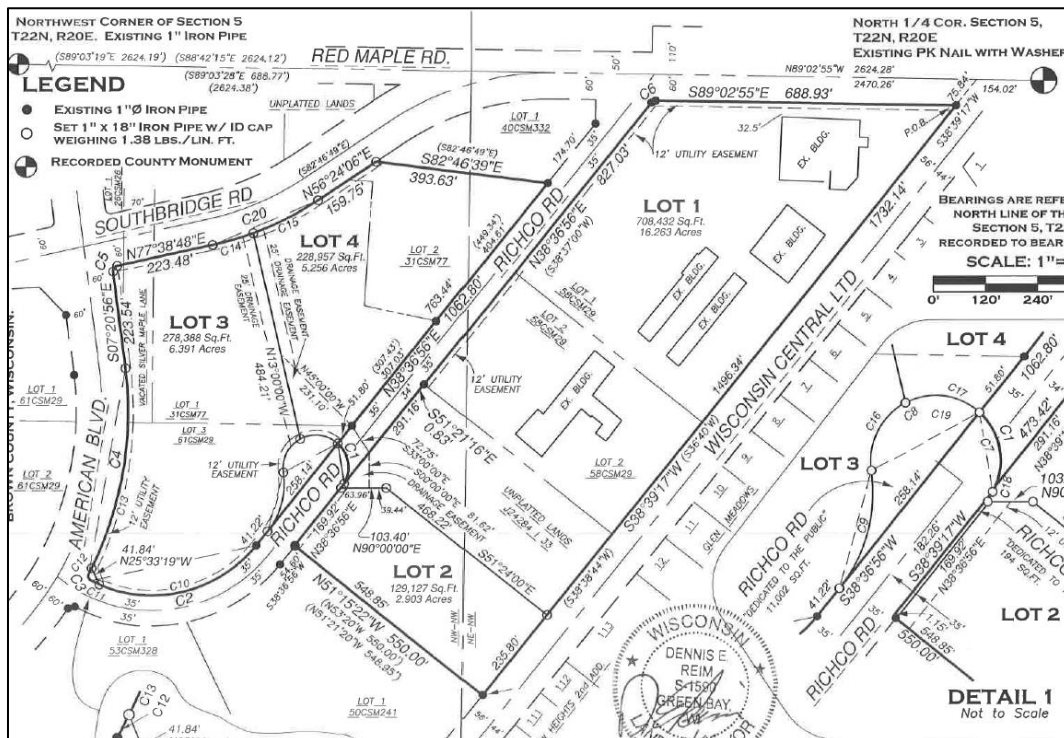
- CSM - City of De Pere - Plan Commission Report FINAL (DOCX)
- Preliminary CSM - Richco Road (PDF)

ITEM 7: Review and recommendation for a Proposed Four-Lot Certified Survey Map at 2100 BLK Richco Road in De Pere (Parcels WD-L178-1-1, WD-L179, WD-L179-3, WD-L179-4). Submitted by the City of De Pere.*

SITE MAP



PROPOSED CERTIFIED SURVEY MAP AREA



REQUESTED ACTION:	Certified Survey Map Approval.*
COMMON DESCRIPTION:	2100 BLK Richco Road, located south from the Richco Road and Red Maple Road intersection
PARCEL NUMBER(S):	WD-L178-1-1, WD-L179, WD-L179-3, WD-L179-4
EXISTING ZONING:	I-3 (General Industrial District) All but Parcel WD-L178-1-1 are in TID #11
PROPOSED ZONING:	None.
SURROUNDING LAND USES:	Industrial and vacant to the north, south, and west. Residential and vacant residential to the east.
COMPREHENSIVE PLAN:	Industrial Park and Business Park
APPLICANT NAME:	City of De Pere
SITE HISTORY:	After a review of air photographs, the property has been used for industrial purposes for over 30 years, and agricultural purposes prior to that. There is a proposed storm water management pond, to be built by the City on Lot 2. The pond is proposed to be owned by the City of De Pere. Also, Richco Road is proposed to be partially vacated to create the cul-de-sac seen on the CSM. The CSM reflects the contract approved by Council to acquire property from KC Stock for a regional stormwater pond. It also creates new lots with appropriate access off of Richco Road. Plan Commission will be reviewing the right-of-way vacation on September 26, 2016.
STAFF REVIEW:	When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns. The Certified Survey Map meets the criteria of State Statutes 236 and Section 46-8 of the De Pere Platting and Division of Land Code. Creating four lots for proposed industrial site and a storm water management pond does not impact the Comprehensive Plan negatively. Brown County indicated that small wetlands may be present in the area covered by the CSM. The City has been working with the DNR to ensure that all earthwork is compliant with their requirements. For Certified Survey Map petitions, the Plan Commission either

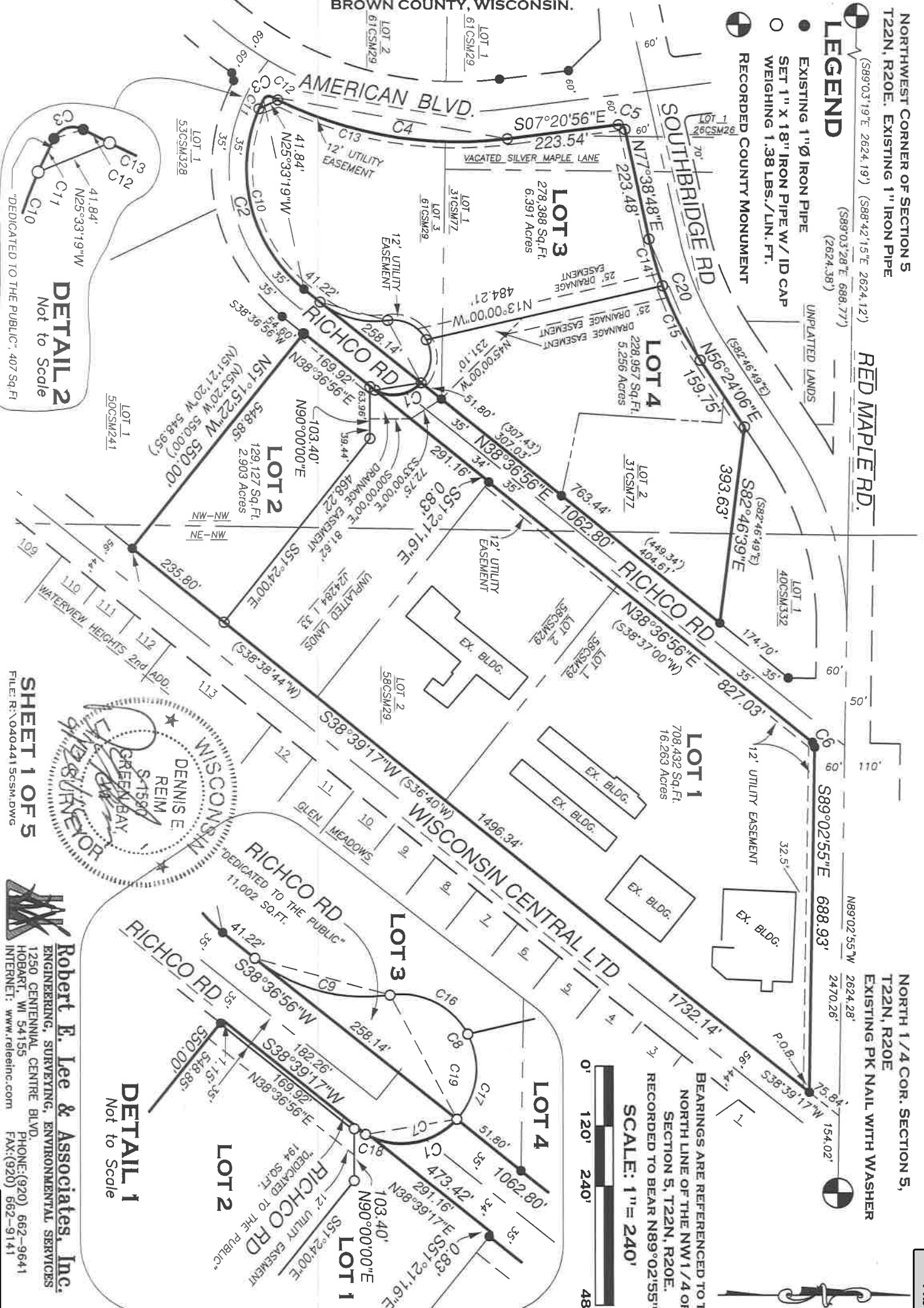
approves, rejects, or approves the map with conditions. The subject Certified Survey Map must also be approved by the Common Council because City owned property is involved.

STAFF RECOMMENDATION: Staff recommends APPROVAL of the Certified Survey Map and forwarding the map to the Common Council for final approval, subject to:

1. Meeting all other state and local regulations, including the City of De Pere and Brown County Planning Commission.

CERTIFIED SURVEY MAP

ALL OF LOT 3, VOLUME 61 OF CERTIFIED SURVEY MAPS, PAGE 29, MAP NO. 8600, ALL OF LOTS 1 AND 2, VOLUME 58 OF CERTIFIED SURVEY MAPS, PAGE 29, MAP NO. 8276, PART OF LOTS 1 AND 2, VOLUME 31 OF CERTIFIED SURVEY MAPS, PAGE 77, MAP NO. 4822, PART OF LOT 1, VOLUME 26 OF CERTIFIED SURVEY MAPS, PAGE 26, MAP NO. 4189, PART OF VACATED SILVER MAPLE LANE, PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, SECTION 5, T22N, R20E, CITY OF DE PERE, BROWN COUNTY, WISCONSIN.



CERTIFIED SURVEY MAP

CURVE TABLE

CURVE	DELTA	ARC	RADIUS	CH BEARING	CHORD	TAN BEARING	TAN BEARING
C1	76°42'09"	100.40'	75.00'	N09°12'38.5"W	93.07'	S47°33'43"E	S29°08'26"W
C2	78°44'11"	419.13'	305.00'	S77°59'01.5"W	386.92'	N62°38'53"E	S38°36'56"W
C3	90°07'09"	18.87'	12.00'	N17°35'18.5"W	16.99'	N62°38'53"E	N27°28'17"E
C4	34°49'13"	485.67'	799.30'	N10°03'40.5"E	494.56'	N27°28'17"E	
C5	84°59'44"	17.80'	12.00'	N35°08'56"E	16.21'		
C6	52°20'09"	10.96'	12.00	N64°47'00.5"E	10.58'		
C7	86°10'39"	118.80'	75.00'	N04°28'23"W	102.47'	N47°33'43"E	
C8	140°58'44"	184.54	75.00'	S61°56'55"W	141.39'	S47°33'43"E	N08°32'27"W
C9	47°09'23"	144.03'	175.00'	S15°02'14.5"W	140.00'	S38°36'56"W	S08°32'27"E
C10	74°44'11"	397.84'	305.00	S75°59'01.5"W	370.23'	N38°36'56"E	N66°38'53"W
C11	04°00'00"	21.29'	305.00'	S64°38'53"W	21.29'	N62°38'53"W	S66°38'53"E
C12	01°00'00"	13.95	799.30'	N26°58'17"E	13.95'	S27°28'17"W	N26°28'17"E
C13	33°49'13"	471.72'	799.30'	N09°33'40.5"E	464.97'	S26°28'17"W	N07°20'56"W
C14	07°46'42"	96.38'	710.00'	N73°45'27"E	96.31'		
C15	13°28'00"	166.88'	710.00'	N63°08'06"E	166.49'		
C16	70°00'00"	91.63'	75.00'	N26°27'33"E	86.04'	N08°32'27"E	N61°27'33"E
C17	70°58'44"	92.91'	75.00'	N83°03'05"W	87.08'	S61°27'33"W	S47°33'43"E
C18	09°28'30"	12.40'	75.00'	N33°52'41"E	12.39'	S38°36'56"W	N29°08'26"E
C19	227°09'23"	303.34'	75.00'	S74°57'45.5"E	137.48'	S38°36'56"W	S08°32'27"E
C20	21°14'42"	263.26'	710.00'	N67°01'27"E	261.76'		

GRANT OF EASEMENT

An easement for electric, natural gas, and communications service is hereby granted by the City of De Pere and K C S Inc. to **WISCONSIN PUBLIC SERVICE CORPORATION, a Wisconsin corporation, and all other providers of electric facilities, natural gas facilities, or telephone and cable TV facilities, and the City of De Pere**, Grantees, their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities, including public services provided by the City of De Pere for water mains, sanitary sewers, storm water and associated facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than six inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.



CERTIFIED SURVEY MAP

SURVEYOR'S CERTIFICATE

I, Dennis E. Reim, Professional Land Surveyor, do hereby certify that under the direction of Peter Schleinz, City Planner, City of De Pere, owner, I have surveyed, divided and mapped all of Lot 3, Volume 61 of Certified Survey Maps, Page 29, Map Number 8600, all of Lots 1 and 2 of Volume 58 Certified Survey Maps, Page 29, Map Number 8276, part of Lots 1 and 2 of Volume 31 of Certified Survey Maps, Page 77, Map Number 4822, part of Lot 1 of Volume 26 of Certified Survey Maps, Page 26, Map Number 4189, part of vacated Silver Maple Lane, part of the Northwest ¼ of the Northwest ¼, part of the Northeast ¼ of the Northwest ¼, all being located in Section 5, Township 22 North, Range 20 East, City of De Pere, Brown County, Wisconsin described as follows:

Commencing at the North ¼ Corner of said Section 5;
thence N89°02'55"W, 154.02 feet on the north line of said Section 5;
thence S38°39'17"W, 78.84 feet to the northeast corner of Lot 1 of said Volume 58 of Certified Survey Maps, Page 29, the POINT OF BEGINNING;
thence S38°39'17"W, 1732.14 feet along the easterly line of said Lot 1 extended to the northerly line of Lot 1, Volume 50 of Certified Survey Maps, Page 241;
thence N51°15'22"W, 550.00 feet along said northerly line to the easterly right of way of Richco Road;
thence N38°39'17"E, 182.26 feet on said easterly right of way;
thence 100.40 feet on the arc of a 75.00 foot radius curve to the left, having a long chord that bears N09°12'38.5"W, 93.07 feet to the westerly right of way of Richco Road;
thence S38°36'56"W, 299.36 feet;
thence on said westerly right of way 419.13 feet on the arc of a 305.00 foot radius curve to the right, having a long chord that bears S77°59'01.5"W, 386.92 feet;
thence continuing on said westerly right of way 18.87 feet on the arc of a 12.00 foot radius curve to the right, having a long chord that bears N17°35'18.5"W, 16.99 feet to the easterly right of way of American Boulevard;
thence on said easterly right of way 485.67 feet on the arc of a 799.30 foot radius curve to the left, having a long chord that bears N10°03'40.5"E, 494.56 feet;
thence N07°20'56"W, 223.54 feet on said easterly right of way;
thence continuing of said easterly right of way 17.80 feet on the arc of a 12.00 foot radius curve to the right, having a long chord that bears N35°08'56"E, 16.21 feet to the southerly right of way of Southbridge Road;
thence N77°38'48"E, 223.48 feet on said southerly right of way;
thence continuing on said southerly right of way 263.26 feet on the arc of a 710.00 foot radius curve to the left, having a long chord that bears N67°01'27"E, 261.76 feet;
thence N56°24'06"E, 159.75 feet on said southerly right of way to the southerly line of Lot 1, Volume 40 of Certified Survey Maps, Page 332;
thence S82°46'39"E, 393.63 feet on said southerly line to the westerly right of way of Richco Road;
thence S38°36'56"W, 763.44 feet on said westerly right of way;
thence 100.40 feet on the arc of a 75.00 foot radius curve to the right, having a long chord that bears S09°12'38.5"E, 93.07 feet to the easterly right of way of Richco Road;
thence N38°39'17"E, 473.42 feet on said easterly right of way;
thence S51°21'16"E, 0.83 to the southwest corner of Lot 1, said Volume 58 of Certified Survey Maps, Page 29;
thence N38°36'56"E, 827.03 feet on said easterly right of way;
thence continuing on said easterly right of way 10.96 feet on the arc of a 12.00 foot radius curve to the



CERTIFIED SURVEY MAP

right, having a long chord that bears N64°47'00.5"E, 10.58 feet to the south right of way of Red Maple Road;
thence S89°02'55"E, 688.93 feet on said south right of way to the POINT OF BEGINNING.

Parcel contains 1,356,507 square feet or 31.141 acres of land more or less.

That the within map is a true and correct representation of all the exterior boundaries of the land survey and division thereof. That I have fully complied with the provisions of Chapter 236, section 236.34 of the Wisconsin Statutes and Chapter 14 of the General Ordinances of the City of De Pere in the surveying, dividing and mapping of the same.

Dated this 20 day of September, 2016.
Dennis E. Reim RLS #1590
ROBERT E. LEE & ASSOCIATES, INC



CORPORATE OWNERS CERTIFICATE

K C S INC. a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. K C S INC. does further certify that this plat is required by S236.10 or S236.12 to be submitted to the following for approval or objection: City of De Pere

IN WITNESS WHEREOF, the said K C S INC. has caused these presents to be signed by

(print name) _____ its president, and countersigned by its secretary

(print name) _____, at _____, Wisconsin, and its corporate

seal to be hereunto affixed on this _____ day of _____, 2016.

K S C INC.

President (signature)

Secretary (signature)

STATE OF WISCONSIN)
COUNTY OF BROWN) ss

Personally came before me this _____ day of _____, 2016, the above named

_____, President, and _____, Secretary of the above named corporation, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public _____
(print name)

(signature)

_____ County, Wisconsin.

My commission expires: _____

CERTIFIED SURVEY MAP

MUNICIPAL CORPORATE OWNERS CERTIFICATE

City of De Pere, a Municipal Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin does hereby certify that said City of De Pere caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. City of De Pere does further certify that this plat is required by S236.10 or S236.12 to be submitted to the following for approval or objection:
City of De Pere

Michael Walsh, Mayer Shana D. Ledvina, Clerk

STATE OF WISCONSIN)
COUNTY OF BROWN) ss

Personally came before me this day of , 2016, the above named owner to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public
(print name)
Brown County, Wisconsin.
My commission expires:

TREASURER'S CERTIFICATE

As appointed City of De Pere Treasurer, I hereby certify that the records in our offices show no unpaid taxes, no unredeemed tax sales and no unpaid or special assessments affecting any of the lands included in this plat, as of the dates listed below.

Shana D. Ledvina Date
City of De Pere Treasurer

COMMON COUNCIL APPROVAL CERTIFICATE

Approved for the City of De Pere this day of , 2016.

Shana D. Ledvina, Clerk



City of De Pere, Wisconsin**Request For Plan Commission Action**

MEETING DATE: September 26, 2016

DEPARTMENT: Plan Commission

FROM: Peter Schleinz

SUBJECT: Review and recommendation for a Proposed Right-Of-Way Vacation for a public street at 2100 BLK Richco Road in De Pere (Parcel - None). Submitted by City of De Pere.*

ATTACHMENTS:

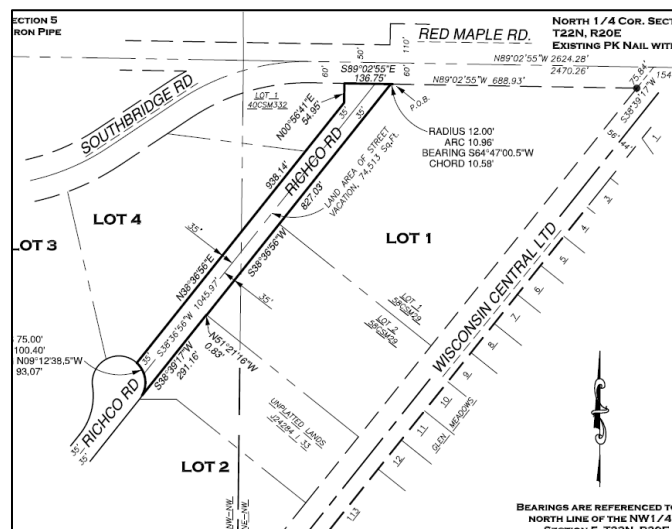
- Right-Of-Way Vacation (Street) - City of De Pere - Plan Commission Report FINAL (DOCX)
- 0404415_vacate_70_foot_st (PDF)
- 0404415ROAD (DOC)

- ITEM 8:** Review and recommendation for a Proposed Right-Of-Way Vacation for a public street at 2100 BLK Richco Road in De Pere (Parcel - None). Submitted by City of De Pere.*

SITE MAP



PROPOSED RIGHT-OF-WAY VACATION



REQUESTED ACTION: Right-Of-Way Vacation Approval.*

COMMON DESCRIPTION: 2100 BLK Richco Road, located south from the Richco Road and Red Maple Road intersection

PARCEL NUMBER(S):	None
EXISTING ZONING:	None. Adjacent to I-3 (General Industrial District) In Tax Increment District (TID) #11
PROPOSED ZONING:	None.
SURROUNDING LAND USES:	Industrial and vacant to the north, south, and west. Residential to the east.
COMPREHENSIVE PLAN:	Industrial Park and Business Park
APPLICANT NAME:	City of De Pere
SITE HISTORY:	After a review of air photographs, the property was dedicated as a right-of-way for use as public street. The primary use was for the industrial properties adjacent to the street. The City is proposing to build a storm water management pond and create four lots via certified survey map. The Plan Commission is reviewing the Certified Survey Map on September 26, 2016. This section of Richco Road is no longer necessary. The new cul de sac will provide access to the properties. The removal of the access point on Red Maple Road is occurring as a precursor to the Southern Bridge, preparing the Red Maple Corridor as a limited access road. The vacation will still allow property owners to access their lots with private driveways while minimizing the costs of the property owner paying the City to rebuild and maintaining a public right-of-way. If the right-of-way is vacated the right-of-way will be split between property owners on each side of the street.
STAFF REVIEW:	When reviewing a Right-Of-Way vacation, staff utilizes the vacation process identified in Wisconsin State Statutes 66.103 and 66.105. The role of the Plan Commission in the process is determining if such a vacation is necessary, and if so, recommending to the Common Council that the right-of-way be vacated. A vacation resolution will be reviewed by the Common Council twice, first as a resolution, and then with a public hearing (adjacent property owners will be notified). For this vacation, there are two adjacent owners, including the City of De Pere and KC Stock (KCS Inc.).
STAFF RECOMMENDATION:	Staff recommends APPROVAL and forwarding the right-of-way vacation to the Common Council for final approval. There are no conditions of approval.

LEGAL DESCRIPTION

Vacation of Richco Road right of way

Part of the Northwest ¼ of the Northwest ¼, part of the Northeast ¼ of the Northwest ¼, Section 5, Township 22 North, Range 20 East, City of De Pere, Brown County, Wisconsin described as follows:

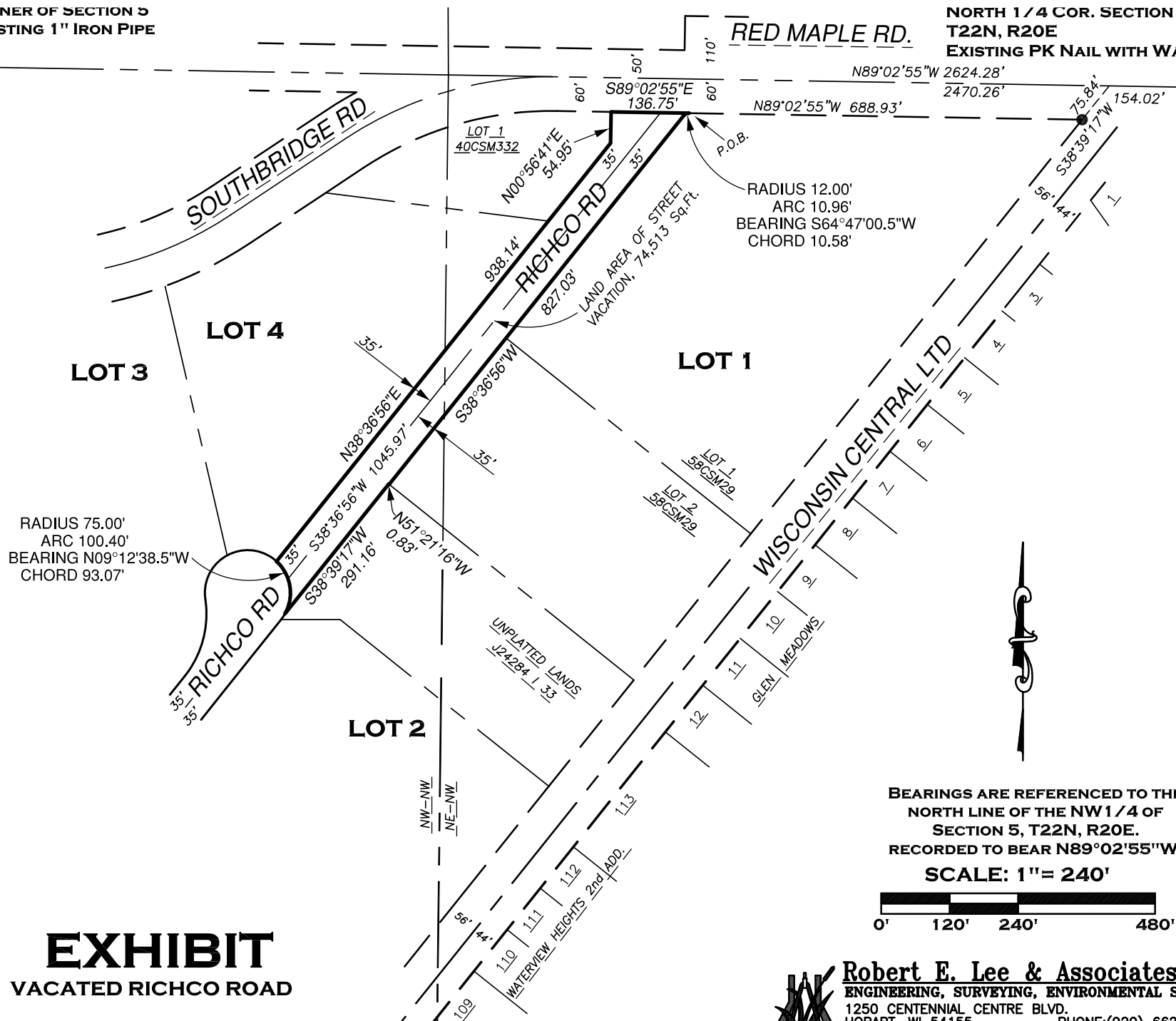
Commencing at the North ¼ Corner of said Section 5;
 thence N89°02'55"W, 154.02 feet on the north line of said Section 5;
 thence S38°39'17"W, 75.84 feet to the northeast corner of Lot 1 of Volume 58 of Certified Survey Maps, Page 29;
 thence N89°02'55"W, 688.93 feet along the south right of way of Red Maple Road to the POINT OF BEGINNING;
 thence on the easterly right of way of Richco Road, 10.96 feet on the arc of a 12.00 foot radius curve to the left, having a long chord of S64°47'00.5"W, 10.58 feet;
 thence S38°36'56"W, 827.03 feet on said right of way;
 thence N51°21'16"W, 0.83 feet on said right of way;
 thence S38°39'17"W, 291.16 feet on said right of way;
 thence 100.40 feet along the arc of a 75.00 foot radius curve to the left, having a long chord of N09°12'38.5"W, 93.07 feet to the westerly right of way of Richco Road;
 thence N38°36'56"E, 938.14 feet on said westerly right of way;
 thence N00°56'41"E, 54.96 feet on said westerly right of way to the southerly right of way of Red Maple Road;
 thence S89°02'55"E, 136.75 feet on said southerly right of way to the POINT OF BEGINNING.

Said parcel contains 74,513 square feet or 1.710 acres of land more or less.

NORTHWEST CORNER OF SECTION 5
T22N, R20E. EXISTING 1" IRON PIPE

Attachment: 0404415_vacate_70_foot_st (5152 : Right-Of-Way Vacation -- Richco Road)

NORTH 1/4 COR. SECTION 5,
T22N, R20E
EXISTING PK NAIL WITH WASHER



EXHIBIT

VACATED RICHCO ROAD

FILE: R:\0404415CSM.DWG



Robert E. Lee & Associates, Inc.
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES
1250 CENTENNIAL CENTRE BLVD.
HOBART, WI 54155
INTERNET: www.releeinc.com
PHONE: (920) 662-9641
FAX: (920) 662-9141

LEGAL DESCRIPTION

Vacation of Richco Road right of way

Part of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 5, Township 22 North, Range 20 East, City of De Pere, Brown County, Wisconsin described as follows:

Commencing at the North $\frac{1}{4}$ Corner of said Section 5;
 thence N89°02'55"W, 154.02 feet on the north line of said Section 5;
 thence S38°39'17"W, 75.84 feet to the northeast corner of Lot 1 of Volume 58 of Certified Survey Maps, Page 29;
 thence N89°02'55"W, 688.93 feet along the south right of way of Red Maple Road to the POINT OF BEGINNING;
 thence on the easterly right of way of Richco Road, 10.96 feet on the arc of a 12.00 foot radius curve to the left, having a long chord of S64°47'00.5"W, 10.58 feet;
 thence S38°36'56"W, 827.03 feet on said right of way;
 thence N51°21'16"W, 0.83 feet on said right of way;
 thence S38°39'17"W, 291.16 feet on said right of way;
 thence 100.40 feet along the arc of a 75.00 foot radius curve to the left, having a long chord of N09°12'38.5"W, 93.07 feet to the westerly right of way of Richco Road;
 thence N38°36'56"E, 938.14 feet on said westerly right of way;
 thence N00°56'41"E, 54.96 feet on said westerly right of way to the southerly right of way of Red Maple Road;
 thence S89°02'55"E, 136.75 feet on said southerly right of way to the POINT OF BEGINNING.

Said parcel contains 74,513 square feet or 1.710 acres of land more or less.

Attachment: 0404415ROAD (5152 : Right-Of-Way Vacation -- Richco Road)

City of De Pere, Wisconsin**Request For Plan Commission Action**

MEETING DATE: September 26, 2016

DEPARTMENT: Plan Commission

FROM: Peter Schleinz

SUBJECT: Review and recommendation for a Proposed Right-Of-Way Vacation for a former Railroad Spur at 500 BLK Fortune Avenue in De Pere (Parcel WD-D0079-A). Submitted by City of De Pere.*

ATTACHMENTS:

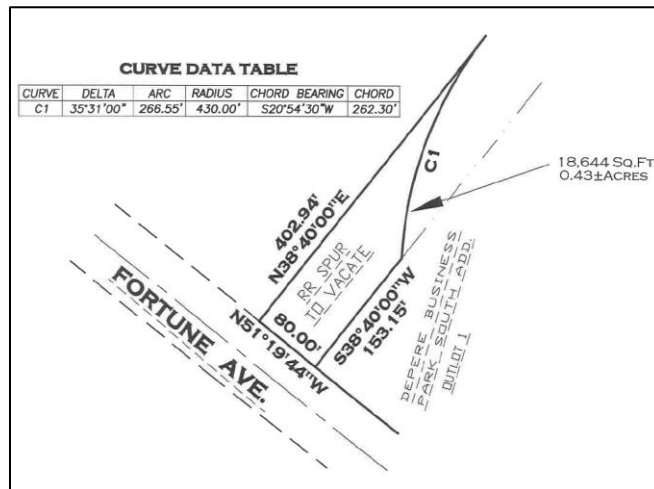
- Right-Of-Way Vacation (Spur) - City of De Pere - Plan Commission Report FINAL (DOCX)
- Legal Description and Map for Railroad Spur Vacation (PDF)

- ITEM 9:** Review and recommendation for a Proposed Right-Of-Way Vacation for a former Railroad Spur at 500 BLK Fortune Avenue in De Pere (Parcel WD-D0079-A). Submitted by City of De Pere.*

SITE MAP



PROPOSED RIGHT-OF-WAY VACATION



REQUESTED ACTION: Right-Of-Way Vacation Approval.*

COMMON DESCRIPTION: 500 BLK Fortune Avenue, a railroad spur located northeast from the Fortune Avenue and American Boulevard intersection.

**City of De Pere
Staff Comments**

**Plan Commission
September 26, 2016**

PARCEL NUMBER(S):	WD-D0079-A
EXISTING ZONING:	I-B-1 (Industrial Business-1 District) In Tax Increment Financing District # 11 (TID #11)
PROPOSED ZONING:	None
SURROUNDING LAND USES:	Industrial to the north and west. Vacant to the south and east.
COMPREHENSIVE PLAN:	Business Park
APPLICANT NAME:	City of De Pere
SITE HISTORY:	After a review of air photographs, the property was dedicated as a right-of-way for use as a future railroad spur, but the railroad ended up being routed to the east. The dedicated right-of-way is no longer needed. If the right-of-way is vacated the entire right-of-way will be attached to Parcel WD-1049, which is owned by the City of De Pere.
STAFF REVIEW:	When reviewing a Right-Of-Way vacation, staff utilizes the vacation process identified in Wisconsin State Statutes 66.103 and 66.105. The role of the Plan Commission in the process is determining if such a vacation is necessary, and if so, recommending to the Common Council that the right-of-way be vacated. A vacation resolution will be reviewed by the Common Council twice, with a public hearing and adjacent property owners being notified. For this vacation, there are three adjacent owners, including the City of De Pere.
STAFF RECOMMENDATION:	Staff recommends APPROVAL and forwarding the right-of-way vacation to the Common Council for final approval. There are no conditions of approval.

VACATION OF RAILROAD SPUR
LEGAL DESCRIPTION

Part of De Pere Business Park South Addition being a part of a "Dedicated to the Public - Railroad Spur being located in part of the Northeast ¼ of the Northwest ¼ of Section 32, T23N, R20E, City of De Pere, Brown County, Wisconsin described as follows:

Beginning at the Southwest corner of Outlot 1, De Pere Business Park South Addition;
thence N51°19'44"W, 80.00 feet on the northerly right of way of Fortune Ave. to the westerly line of said railroad spur;
thence N38°40'00"E, 402.94 feet on said westerly right of way;
thence 266.55 feet on the arc of a 430.00 foot radius curve to the left, having a long chord that bears S20°54'30"W, 262.30 feet to the westerly line of said Outlot 1;
thence S38°40'00"W, 153.15 feet on said westerly line to the POINT OF BEGINNING.

Said area to vacate contains 18,644 square feet or 0.43 acres of land more or less.

VACATION OF RAILROAD SPUR
LEGAL DESCRIPTION

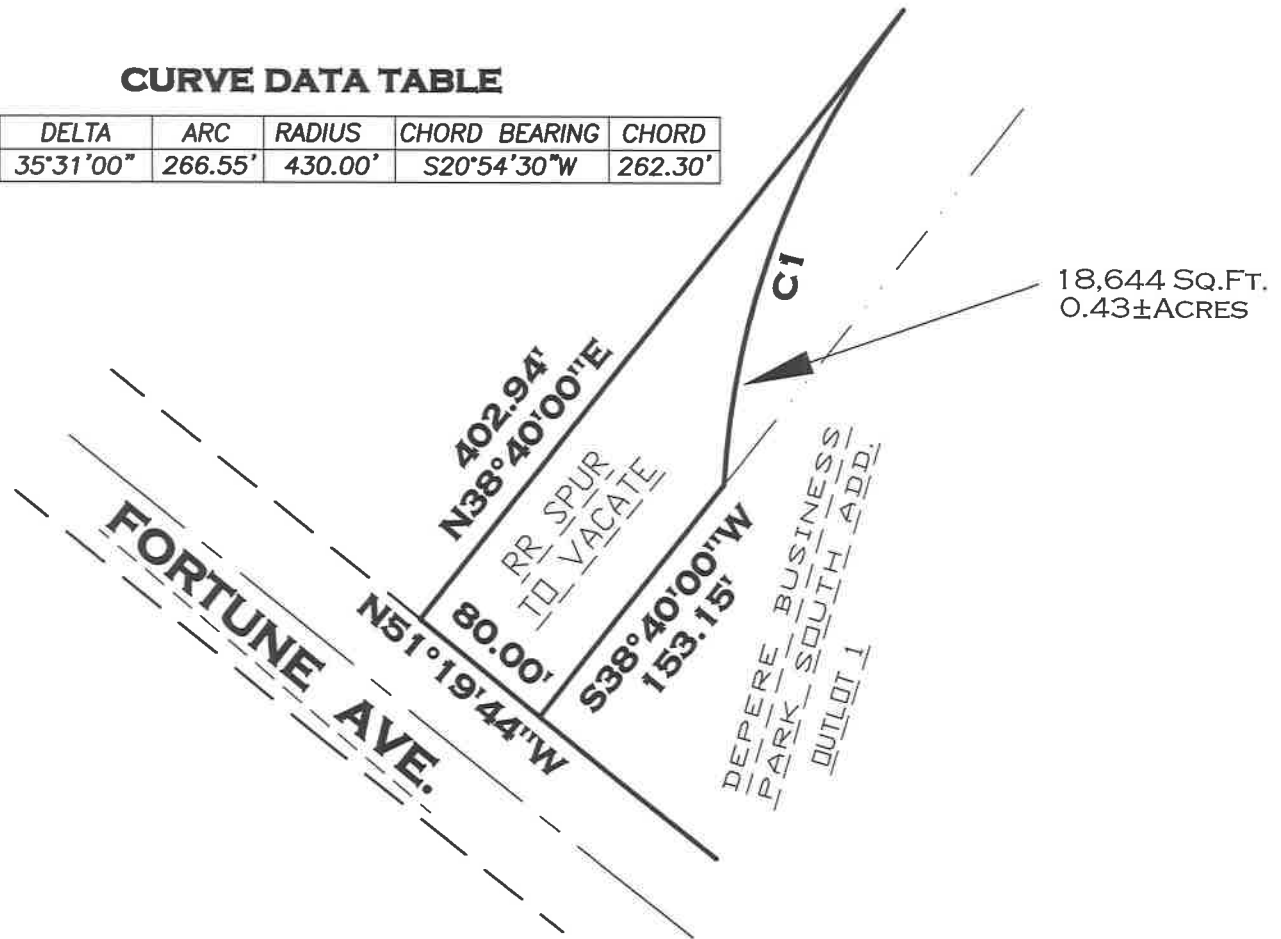
Part of De Pere Business Park South Addition being a part of a "Dedicated to the Public - Railroad Spur being located in part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 32, T23N, R20E, City of De Pere, Brown County, Wisconsin described as follows:

Beginning at the Southwest corner of Outlot 1, De Pere Business Park South Addition;
thence N51°19'44"W, 80.00 feet on the northerly right of way of Fortune Ave. to the westerly line of said railroad spur;
thence N38°40'00"E, 402.94 feet on said westerly right of way;
thence 266.55 feet on the arc of a 430.00 foot radius curve to the left, having a long chord that bears S20°54'30"W, 262.30 feet to the westerly line of said Outlot 1;
thence S38°40'00"W, 153.15 feet on said westerly line to the POINT OF BEGINNING.

Said area to vacate contains 18,644 square feet or 0.43 acres of land more or less.

CURVE DATA TABLE

CURVE	DELTA	ARC	RADIUS	CHORD BEARING	CHORD
C1	35°31'00"	266.55'	430.00'	S20°54'30"W	262.30'



City of De Pere, Wisconsin

**Request For Plan Commission Action**

MEETING DATE: September 26, 2016

DEPARTMENT: Public Works

FROM: Eric Rakers

SUBJECT: Consider Updates to Chapter 28, Stormwater Management Ordinance (Post Construction).*

The Board of Public Works at the September 12, 2016 meeting approved the updates to Chapter 28, Stormwater Management Ordinance (Post Construction).

The City of De Pere last updated its post construction stormwater management ordinance in 2009. The Wisconsin Department of Natural Resources (WDNR) is requiring that the city update its stormwater management (post construction) and the erosion control ordinances. The erosion control ordinance was approved at the September 20, 2016 Common Council meeting.

ATTACHMENTS:

- Mayor PC-Stormwater Management Zoning9-26-16-148-004-08 (PDF)
- Ord16-XX-Repealing and Recreating Chapter 28 Stormwater Management Zoning-Post Construction (DOCX)
- Ch 28 Stormwater Mgmt Zoning Post Const - red-lined 9-13-16 (DOCX)

CITY OF DE PERE**MEMO**

To: Michael J. Walsh, Mayor
Members of the Plan Commission
From: Judith Schmidt-Lehman, City Attorney
RE: Required updates to Stormwater Management (Post Construction) Zoning Ordinance
Date: September 26, 2016

In August, 2016, the Commission reviewed changes to the city's Erosion Control Zoning Ordinance required by the Wisconsin Department of Natural Resources (DNR). Because of an oversight on my part, required changes to the Stormwater Management Zoning Ordinance were not reviewed by the Commission at that August meeting and are now before the Commission for review and recommendation. The Board of Public Works has already reviewed the proposed changes and recommends approval of the revised ordinance.

The Council is required to hold a public hearing (Class 2 notice) on the proposed stormwater ordinance changes, which is programmed to occur on October 4, 2016.

If you have any questions prior to the September 26, 2016 Plan Commission meeting, please feel free to call me at 339-4042 or Eric Rakers at 339-8304.

JSL

ORDINANCE #16-XX

REPEALING AND RECREATING CHAPTER 28-
STORMWATER MANAGEMENT ZONING (POST CONSTRUCTION)

WHEREAS, the Common Council of the City of De Pere, having reviewed the recommendation of the City Plan Commission regarding the repeal and recreation of De Pere Municipal Code Chapter 28 – Stormwater Management Zoning (Post Construction) regulation under Wis. Stats. §62.234 and having scheduled a public hearing then to be decided by the Common Council; and

WHEREAS, the City Clerk-Treasurer, having published a Class 2 Notice of Public Hearing regarding such proposed repeal and recreation, and pursuant thereto, a public hearing having been held on the 4th day of October, 2016 at 7:35 p.m. and the Common Council having heard all interested parties or their agents and attorneys;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 28-Stormwater Management Zoning (Post Construction), is hereby repealed and recreated as follows:

Sec. 28-1. - Authority.

- (a) This chapter is adopted by the common council under the authority granted by Wis. Stats. § 62.234. This chapter supersedes all provisions of an ordinance previously enacted that relate to stormwater management regulations. Except as otherwise specified in Wis. Stats. § 62.234, Wis. Stats. § 62.23 applies to this chapter and to any amendments to this chapter.
- (b) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (c) The common council hereby designates the director of public works or designee to administer and enforce the provisions of this chapter.
- (d) The requirements of this chapter do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:
 - (1) The Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33.
 - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under § NR 151.004, Wis. Adm. Code.

Sec. 28-2. - Findings of fact.

The common council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (a) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (d) Reduce the quality of groundwater by increasing pollutant loading.
- (e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (f) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

Sec. 28-3. - Purpose and intent.

- (a) Purpose. The general purpose of this chapter is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
 - (1) Further the maintenance of safe and healthful conditions.
 - (2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
 - (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
 - (4) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.
- (b) Intent. It is the intent of the common council that this chapter regulates post-construction stormwater discharges to waters of the state. This chapter may be applied on a site-by-site basis. The common council recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this chapter is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Wis. Stats. § 281.16, for regional stormwater management measures and have been approved by the common council, it is the intent of this chapter that the approved plan be used to identify post-construction management measures acceptable for the community.

Sec. 28-4. - Applicability and jurisdiction.

(a) Applicability.

- (1) Where not otherwise limited by law, this chapter applies to all post-construction sites, unless the site is otherwise exempt under subsection (a)(2).
 - (2) A post-construction site that meets any of the criteria in this paragraph is exempt from the requirements of this chapter.
 - a. One- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one acre of disturbance.
 - b. Nonpoint discharges from agricultural activity areas.
 - c. Nonpoint discharges from silviculture activities.
 - d. Mill and crush operations.
 - (3) Notwithstanding the applicability requirements in subsection (a)(1), this chapter applies to post-construction sites of any size that, in the opinion of the director of public works, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (b) Jurisdiction. This chapter applies to post-construction sites within the boundaries and jurisdiction of the City of De Pere, as well as the extraterritorial division of land subject to an ordinance enacted pursuant to Wis. Stats. § 236.45(2) and (3).
- (c) Exclusions. This chapter is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33(2).

Sec. 28-5. - Definitions.

“Adequate sod or self-sustaining vegetative cover” means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

“Administering authority” means the director of public works, empowered under Wis. Stats. §62.234, that is designated by the common council to administer this chapter.

“Agricultural activity area” means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.

“Agricultural production area” means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

“Atlas 14” means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

“Average annual rainfall” means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality. For purposes of this chapter, average annual rainfall means measured precipitation in Green Bay, Wisconsin between March 29 and November 25, 1969.

“Best management practice” or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

“Business day” means a day the office of the director of public works is routinely and customarily open for business.

“Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the director of public works.

“Combined sewer system” means a system for conveying both sanitary sewage and stormwater runoff.

“Common plan of development or sale” means a development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

“Connected imperviousness” means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

“Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale.

“Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall. The Atlas 14 MSE4, 24-hour design storms for the city are: one-year, [2.2] inches; two-year, [2.5] inches; five-year, [3.3] inches; ten-year, [3.8] inches; 25-year, [4.4] inches; and 100-year, [5.3] inches.

“Development” means residential, commercial, industrial, institutional, or other land uses and associated roads.

“Direct conduits to groundwater” means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

“Division of land” means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a five-year period.

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

“Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

“Exceptional resource waters” means waters listed in § NR 102.11, Wis. Adm. Code.

“Extraterritorial” means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

“Filtering Layer” means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

“Final stabilization” means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial, vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

“Financial guarantee” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the director of public works by the responsible party to assure that requirements of this chapter are carried out in compliance with the stormwater management plan.

“Governing body” means the common council.

“Highway” has the meaning given in Wis. Stats. § 340.01 (22).

“Highway reconditioning” has the meaning given in Wis. Stats. § 84.013 (1)(b).

“Highway reconstruction” has the meaning given in Wis. Stats. § 84.013(1)(c).

“Highway resurfacing” has the meaning given in Wis. Stats. § 84.013(1)(d).

“Impervious surface” means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious. Gravel surfaces are considered impervious, unless specifically designed to encourage infiltration.

“In-fill area” means a new development area less than five acres in size that is located within existing urban sewer service areas, surrounded by already existing development or existing development and natural or manmade features where development cannot occur.

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

“Infiltration system” 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.

“Land disturbing construction activity (or disturbance)” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.

“Landowner” means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of stormwater BMPs on the property.

“Maintenance agreement” means a legal document that provides for long-term maintenance of stormwater management and best management practices.

“MEP” or “maximum extent practicable” means the highest level of performance that is achievable but is not equivalent to a performance standard identified within this ordinance. Maximum extent practicable applies when the permit applicant demonstrates to the director of public works’ satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the permit applicant shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

“Minor reconstruction of a highway” means reconstruction of a highway that is limited to 1.5 miles in continuous or aggregate total length of realignment and that does not exceed 100 feet in width of roadbed widening.

“New development” means that portion of a post-construction site where impervious surfaces are being created or expanded. Any disturbance where the amount of impervious area for the post-development condition is greater than the pre-development condition is classified as new development. For purposes of this chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

“NRCS MSE3 or MSE4 distribution” means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

“Offsite” means located outside the property boundary described in the permit application.

“Onsite” means located within the property boundary described in the permit application.

“Ordinary high-water mark” has the meaning given in § NR 115.03(6), Wis. Adm. Code.

“Outstanding resource waters” means waters listed in § NR 102.10, Wis. Adm. Code.

“Percent fines” means the percentage of a given sample of soil, which passes through a # 200 sieve.

“Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

“Permit” means a written authorization made by the director of public works to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

“Permit administration fee” means a sum of money paid to the director of public works by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

“Pervious surface” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

“Pollutant” has the meaning given in Wis. Stats. § 283.01(13).

“Pollution” has the meaning given in Wis. Stats. § 281.01(10).

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

“Post-development” means the extent and distribution of land cover types present after the completion of land disturbing construction activity and final site stabilization.

“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.

“Preventive action limit” has the meaning given in § NR 140.05(17), Wis. Adm. Code.

“Protective area” 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.

“Redevelopment” means that portion of a post-construction site where impervious surfaces are being reconstructed, replaced, or reconfigured. Any disturbance where the amount of impervious area for the post-development condition is equal to or less than the pre-development condition is classified as redevelopment. For purposes of this chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

“Responsible party” means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.

“Routine maintenance” means that portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower one-half of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower one-half of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed. For purposes of this chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

“Runoff” means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

“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:

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system.
- (3) Is not draining to a stormwater treatment device or system.
- (4) Discharges directly or indirectly to waters of the state.

“Silviculture activity” means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

“Site” means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

“Stop-work order” means an order issued by the director of public works which requires that all construction activity on the site be stopped.

“Stormwater management plan” means a comprehensive plan designed to reduce the discharge of pollutants from stormwater, after the site has undergone final stabilization, following completion of the construction activity.

“Stormwater management system plan” is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

“Stormwater reference guide” means the Stormwater Reference Guide, Current Edition, which is available for inspection from the city engineer and available on the City website.

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

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

“Total maximum daily load” or “TMDL” means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

“TP” means Total Phosphorous.

“TP-40” means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

“TR-55” means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

“Transportation facility” means a public street, a public road, a public highway, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under Wis. Stats. § 85.095(1)(b).

“TSS” means total suspended solids.

“Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The type II curve is applicable to all of the state and represents the most intense storm pattern.

“Waters of the state” has the meaning given in Wis. Stats. § 283.01 (20).

Sec. 28-6. - Technical standards.

The following methods shall be used in designing and maintaining the water quality, peak discharge, infiltration, protective area, and fueling/vehicle maintenance components of stormwater practices needed to meet the water quality standards of this chapter:

- (a) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- (b) Technical standards and guidance identified within the Stormwater Reference Guide.
- (c) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the director of public works.
- (d) In this chapter, the following year and location has been selected as average annual rainfall: Green Bay, 1969 (Mar. 29—Nov. 25).

Sec. 28-7. - Performance standards.

- (a) Responsible party. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.
- (b) Stormwater Management Plan. A written stormwater management plan in accordance with this section shall be developed and implemented for each post-construction site.
- (c) Requirements. The stormwater management plan shall meet the following minimum requirements to the maximum extent practicable:
 - (1) Total suspended solids. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows. The total suspended solids reduction shall be based on the average annual rainfall, as compared to no runoff management controls.
 - a. For post-construction sites with one or more of the following::
 - 1. 20,000 square feet or more of impervious surface disturbance and/or creation
 - 2. Post construction sites with 1 acre or more of land disturbance the following is required:
 - (i.) Reduce the total suspended solids load by 80 percent for infill and new development.
 - (ii.) Reduce the total suspended solids load by 40 percent for redevelopment.
 - (iii.) No total suspended solids load reduction is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed water quality BMP.
 - b. For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce the total suspended solids load using BMPs from the city stormwater reference guide. These sites are not required to satisfy a numeric performance standard.
 - c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date February 3, 2009 of this chapter are required to satisfy the performance standards within subsections(c)(1)a. 2i—iii.
 - d. The amount of total suspended solids control previously required for the site shall not be reduced as a result of the proposed development or disturbance.

- e. Off-Site Drainage. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.
- f. Notwithstanding subsections (c)(1)a—d., if the design cannot achieve the applicable total suspended solids reduction specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.
- g. For redevelopment in the Lower Fox River Subbasin, an incentive is available for additional treatment of total suspended solids and total phosphorous as follows:

Watershed	Redevelopment		Routine Maintenance	
	TSS	TP	TSS	TP
Lower Fox River				
	80%	30%	80%	30%

For sites that meet both the TSS and TP Additional reductions, the annual stormwater management fee will be reduced by 50%. Documentation requirements can be found in the Stormwater Reference Guide.

- (2) Peak discharge. BMPs shall be designed, installed and maintained to control peak discharges from the post-construction site as follows:
 - a. For post-construction sites with one or more of the following:
 - 1. 20,000 square feet or more of impervious surface disturbance and/or creation
 - 2. Post construction sites with 1 acre or more of land disturbance the following is required:
 - (i.) The peak post-development discharge rate shall not exceed the peak pre-development discharge rate for the one year, two-year, ten-year, and 100-year, 24-hour design storms. These peak discharge requirements apply to new development and redevelopment areas. No peak discharge control is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed peak flow control facility.
 - (ii.) TR-55 methodology shall be used for peak discharge calculations, unless the administering authority approves an equivalent methodology. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. Peak pre-development discharge rates shall be determined using the following "meadow" runoff curve numbers:

Maximum Pre-Development Runoff Curve Numbers—Meadow				
Hydrologic soil group	A	B	C	D
Runoff curve number	30	58	71	78

- b. For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce peak post-development discharge rates using BMPs from the city

stormwater reference guide. These sites are not required to satisfy a numeric performance standard.

- c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date February 3, 2009 of this chapter are required to satisfy the performance standards within subsection (c)(2)a. 2i-ii.
 - d. The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
 - e. An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of non-erosive discharge velocities and reasonable downstream conveyance.
 - f. Exemptions. The following transportation facilities are not required to meet the peak discharge requirements of subsection (c)(2) provided the transportation facility is not part of a larger common plan of development or sale:
 - 1. A transportation facility where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving surface water by more than 0.01 of a foot for the two-year, 24-hour storm event.
 - 2. A highway reconstruction site.
 - 3. A transportation facility that is part of a redevelopment project.
- (3) Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following, except as provided in subsections (c)(3)h—k.
- a. For post construction sites with one or more of the following:
 - 1. 20,000 square feet or more of impervious surface disturbance and/or
 - 2. Post-construction sites with one acre or more of land disturbance one of the following shall be met:
 - (i.) Low imperviousness. For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volumes, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
 - (ii.) Moderate imperviousness. For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent 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 percent of the post-construction site is required as an effective infiltration area.
 - (iii.) High imperviousness. For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent 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 percent of the post-construction site is required as an effective infiltration area.

- b. Predevelopment condition shall assume "good hydrologic conditions" for appropriate land covers as identified in TR-55 or an equivalent methodology approved by the administering authority. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. However, when pre-development land cover is cropland, rather than using TR-55 values for cropland, the following runoff curve numbers shall be used:

Maximum Pre-Development Runoff Curve Numbers—Cropland				
Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	55	69	78	83

- c. For residential and non-residential developments with less than 20,000 square feet of new impervious surfaces, infiltrate runoff volume using BMPs from the stormwater reference guide. These sites are not required to satisfy a numeric performance standard.
- d. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date February 3, 2009 of this chapter are required to satisfy the performance standards within subsections 28-7(c)(3)a—b.
- e. The amount of infiltration previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- f. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subsection [(c)(3)n.]. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
- g. Source Area Prohibitions. Infiltration of runoff from the following areas are prohibited from meeting the infiltration requirements of this subsection [(c)(3)]:
1. Areas associated with tier 1 industrial facilities identified in § NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.
 2. Storage and loading areas of tier 2 industrial facilities identified in § NR 216.21(2)(b), Wis. Adm. Code.
 3. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
- h. Prohibitions.
1. Areas within 1,000 feet upgradient or within 100 feet downgradient of karst features.
 2. Areas within 400 feet of a community water system well as specified in § NR 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in § NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
 3. Areas where contaminants of concern, as defined in § NR 720.03(2), Wis. Adm. Code are present in the soil through which infiltration will occur.
- i. Source Area Exemptions. Infiltration of runoff from the following areas are not required to meet the infiltration requirements of subsection (c)(3):
1. Parking areas and access roads less than 5,000 square feet for commercial development.

2. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the prohibitions under this subsection (c)(3)g.
 3. Redevelopment and routine maintenance areas.
 4. In-fill areas less than five acres.
 5. Roads in commercial, industrial and institutional land uses, and arterial residential roads.
 6. Highways provided the transportation facility is not part of a larger common plan of development or sale.
- j. Separation Distances.

1. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with the table below:

Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltrations Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

2. Notwithstanding par.1., applicable requirements for injection wells classified under ch. NR 815 shall be followed.
- k. Infiltration Rate Exemption. Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:
1. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
 2. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
- l. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this paragraph.
- m. Groundwater Standards.
1. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to

groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

2. Notwithstanding par. 1., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
 - n. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial, and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subsection (c)(3)m.
 - o. Maximum Extent Practicable. Where the conditions of subsection (c)(3)g.,h., and i. limit or restrict the use of infiltration practices, the performance standard of this subsection (c)(3) shall be met to the maximum extent practicable.
- (4) Protective areas.
- a. "Protective area" 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, in this paragraph, "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.
 1. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in § NR 103.04, 75 feet.
 2. For perennial and intermittent streams identified on a United States Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 3. For lakes, 50 feet.
 4. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins.
 5. For less susceptible wetlands, ten percent of the average wetland width, but no less than ten feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass, cultivated hydric soils, and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
 6. In subsections (c)(4)a.1,4, and 5. determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in § NR 103.03.
 7. Wetlands shall be delineated. Wetland boundary delineations shall be made in accordance with § NR 103.08(1m). This [subsection (c)(4)] 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 shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
 8. For concentrated flow channels with drainage areas greater than 130 acres, ten feet.

9. Notwithstanding pars. 1. To 8., the greatest protective area width shall apply where rivers, streams, lakes, and wetlands are contiguous.
- b. Subsection (c)(4) applies to post-construction sites located within a protective area, except those areas exempted pursuant to subsection (c)(4)e. below.
- c. The following requirements shall be met:
 1. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
 2. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

Note to users: It is recommended that seeding of non-invasive vegetative cover be used in the protective areas. Some invasive plants that should not be used are listed in ch. NR 40, Wis. Adm. Code. Vegetation that is flood and drought tolerant and can provide long-term bank stability because of an extensive root system is preferable. Vegetative cover can be measured using the line transect method described in the University of Wisconsin Extension publication number A3533, titled "Estimating Residue Using the Line Transect Method".

3. Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non-point sources may be located in the protective area.

Note to Users: Other laws, such as ch. 30, Wis. Stats., and chs. NR 103, 115, 116, and 117, Wis. Adm. Code, and their associated review and approval processes may apply in the protective area.

- d. A protective area established or created after the adoption date [Insert adoption date] of this chapter shall not be eliminated or reduced, except as allowed in subsections (c)(4)e.2—4. below.
- e. Exemptions. The following areas are not required to meet the protective area requirements of subsection (c)(4):
 1. Redevelopment and routine maintenance areas provided the minimum requirements within in [subsection (c)(4)e.] above are satisfied.
 2. Structures that cross or access surface waters such as boat landings, bridges and culverts.
 3. Structures constructed in accordance with Wis. Stats. § 59.692(1v).
 4. Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

Note to users: A vegetated protective area to filter runoff pollutants from post-construction sites described in subsection (c)(4)e.4. is not necessary since runoff is not entering the surface water at that location. Other practices, necessary to meet the requirements of this section, such as a swale or basin, will need to be designed and implemented to reduce runoff pollutants before the runoff enters a surface water of the state.

- (5) Fueling and vehicle maintenance areas. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce

petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.

Note to users: A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.

- (6) Swale treatment for transportation facilities. Subsection (c)(6) is not applicable to transportation facilities that are part of a larger common plan of development or sale.

- a. Requirement. Except as provided in [subsection (c)(6)b.], transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:

1. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

Note to users: It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing runoff pollutant removal.

2. Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Slope Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the Wisconsin Department of Natural Resources technical standard 1005 "Vegetated Infiltration Swales", dated May 2007, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of technical standard 1005.

Note to users: Check dams may be included in the swale design to slow runoff flows and improve pollutant removal. Transportation facilities with continuous features such as curb and gutter, sidewalks or parking lanes do not comply with the design requirements of this paragraph. However, a limited amount of structural measures such as curb and gutter may be allowed as necessary to account for other concerns such as human safety or resource protection.

- b. Exemptions. The director of public works may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2500 and where the initial surface water of the state that the runoff directly enters is any of the following:

1. An outstanding resource water.
2. An exceptional resource water.
3. Waters listed in § 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
4. Waters where targeted performance standards are developed under § NR 151.004, Wis. Adm. Code, to meet water quality standards.

Note to users: The transportation facility authority shall contact the Wisconsin Department of Natural Resource's regional storm water staff or the Wisconsin Department of Natural Resource's liaison to the Wisconsin Department of transportation to determine if additional BMPs beyond a water quality swale are needed under this subsection.

- (7) Exemptions. The following areas are not required to meet the performance standards within subsection (c) of this section:

- a. Agricultural production areas with less than 100,000 square feet of impervious surface disturbance.

- b. Underground utility construction such as water, sewer, gas, electric, telephone, cable television, and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
- c. The following transportation facilities are exempt, provided the transportation facility is not part of a larger common plan of development or sale.
 - 1. Reconditioning or resurfacing of a highway.
 - 2. Minor reconstruction of a highway. Notwithstanding this exemption, the protective area requirements within NR 151.24(6) Wisconsin Administrative Code apply to minor reconstruction of a highway.
 - 3. A redevelopment transportation facility with no increase in exposed parking lots or roads.
 - 4. A transportation facility with less than ten percent connected imperviousness based on complete development of the transportation facility, provided the cumulative area of all parking lots and rooftops is less than one acre.
 - 5. Routine maintenance for transportation facilities if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 - 6. Routine maintenance if performed for storm water conveyance system cleaning.
- (d) General considerations for onsite and offsite stormwater management measures. The following considerations shall be observed in managing runoff:
 - (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
 - (2) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (e) Location and regional treatment option.
 - (1) The BMPs may be located onsite or offsite as part of a regional stormwater device, practice or system.
 - (2) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this chapter. Post-construction BMPs may be located in non-navigable surface waters.
 - (3) Except as allowed under subsection [(e)(4)], post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
 - (4) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this chapter if:
 - a. The BMP was constructed prior to the effective date of this chapter and the BMP either received a permit issued under Wis. Stats. ch. 30 or the BMP did not require a Wis. Stats. ch. 30 permit; and
 - b. The BMP is designed to provide runoff treatment from future upland development.
 - (5) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.
 - a. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

- b. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as ch. NR 103, Wis. Adm. Code and Wis. Stats. ch. 30.
- (6) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.

Note to users: This section does not supersede any other applicable federal, state or local regulation such as ch. NR 103, Wis. Adm. Code and Wis. Stats. ch. 30.

- (7) The director of public works may approve off-site management measures provided that all of the following conditions are met:
 - a. The director of public works determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the department of public works and that contains management requirements consistent with the purpose and intent of this chapter.
 - b. The offsite facility meets all of the following conditions:
 - 1. The facility is in place.
 - 2. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this chapter.
 - 3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (8) Where a regional treatment option exists such that the director of public works exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the director of public works. In determining the fee for post-construction runoff, the director of public works shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (f) Alternate requirements. The director of public works may establish stormwater management requirements more stringent than those set forth in this section if the director of public works determines that an added level of protection is needed to protect sensitive resources. Also, the director of public works may establish stormwater management requirements less stringent than those set forth in this section if the director of public works determines that less protection is needed to protect sensitive resources and provide reasonable flood protection. However, the alternative requirements shall not be less stringent than those requirements promulgated in rules by the state department of natural resources under NR 151 Wisconsin Administrative Code.

Sec. 28-8. - Permitting requirements, procedures and fees.

- (a) Permit required. No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the director of public works prior to commencing the proposed activity.
- (b) Permit application and fees. Unless specifically excluded by this chapter, any responsible party desiring a permit shall submit to the director of public works a permit application made on a form provided by the director of public works for that purpose.
 - (1) Unless otherwise excepted by this chapter, a permit application must be accompanied by a stormwater management plan, a maintenance agreement and a non-refundable permit administration fee.
 - (2) The stormwater management plan shall be prepared to meet the requirements of sections 28-7 and 28-9 of this chapter, the maintenance agreement shall be prepared to meet the

requirements of section 28-10 of this chapter, the financial guarantee shall meet the requirements of section 28-11, and fees shall be those established by the common council as set forth in section 28-12 of this chapter.

- (c) Review and approval of permit application. The director of public works shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
 - (1) Within 20 business days of the receipt of a complete permit application, including all items as required by subsection (b)(2), the director of public works shall inform the applicant whether the application, stormwater management plan and maintenance agreement are approved or disapproved based on the requirements of this chapter.
 - (2) If the stormwater permit application, stormwater management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the director of public works shall issue the permit.
 - (3) If the stormwater permit application, stormwater management plan or maintenance agreement is disapproved, the director of public works shall detail in writing the reasons for disapproval.
 - (4) The director of public works may request additional information from the applicant. If additional information is submitted, the director of public works shall have 20 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 - (5) Failure by the director of public works to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (d) Permit requirements. All permits issued under this chapter shall be subject to the following conditions, and holders of permits issued under this chapter shall be deemed to have accepted these conditions. The director of public works may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the director of public works to suspend or revoke this permit may be appealed in accordance with section 28-14 of this chapter.
 - (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (2) The responsible party shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
 - (3) The responsible party shall notify the director of public works at least 10 business days before commencing any work in conjunction with the stormwater management plan, and within 10 business days upon completion of the stormwater management practices. If required as a special condition under subsection (e), the responsible party shall make additional notification according to a schedule set forth by the director of public works so that practice installations can be inspected during construction.
 - (4) Practice installations required as part of this chapter shall be certified as "record" drawings by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the director of public works or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The director of public works or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - (5) The responsible party shall notify the director of public works of any significant modifications it intends to make to an approved stormwater management plan. The director of public works may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.

- (6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the common council, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the director of public works to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Wis. Stats. ch. 66, subch. VII, or to charging such costs against the financial guarantee posted under section 28-11 of this chapter.
- (8) If so directed by the director of public works, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
- (9) The responsible party shall permit property access to the director of public works or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
- (10) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the director of public works may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
- (11) The responsible party is subject to the enforcement actions and penalties detailed in section 28-13 of this chapter, if the responsible party fails to comply with the terms of this permit.
- (12) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (e) Permit conditions. Permits issued under this subsection may include conditions established by director of public works in addition to the requirements needed to meet the performance standards in section 28-7 of this chapter or a financial guarantee as provided for in section 28-11 of this chapter.
- (f) Permit duration. Permits issued under this section shall be valid from the date of issuance through the date the director of public works notifies the responsible party that all stormwater management practices have passed the final inspection required under subsection (d)(4).
- (g) Alternate requirements. The director of public works may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection 28-7(e) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 28-9. - Stormwater management plan.

- (a) Plan requirements. The stormwater management plan required under subsection 28-8(b) shall comply with the city stormwater reference guide and contain at a minimum the following information:
 - (1) Name, address, and telephone number of the landowner and responsible parties.
 - (2) A legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 - (3) Pre-development site map with property lines, disturbed limits, and drainage patterns.
 - (4) Post-development site map with property lines, disturbed limits, and drainage patterns.
 - a. Total area of disturbed impervious surfaces within the site.
 - b. Total area of new impervious surfaces within the site.

- c. Performance standards applicable to site.
 - d. Proposed best management practices.
 - e. Groundwater, bedrock, and soil limitations.
 - f. Separation distances. Stormwater management practices shall be adequately separated from wells to prevent contamination of drinking water.
- (b) Alternate requirements. The director of public works may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection 28-7(c) or for applicants seeking a permit for a postconstruction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 28-10. - Maintenance agreement.

- (a) Maintenance agreement required. The maintenance agreement required under subsection 28-8(b) for stormwater management practices shall be an agreement between the director of public works and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the county register of deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- (b) Agreement provisions. The maintenance agreement shall contain the following information and provisions and be consistent with the management plan required by subsection 28-9(a):
- (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under subsection 28-8(b).
 - (3) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the stormwater management practices identified in the stormwater management plan required under subsection 28-8(b).
 - (4) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in subsection (b)(2) of this section.
 - (5) Authorization for the director of public works to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (6) A requirement on the director of public works to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (7) Agreement that the party designated under subsection (b)(3) of this section, as responsible for long term maintenance of the stormwater management practices, shall be notified by the director of public works of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the director of public works.
 - (8) Authorization of the director of public works to perform the corrected actions identified in the inspection report if the responsible party designated under subsection (b)(3) does not make the required corrections in the specified time period. The director of public works shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Wis. Stats. ch. 66, subch. VII.

- (c) Alternate requirements. The director of public works may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under section 28-7(c) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 28-11. - Financial guarantee.

- (a) Establishment of the guarantee. The director of public works may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the director of public works. The financial guarantee shall be in an amount determined by the director of public works to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the director of public works the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the director of public works that the requirements of this chapter have not been met.
- (b) Conditions for release. Conditions for the release of the financial guarantee are as follows:
 - (1) The director of public works shall release the portion of the financial guarantee established under this section, less any costs incurred by the director of public works to complete installation of practices, upon submission of "record" drawings by a licensed professional engineer. The director of public works may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (2) The director of public works shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices, less any costs incurred by the director of public works, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.
- (c) Alternate requirements. The director of public works may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection 28-7(c) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 28-12. - Fee schedule.

The fees referred to in this chapter shall be established by resolution of the common council. A schedule of the fees so established shall be available for review in the office of the director of public works or city clerk-treasurer.

Sec. 28-13. - Enforcement.

- (a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this chapter by any person, firm, association, or corporation subject to this chapter's provisions shall be deemed a violation unless conducted in accordance with the requirements of this chapter.
- (b) The director of public works shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

- (c) Upon receipt of written notification from the director of public works under subsection (b), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the director of public works in the notice.
- (d) If the violations to a permit issued pursuant to this chapter are likely to result in damage to properties, public facilities, or waters of the state, the director of public works may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the director of public works plus interest and legal costs shall be billed to the responsible party.
- (e) The director of public works is authorized to post a stop-work order on all land disturbing construction activity that is in violation of this chapter, or to request the city attorney to obtain a cease and desist order in any court with jurisdiction.
- (f) The director of public works may revoke a permit issued under this chapter for non-compliance with chapter provisions.
- (g) Any permit revocation, stop-work order, or cease and desist order shall remain in effect unless retracted by the director of public works or by a court with jurisdiction.
- (h) The director of public works is authorized to refer any violation of this chapter, or of a stop work order or cease and desist order issued pursuant to this chapter, to the city attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (i) Any person, firm, association, or corporation who does not comply with the provisions of this chapter shall be subject to a forfeiture of not less than \$200.00 or more than \$1,000.00 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (j) Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (k) When the director of public works determines that the holder of a permit issued pursuant to this chapter has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the director of public works or a party designated by the director of public works may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The director of public works shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to section 28-11 of this chapter. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon.

Sec. 28-14. - Appeals.

- (a) Board of appeals. The board of appeals, created pursuant to § 14.21 of the city zoning ordinance pursuant to Wis. Stats § 62.23(7)(e), shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the director of public works in administering this chapter. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of this chapter will result in unnecessary hardship.
- (b) Who may appeal. Appeals to the board of appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the city affected by any decision of the director of public works.

Sec. 28-15. - Severability.

If any section, clause, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall remain in force and not be affected by such judgment.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect upon its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 4th day of October, 2016.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes: _____

Nays: _____

Board/Committee Approval: BOPW 9/12/16; Plan Commission 9/26/16

Publication Date: _____

Effective Date: _____

Chapter 28 De Pere Municipal Code STORMWATER MANAGEMENT ZONING (POST CONSTRUCTION) as compared to model DNR Ordinance

Sec. 28-1. - Authority.

- (a) This chapter is adopted by the common council under the authority granted by Wis. Stats. § 62.234. This chapter supersedes all provisions of an ordinance previously enacted that relate to stormwater management regulations. Except as otherwise specified in Wis. Stats. § 62.234, Wis. Stats. § 62.23 applies to this chapter and to any amendments to this chapter.
- (b) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (c) The common council hereby designates the director of public works or designee to administer and enforce the provisions of this chapter.
- (d) The requirements of this chapter do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:
 - (1) The state department of natural resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33.
 - (2) Targeted non-agricultural performance standards promulgated in rules by the state department of natural resources under § NR 151.004, Wis. Adm. Code.

Sec. 28-2. - Findings of fact.

The common council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (a) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (d) Reduce the quality of groundwater by increasing pollutant loading.
- (e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (f) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

Sec. 28-3. - Purpose and intent.

- (a) Purpose. The general purpose of this chapter is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
 - (1) Further the maintenance of safe and healthful conditions.

- (2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
- (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(4) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.

- (b) Intent. It is the intent of the common council that this chapter regulates post-construction stormwater discharges to waters of the state. This chapter may be applied on a site-by-site basis. The common council recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this chapter is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Wis. Stats. § 281.16, for regional stormwater management measures and have been approved by the common council, it is the intent of this chapter that the approved plan be used to identify post-construction management measures acceptable for the community.

Sec. 28-4. - Applicability and jurisdiction.

- (a) Applicability.
 - (1) Where not otherwise limited by law, this chapter applies to all post-construction sites, unless the site is otherwise exempt under subsection (a)(2).
 - (2) A post-construction site that meets any of the criteria in this paragraph is exempt from the requirements of this chapter.
 - a. One- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one acre of disturbance.
 - b. Nonpoint discharges from agricultural activity areas.
 - c. Nonpoint discharges from silviculture activities.
 - d. Mill and crush operations.
 - (3) Notwithstanding the applicability requirements in subsection (a)(1), this chapter applies to post-construction sites of any size that, in the opinion of the director of public works, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (b) Jurisdiction. This chapter applies to post-construction sites within the boundaries and jurisdiction of the City of De Pere, as well as the extraterritorial division of land subject to an ordinance enacted pursuant to Wis. Stats. § 236.45(2) and (3).
- (c) Exclusions. This chapter is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33(2).

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Sec. 28-5. - Definitions.

"Adequate sod or self-sustaining vegetative cover" means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

"Administering authority" means the director of public works.

"Agricultural activity area" means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.

Agricultural production area means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

Average annual rainfall means a calendar year of precipitation, excluding snow, which is considered typical. For purposes of this chapter, average annual rainfall means measured precipitation in Green Bay, Wisconsin between March 29 and November 25, 1969.

"Atlas 14" means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

"Average annual rainfall" means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality. For purposes of this chapter, average annual rainfall means measured precipitation in Green Bay, Wisconsin between March 29 and November 25, 1969.

"Best management practice" or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

"Business day" means a day the office of the director of public works is routinely and customarily open for business.

"Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the director of public works.

"Combined sewer system" means a system for conveying both sanitary sewage and stormwater runoff.

"Common plan of development or sale" means a development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

"Connected imperviousness" means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

"Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale.

"Design storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall. The TR-55, Type II, Atlas 14 MSE4, 24-hour design storms for the city are: one-year, [2.2] inches; two-year, [2.5] inches; five-year, [3.3] inches; ten-year, [3.8] inches; 25-year, [4.4] inches; and 100-year, [5.3] inches.

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"Development" means residential, commercial, industrial, institutional, or other land uses and associated roads.

"Direct conduits to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

"Division of land" means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a five-year period.

"Effective infiltration area" means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

"Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

"Exceptional resource waters" means waters listed in § NR 102.11, Wis. Adm. Code.

"Extraterritorial" means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

"Filtering Layer" means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

"Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

"Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the director of public works by the responsible party to assure that requirements of ~~this chapter~~ are carried out in compliance with the stormwater management plan.

"Governing body" means the common council.

"Highway" has the meaning given in Wis. Stats. § 340.01 (22).

"Highway reconditioning" has the meaning given in Wis. Stats. § 84.013 (1)(b).

"Highway reconstruction" has the meaning given in Wis. Stats. § 84.013(1)(c).

"Highway resurfacing" has the meaning given in Wis. Stats. § 84.013(1)(d).

"Impervious surface" means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious. Gravel surfaces are considered impervious, unless specifically designed to encourage infiltration.

"In-fill area" means a new development area less than five acres in size that is located within existing urban sewer service areas, surrounded by already existing development or existing development and natural or manmade features where development cannot occur.

"Infiltration" means the entry of precipitation or runoff into or through the soil.

"Infiltration system" 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.

~~"Karst feature" 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.~~

“Land disturbing construction activity (or disturbance)” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.

“Landowner” means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of stormwater BMPs on the property.

“Maintenance agreement” means a legal document that provides for long-term maintenance of stormwater management and best management practices.

~~“MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties 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.~~

“MEP” or “maximum extent practicable” means the highest level of performance that is achievable but is not equivalent to a performance standard identified within this ordinance. Maximum extent practicable applies when the permit applicant demonstrates to the director of public works’ administering authority’s satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the permit applicant shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

“Minor reconstruction of a highway” means reconstruction of a highway that is limited to 1.5 miles in continuous or aggregate total length of realignment and that does not exceed 100 feet in width of roadbed widening.

“New development” means that portion of a post-construction site where impervious surfaces are being created or expanded. Any disturbance where the amount of impervious area for the post-development condition is greater than the pre-development condition is classified as new development. For purposes of this chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

“NRCS MSE3 or MSE4 distribution” means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

“Offsite” means located outside the property boundary described in the permit application.

“Onsite” means located within the property boundary described in the permit application.

“Ordinary high-water mark” has the meaning given in § NR 115.03(6), Wis. Adm. Code.

“Outstanding resource waters” means waters listed in § NR 102.10, Wis. Adm. Code.

“Percent fines” means the percentage of a given sample of soil, which passes through a # 200 sieve.

“Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

“Permit” means a written authorization made by the director of public works to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

“Permit administration fee” means a sum of money paid to the director of public works by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

“Pervious surface” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

“Pollutant” has the meaning given in Wis. Stats. § 283.01(13).

“Pollution” has the meaning given in Wis. Stats. § 281.01(10).

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

“Post-development” means the extent and distribution of land cover types present after the completion of land disturbing construction activity and final site stabilization.

“Pre-development” 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.

“Preventive action limit” has the meaning given in § NR 140.05(17), Wis. Adm. Code.

“Protective area” 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, that 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.

“Redevelopment” means that portion of a post-construction site where impervious surfaces are being reconstructed, replaced, or reconfigured. Any disturbance where the amount of impervious area for the post-development condition is equal to or less than the pre-development condition is classified as redevelopment. For purposes of this chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

“Responsible party” means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.

“Routine maintenance” means that portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower one-half of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower one-half of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed. For purposes of this chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

“Runoff” means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

“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:

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system.
- (3) Is not draining to a stormwater treatment device or system.
- (4) Discharges directly or indirectly to waters of the state.

“Silviculture activity” means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

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"Site" means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

"Stop-work order" means an order issued by the director of public works which requires that all construction activity on the site be stopped.

"Stormwater management plan" means a comprehensive plan designed to reduce the discharge of pollutants from stormwater, after the site has undergone final stabilization, following completion of the construction activity.

"Stormwater management system plan" is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

"Stormwater reference guide" means the Stormwater Reference Guide, Current Edition, of August 15, 2007, as amended from time to time and which is available for inspection from the office of the building inspector and city engineer and available on the City website.

"Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

"Top of the channel" means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

"Total maximum daily load" or "TMDL" means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

"TP" means Total Phosphorous.

"TP-40" means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

"TR-55" means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

"Transportation facility" means a public street, a public road, a public highway, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under Wis. Stats. § 85.095(1)(b).

"TSS" means total suspended solids.

"Type II distribution" means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973". The type II curve is applicable to all of the state and represents the most intense storm pattern.

"Waters of the state" has the meaning given in Wis. Stats. § 2813.01 (~~1820~~).

Sec. 28-6. - Technical standards.

The following methods shall be used in designing and maintaining the water quality, peak discharge, infiltration, protective area, and fueling/vehicle maintenance components of stormwater practices needed to meet the water quality standards of this chapter:

- Technical standards identified, developed or disseminated by the ~~state Wisconsin~~ Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- Technical standards and guidance identified within the ~~sStormwater~~ Reference ~~gGuide~~.

- (c) Where technical standards have not been identified or developed by the ~~state~~Wisconsin Department of ~~Natural Resources~~, other technical standards may be used provided that the methods have been approved by the director of public works.
- (d) In this chapter, the following year and location has been selected as average annual rainfall: Green Bay, 1969 (Mar. 29—Nov. 25).

Sec. 28-7. - Performance standards.

- (a) Responsible party. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.
- (b) Stormwater Management Plan. A written stormwater management plan in accordance with this section shall be developed and implemented for each post-construction site.
- (c) Requirements. The stormwater management plan shall meet the following minimum requirements to the maximum extent practicable:

- (1) Total suspended solids. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows. The total suspended solids reduction shall be based on the average annual rainfall, as compared to no runoff management controls.

- a. For post-construction sites with ~~one or more of the following: 20,000 square feet or more of impervious surface disturbance and post-construction sites with one acre or more of land disturbance,~~

* 20,000 square feet or more of impervious surface disturbance and/or creation

* post construction sites with 1 acre or more of land disturbance

the following is required:

- 1. Reduce the total suspended solids load by 80 percent for infill and new development.
- 2. Reduce the total suspended solids load by 40 percent for redevelopment.
- 3. No total suspended solids load reduction is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed water quality BMP.
- b. For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce the total suspended solids load using BMPs from the city stormwater reference guide. These sites are not required to satisfy a numeric performance standard.
- c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date February 3, 2009 of this chapter are required to satisfy the performance standards within subsections(c)(1)a.1—3.
- d. The amount of total suspended solids control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- e. Off-Site Drainage. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

fe. Notwithstanding subsections (c)(1)a—d., if the design cannot achieve the applicable total suspended solids reduction specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.

(2) Peak discharge. BMPs shall be designed, installed and maintained to control peak discharges from the post-construction site as follows:

a. For post-construction sites with one or more of the following: 20,000 square feet or more of impervious surface disturbance and post-construction sites with one acre or more of land disturbance,

* 20,000 square feet or more of impervious surface disturbance and/or creation

* post construction sites with 1 acre or more of land disturbance

the following is required:

1. The peak post-development discharge rate shall not exceed the peak pre-development discharge rate for the one year, two-year, ten-year, and 100-year, 24-hour design storms. These peak discharge requirements apply to new development and redevelopment areas. No peak discharge control is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed peak flow control facility.
2. TR-55 methodology shall be used for peak discharge calculations, unless the administering authority approves an equivalent methodology. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. Peak pre-development discharge rates shall be determined using the following "meadow" runoff curve numbers:

Maximum Pre-Development Runoff Curve Numbers—Meadow				
Hydrologic soil group	A	B	C	D
Runoff curve number	30	58	71	78

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- b. For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce peak post-development discharge rates using BMPs from the city stormwater reference guide. These sites are not required to satisfy a numeric performance standard.
- c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date February 3, 2009 of this chapter are required to satisfy the performance standards within subsection (c)(2)a.1, 2.
- d. The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- e. An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of non-erosive discharge velocities and reasonable downstream conveyance.

- f. Exemptions. The following transportation facilities are not required to meet the peak discharge requirements of subsection (c)(2) provided the transportation facility is not part of a larger common plan of development or sale:
1. A transportation facility where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving surface water by more than 0.01 of a foot for the two-year, 24-hour storm event.
 2. A highway reconstruction site.
 3. A transportation facility that is part of a redevelopment project.
- (3) Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following, except as provided in subsections (c)(3)h—k.
- a. For ~~residential developments~~ post construction sites with one or more of the following:
- * 20,000 square feet or more of impervious surface disturbance and/or
 - * ~~residential developments~~ post-construction sites with one acre or more of land disturbance
- ~~one~~ one of the following shall be met:
1. Low imperviousness. For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volumes, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area. ~~Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent 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 one percent of the project site is required as an effective infiltration area.~~
 2. Moderate imperviousness. For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent 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 percent of the post-construction site is required as an effective infiltration area. ~~Infiltrate 25 percent of the post-development runoff from the two-year, 24-hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the project site is required as an effective infiltration area.~~
 2. High imperviousness. For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent 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 percent of the post-construction site is required as an effective infiltration area.
- b. ~~For non-residential developments with 20,000 square feet or more of impervious surface disturbance and non-residential developments with one acre or more of land disturbance,~~

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including commercial, industrial and institutional development, one of the following shall be met:

1. ~~Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent 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 two percent of the project site is required as an effective infiltration area.~~
 2. ~~Infiltrate ten percent of the runoff from the two-year, 24-hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent of the project site is required as an effective infiltration area.~~
- ~~eb.~~ Predevelopment condition shall assume "good hydrologic conditions" for appropriate land covers as identified in TR-55 or an equivalent methodology approved by the administering authority. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. However, when pre-development land cover is cropland, rather than using TR-55 values for cropland, the following runoff curve numbers shall be used:

Maximum Pre-Development Runoff Curve Numbers—Cropland				
Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	565	70-69	7978	83

- ~~ec.~~ For residential and non-residential developments with less than 20,000 square feet of new impervious surfaces, infiltrate runoff volume using BMPs from the stormwater reference guide. These sites are not required to satisfy a numeric performance standard.
- ~~ed.~~ Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date February 3, 2009 of this chapter are required to satisfy the performance standards within subsections 28-7(c)(3)a—~~eb.~~
- ~~fe.~~ The amount of infiltration previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- ~~gf.~~ Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subsection [(c)(3)k~~n.~~] Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
- ~~hg.~~ Exclusions—Source Area Prohibitions. Infiltration of runoff from the following areas are prohibited from meeting the infiltration requirements of this subsection [(c)(3)]:
1. Areas associated with tier 1 industrial facilities identified in § NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.
 2. Storage and loading areas of tier 2 industrial facilities identified in § NR 216.21(2)(b), Wis. Adm. Code.
 3. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.

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h. Prohibitions.

- ~~41.~~ Areas within 1,000 feet upgradient or within 100 feet downgradient of karst features.
 - ~~5.~~ Areas with less than three feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this subsection(c)(3)h.5., does not prohibit infiltration of roof runoff.
 - ~~6.~~ Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
 - ~~72.~~ Areas within 400 feet of a community water system well as specified in § NR 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in § NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
 - ~~83.~~ Areas where contaminants of concern, as defined in § NR 720.03(2), Wis. Adm. Code are present in the soil through which infiltration will occur.
 - ~~9.~~ Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a three foot soil layer with 20 percent fines or greater; or at least a five foot soil layer with ten percent fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This subsection (c)(3)h.9. does not prohibit infiltration of roof runoff.
- i. Source Area Exemptions. Infiltration of runoff from the following areas are not required to meet the infiltration requirements of subsection (c)(3):
- ~~1.~~ Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.
 - ~~1.~~ Parking areas and access roads less than 5,000 square feet for commercial development.
 - ~~2.~~ Parking areas and access roads less than 5,000 square feet for ~~commercial and industrial development~~ not subject to the prohibitions under this subsection (c)(3)g.
 - ~~3.~~ Redevelopment and routine maintenance areas.
 - ~~4.~~ In-fill areas less than five acres.
 - ~~5.~~ Infiltration areas during periods when the soil on the site is frozen.
 - ~~65.~~ Roads in commercial, industrial and institutional land uses, and arterial residential roads.
 - ~~76.~~ Highways provided the transportation facility is not part of a larger common plan of development or sale.

j. Separation Distances.

- ~~1.~~ Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with the table below:

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<u>Separation Distances and Soil Characteristics</u>		
<u>Source Area</u>	<u>Separation Distance</u>	<u>Soil Characteristics</u>
<u>Industrial, Commercial, Institutional Parking Lots and Roads</u>	<u>5 feet or more</u>	<u>Filtering Layer</u>
<u>Residential Arterial Roads</u>	<u>5 feet or more</u>	<u>Filtering Layer</u>
<u>Roofs Draining to Subsurface Infiltrations Practices</u>	<u>1 foot or more</u>	<u>Native or Engineered Soil with Particles Finer than Coarse Sand</u>
<u>Roofs Draining to Surface Infiltration Practices</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
<u>All Other Impervious Source Areas</u>	<u>3 feet or more</u>	<u>Filtering Layer</u>

2. Notwithstanding par.1., applicable requirements for injection wells classified under ch. NR 815 shall be followed.

k. Infiltration Rate Exemption. Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:

1. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
2. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

j. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this paragraph.

~~k. 1. Infiltration systems designed in accordance with this paragraph shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140, Wis. Adm. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.~~

~~2. Notwithstanding subsection [(c)(3)a.], the discharge from BMPs shall remain below the enforcement standard at the point of standards application.~~

m. Groundwater Standards.

1. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable,

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the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

2. Notwithstanding par. 1., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

n. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial, and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subsection (c)(3)m.

o. Maximum Extent Practicable. Where the conditions of subsection (c)(3)g.,h., and i. limit or restrict the use of infiltration practices, the performance standard of this subsection (c)(3) shall be met to the maximum extent practicable.

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(4) Protective areas.

a. "Protective area" 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, in this paragraph, "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.

1. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in § NR 103.04, 75 feet.
2. For perennial and intermittent streams identified on a United States Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
3. For lakes, 50 feet.
4. For highly susceptible wetlands, ~~50~~75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins.
5. For less susceptible wetlands, ten percent of the average wetland width, but no less than ten feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass, cultivated hydric soils, and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
6. In subsections (c)(4)a.1,4, and 5. determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in § NR 103.03.

~~b7.~~ Wetlands shall be delineated. Wetland boundary delineations shall be made in accordance with § NR 103.08(1m). This [subsection (c)(4)] 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 shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

~~78.~~ For concentrated flow channels with drainage areas greater than 130 acres, ten feet.

9. Notwithstanding pars. 1. To 8., the greatest protective area width shall apply where rivers, streams, lakes, and wetlands are contiguous.

~~b. Wetlands shall be delineated. Wetland boundary delineations shall be made in accordance with S NR 103.08(1m). This [subsection (c)(4)] 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 shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.~~

~~eb.~~ Subsection (c)(4) applies to post-construction sites located within a protective area, except those areas exempted pursuant to subsection (c)(4)~~fe.~~ below.

~~ec.~~ The following requirements shall be met:

1. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
2. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

Note to users: It is recommended that seeding of non-~~aggressive~~invasive vegetative cover be used in the protective areas. Some invasive plants that should not be used are listed in ch. NR 40, Wis. Adm. Code. Vegetation that is flood and drought tolerant and can provide long-term bank stability because of an extensive root system is preferable. Vegetative cover can be measured using the line transect method described in the University of Wisconsin Extension publication number A3533, titled "Estimating Residue Using the Line Transect Method".

3. Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non-point sources may be located in the protective area.

Note to Users: Other laws, such as ch. 30, Wis. Stats., and chs. NR 103, 115, 116, and 117, Wis. Adm. Code, and their associated review and approval processes may apply in the protective area.

~~ed.~~ A protective area established or created after the adoption date [Insert adoption date] of this chapter shall not be eliminated or reduced, except as allowed in subsections (c)(4)~~fe.~~ 2—4. below.

~~fe.~~ Exemptions. The following areas are not required to meet the protective area requirements of subsection (c)(4):

1. Redevelopment and routine maintenance areas provided the minimum requirements within in [subsection (c)(4)e.] above are satisfied.
2. Structures that cross or access surface waters such as boat landings, bridges and culverts.
3. Structures constructed in accordance with Wis. Stats. § 59.692(1v).
4. Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

Note to users: A vegetated protective area to filter runoff pollutants from post-construction sites described in subsection (c)(4) ~~of~~ 4. is not necessary since runoff is not entering the surface water at that location. Other practices, necessary to meet the requirements of this section, such as a swale or basin, will need to be designed and implemented to reduce runoff pollutants before the runoff enters a surface water of the state.

- (5) Fueling and vehicle maintenance areas. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.

Note to users: A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.

- (6) Swale treatment for transportation facilities. Subsection (c)(6) is not applicable to transportation facilities that are part of a larger common plan of development or sale.
 - a. Applicability Requirement. Except as provided in [subsection (c)(6)b.], transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:
 1. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

Note to users: It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing runoff pollutant removal.

~~2. Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a two-year, 24-hour design storm or a two-year storm with a duration equal to the time of concentration as appropriate. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.~~

2. Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Slope Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the Wisconsin Department of Natural Resources technical standard 1005 "Vegetated Infiltration Swales", dated May 2007, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of technical standard 1005.

Note to users: Check dams may be included in the swale design to slow runoff flows and improve pollutant removal. Transportation facilities with continuous features such as curb and gutter, sidewalks or parking lanes do not comply with the design requirements of this paragraph. However, a limited amount of structural measures such as curb and gutter may be allowed as necessary to account for other concerns such as human safety or resource protection.

- b. Exemptions. The director of public works may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2500 and where the initial surface water of the state that the runoff directly enters is any of the following:
 1. An outstanding resource water.
 2. An exceptional resource water.

3. Waters listed in § 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
4. Waters where targeted performance standards are developed under § NR 151.004, Wis. Adm. Code, to meet water quality standards.

Note to users: The transportation facility authority shall contact the Wisconsin Department of Natural Resource's regional storm water staff or the Wisconsin Department of Natural Resource's liaison to the Wisconsin Department of transportation to determine if additional BMPs beyond a water quality swale are needed under this subsection.

- (7) Exemptions. The following areas are not required to meet the performance standards within subsection (c) of this section:

- a. Agricultural production areas with less than 100,000 square feet of impervious surface disturbance.
- b. Underground utility construction such as water, sewer, gas, electric, telephone, cable television, and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
- c. The following transportation facilities are exempt, provided the transportation facility is not part of a larger common plan of development or sale.
 1. Reconditioning or resurfacing of a highway.
 2. Minor reconstruction of a highway. Notwithstanding this exemption, the protective area requirements within NR 151.24(6) Wisconsin Administrative Code apply to minor reconstruction of a highway.
 3. A redevelopment transportation facility with no increase in exposed parking lots or roads.
 4. A transportation facility with less than ten percent connected imperviousness based on complete development of the transportation facility, provided the cumulative area of all parking lots and rooftops is less than one acre.
 5. Routine maintenance for transportation facilities if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

6. Routine maintenance if performed for storm water conveyance system cleaning.

- (d) General considerations for onsite and offsite stormwater management measures. The following considerations shall be observed in managing runoff:
 - (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
 - (2) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (e) Location and regional treatment option.
 - (1) The BMPs may be located onsite or offsite as part of a regional stormwater device, practice or system.
 - (2) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this chapter. Post-construction BMPs may be located in non-navigable surface waters.
 - (3) Except as allowed under subsection [(e)(4)], post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.

- (4) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this chapter if:
 - a. The BMP was constructed prior to the effective date of this chapter and the BMP either received a permit issued under Wis. Stats. ch. 30 or the BMP did not require a Wis. Stats. ch. 30 permit; and
 - b. The BMP is designed to provide runoff treatment from future upland development.
- (5) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.
 - a. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
 - b. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as ch. NR 103, Wis. Adm. Code and Wis. Stats. ch. 30.
- (6) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.

Note to users: This section does not supersede any other applicable federal, state or local regulation such as ch. NR 103, Wis. Adm. Code and Wis. Stats. ch. 30.

- (7) The director of public works may approve off-site management measures provided that all of the following conditions are met:
 - a. The ~~department~~director of ~~ppublic~~ ~~Www~~works determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the department of public works and that contains management requirements consistent with the purpose and intent of this chapter.
 - b. The offsite facility meets all of the following conditions:
 - 1. The facility is in place.
 - 2. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this chapter.
 - 3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (8) Where a regional treatment option exists such that the director of public works exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the director of public works. In determining the fee for post-construction runoff, the director of public works shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (f) Alternate requirements. The director of public works may establish stormwater management requirements more stringent than those set forth in this section if the director of public works determines that an added level of protection is needed to protect sensitive resources. Also, the director of public works may establish stormwater management requirements less stringent than those set forth in this section if the director of public works determines that less protection is needed to protect sensitive resources and provide reasonable flood protection. However, the alternative requirements shall not be less stringent than those requirements promulgated in rules by the state department of natural resources under NR 151 Wisconsin Administrative Code.

Sec. 28-8. - Permitting requirements, procedures and fees.

- (a) Permit required. No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the director of public works prior to commencing the proposed activity.
- (b) Permit application and fees. Unless specifically excluded by this chapter, any responsible party desiring a permit shall submit to the director of public works a permit application made on a form provided by the director of public works for that purpose.
 - (1) Unless otherwise excepted by this chapter, a permit application must be accompanied by a stormwater management plan, a maintenance agreement and a non-refundable permit administration fee.
 - (2) The stormwater management plan shall be prepared to meet the requirements of sections 28-7 and 28-9 of this chapter, the maintenance agreement shall be prepared to meet the requirements of section 28-10 of this chapter, the financial guarantee shall meet the requirements of section 28-11, and fees shall be those established by the common council as set forth in section 28-12 of this chapter.
- (c) Review and approval of permit application. The director of public works shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
 - (1) Within 20 business days of the receipt of a complete permit application, including all items as required by subsection (b)(2), the director of public works shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this chapter.
 - (2) If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the director of public works shall issue the permit.
 - (3) If the stormwater permit application, plan or maintenance agreement is disapproved, the director of public works shall detail in writing the reasons for disapproval.
 - (4) The director of public works may request additional information from the applicant. If additional information is submitted, the director of public works shall have 20 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 - (5) Failure by the director of public works to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (d) Permit requirements. All permits issued under this chapter shall be subject to the following conditions, and holders of permits issued under this chapter shall be deemed to have accepted these conditions. The director of public works may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the director of public works to suspend or revoke this permit may be appealed in accordance with section 28-14 of this chapter.
 - (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (2) The responsible party shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
 - (3) The responsible party shall notify the director of public works at least ~~ten~~10 business days before commencing any work in conjunction with the stormwater management plan, and within

~~ten~~10 business days upon completion of the stormwater management practices. If required as a special condition under subsection (e), the responsible party shall make additional notification according to a schedule set forth by the director of public works so that practice installations can be inspected during construction.

- (4) Practice installations required as part of this chapter shall be certified "~~as built~~" or as "record" drawings by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the director of public works or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The director of public works or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
- (5) The responsible party shall notify the director of public works of any significant modifications it intends to make to an approved stormwater management plan. The director of public works may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
- (6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the common council, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the director of public works to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Wis. Stats. ch. 66, subch. VII, or to charging such costs against the financial guarantee posted under section 28-11 of this chapter.
- (8) If so directed by the director of public works, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
- (9) The responsible party shall permit property access to the director of public works or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
- (10) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the director of public works may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
- (11) The responsible party is subject to the enforcement actions and penalties detailed in section 28-13 of this chapter, if the responsible party fails to comply with the terms of this permit.
- (12) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (e) Permit conditions. Permits issued under this subsection may include conditions established by director of public works in addition to the requirements needed to meet the performance standards in section 28-7 of this chapter or a financial guarantee as provided for in section 28-11 of this chapter.
- (f) Permit duration. Permits issued under this section shall be valid from the date of issuance through the date the director of public works notifies the responsible party that all stormwater management practices have passed the final inspection required under subsection (d)(4).
- (g) Alternate requirements. The director of public works may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection 28-7(e) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 28-9. - Stormwater management plan.

- (a) Plan requirements. The stormwater management plan required under subsection 28-8(b) shall comply with the city stormwater reference guide and contain at a minimum the following information:
- (1) Name, address, and telephone number of the landowner and responsible parties.
 - (2) A legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 - (3) Predevelopment site map with property lines, disturbed limits, and drainage patterns.
 - (4) Postdevelopment site map with property lines, disturbed limits, and drainage patterns.
 - a. Total area of disturbed impervious surfaces within the site.
 - b. Total area of new impervious surfaces within the site.
 - c. Performance standards applicable to site.
 - d. Proposed best management practices.
 - e. Groundwater, bedrock, and soil limitations.
 - f. Separation distances. Stormwater management practices shall be adequately separated from wells to prevent contamination of drinking water.
- (b) Alternate requirements. The director of public works may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection 28-7(c) or for applicants seeking a permit for a postconstruction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 28-10. - Maintenance agreement.

- (a) Maintenance agreement required. The maintenance agreement required under subsection 28-8(b) for stormwater management practices shall be an agreement between the director of public works and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the county register of deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- (b) Agreement provisions. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by subsection 28-9(a)(6):
- (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under subsection 28-8(b).
 - (3) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the stormwater management practices identified in the stormwater management plan required under subsection 28-8(b).
 - (4) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in subsection (b)(2) of this section.

- (5) Authorization for the director of public works to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (6) A requirement on the director of public works to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (7) Agreement that the party designated under subsection (b)(3) of this section, as responsible for long term maintenance of the stormwater management practices, shall be notified by the director of public works of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the director of public works.
 - (8) Authorization of the director of public works to perform the corrected actions identified in the inspection report if the responsible party designated under subsection (b)(3) does not make the required corrections in the specified time period. The director of public works shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Wis. Stats. ch. 66, subch. VII.
- (c) Alternate requirements. The director of public works may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under section 28-7(e) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 28-11. - Financial guarantee.

- (a) Establishment of the guarantee. The director of public works may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the director of public works. The financial guarantee shall be in an amount determined by the director of public works to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the director of public works the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the director of public works that the requirements of this chapter have not been met.
- (b) Conditions for release. Conditions for the release of the financial guarantee are as follows:
 - (1) The director of public works shall release the portion of the financial guarantee established under this section, less any costs incurred by the director of public works to complete installation of practices, upon submission of ~~"as built plans"~~ or "record" drawings by a licensed professional engineer. The director of public works may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (2) The director of public works shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices, less any costs incurred by the director of public works, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.
- (c) Alternate requirements. The director of public works may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection 28-7(e) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 28-12. - Fee schedule.

The fees referred to in this chapter shall be established by resolution of the common council. A schedule of the fees so established shall be available for review in the office of the director of public works or city clerk-treasurer.

Sec. 28-13. - Enforcement.

- (a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this chapter by any person, firm, association, or corporation subject to ~~this chapter's~~ provisions shall be deemed a violation unless conducted in accordance with the requirements of this chapter.
- (b) The director of public works shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (c) Upon receipt of written notification from the director of public works under subsection (b), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the director of public works in the notice.
- (d) If the violations to a permit issued pursuant to this chapter are likely to result in damage to properties, public facilities, or waters of the state, the director of public works may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the director of public works plus interest and legal costs shall be billed to the responsible party.
- (e) The director of public works is authorized to post a stop-work order on all land disturbing construction activity that is in violation of this chapter, or to request the city attorney to obtain a cease and desist order in any court with jurisdiction.
- (f) The director of public works may revoke a permit issued under this chapter for non-compliance with chapter provisions.
- (g) Any permit revocation, stop-work order, or cease and desist order shall remain in effect unless retracted by the director of public works or by a court with jurisdiction.
- (h) The director of public works is authorized to refer any violation of this chapter, or of a stop work order or cease and desist order issued pursuant to this chapter, to the [municipal attorney, corporation counsel] for the commencement of further legal proceedings in any court with jurisdiction.
- (i) Any person, firm, association, or corporation who does not comply with the provisions of this chapter shall be subject to a forfeiture of not less than \$200.00 or more than \$1,000.00 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (j) Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (k) When the director of public works determines that the holder of a permit issued pursuant to this chapter has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the director of public works or a party designated by the director of public works may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The director of public works shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial

security posted pursuant to section 28-11 of this chapter. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon.

Sec. 28-14. - Appeals.

- (a) Board of appeals. The board of appeals, created pursuant to § 14.21 of the city zoning ordinance pursuant to Wis. Stats § 62.23(7)(e), shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the director of public works in administering this chapter. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of this chapter will result in unnecessary hardship.
- (b) Who may appeal. Appeals to the board of appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the city affected by any decision of the director of public works.

Sec. 28-15. - Severability.

If any section, clause, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall remain in force and not be affected by such judgment.