

RE-DEDICATION CEREMONY

Jefferson County Courthouse
311 S. Center Avenue
Jefferson, WI 53549

TUESDAY, OCTOBER 10TH, 2023

5:30 p.m. War Memorial Statue
(Honoring our military and first responders)

5:50 p.m. Re-Dedication of County Board Room

6:10 p.m. Open House/Tours

AGENDA

JEFFERSON COUNTY BOARD MEETING

TUESDAY OCTOBER 10, 2023 7:00 p.m.

Jefferson County Courthouse
311 S. Center Avenue, Room C2063
Jefferson, WI 53549

Webinar OR [Livestream on YouTube](#)

Register in advance for this webinar:

https://zoom.us/webinar/register/WN_N2ghwZR3TQenotKF1KEwmQ

After registering, you will receive a confirmation email containing information about joining the webinar.

1. **CALL TO ORDER**
 2. **ROLL CALL BY COUNTY CLERK**
 3. **PLEDGE OF ALLEGIANCE**
 4. **CERTIFICATION OF COMPLIANCE WITH OPEN MEETINGS LAW**
 5. **APPROVAL OF THE AGENDA**
 6. **APPROVAL OF MINUTES – SEPTEMBER 12, 2023**
 7. **COMMUNICATIONS**
 - a. Notice of Public Hearing – Planning and Zoning – October 19, 2023, 7:00 p.m. (Page 1)
 - b. Report – Lake Ripley Management District – Meg Turville-Heitz (Page 3)
 - c. Treasurer’s Report (Addendum)
 8. **PUBLIC COMMENT (agenda items)**
 9. **SPECIAL ORDER OF BUSINESS**
 - a. Presentation of FY2024 Operating and Capital Budget
- COMMITTEE REPORTS / RESOLUTIONS / ORDINANCES**
10. **FINANCE COMMITTEE**
 - a. Resolution – Approving an agreement with Premier Bank for Positive Pay Services (Page 5)
 - b. Resolution – Approving an agreement with Premier Bank to open a Sweep Account (Page 6)
 - c. Resolution – Denying Claim for damages by Sandy Peterson (Page 8)
 11. **HUMAN RESOURCES COMMITTEE**
 - a. Ordinance – Repealing and Recreating Personnel Ordinance HR0690, Vacation with Pay (Page 9)

12. LAND AND WATER CONSERVATION COMMITTEE

- a. Resolution – Authorizing the Application and Implementation of a Wisconsin Department of Natural Resources Clean Boats, Clean Waters Grant (Page 12)
- b. Resolution – Authorizing the Application and Implementation of a Wisconsin Department of Natural Resources Lake Monitoring and Protection Network Grant (Page 14)
- c. Resolution - Authorizing the Application and Implementation of a Wisconsin Department of Natural Resources Healthy Lakes and Rivers Grant (Page 15)

13. PARKS COMMITTEE

- a. Resolution – Accepting bid for the replacement of a culvert on Interurban Trail Phase III (Page 17)

14. PLANNING AND ZONING COMMITTEE

- a. Report – Approval of Petitions (Page 19)
- b. Ordinance – Amending Official Zoning Map (Page 20)
- c. Ordinance – Construction Site Erosion and Sediment Control Ordinance (Page 21)
- d. Ordinance – Post-Construction Stormwater Management Ordinance (Page 40)

15. APPOINTMENTS BY COUNTY ADMINISTRATOR (Page 69)

- a. Russell Kutz to the Human Services Board for a three-year term ending November 1, 2026.
- b. Kirk Lund to the Human Services Board for a three-year term ending November 1, 2026.
- c. Art Biermeier to the Jefferson County Library Board for a three-year term ending December 31, 2026.
- d. Art Biermeier to the Bridges Federated Library System Board for a three-year term ending December 31, 2026.
- e. Greg Haasch to the Jefferson County Library Board for a three-year term ending December 31, 2026.
- f. Joseph Naylor to the Veterans Service Commission for a three-year term ending December 14, 2026.
- g. Jim Seidl to the Veterans Service Commission for a three-year term ending December 14, 2026

16. PUBLIC COMMENT (General)

17. ANNOUNCEMENTS

18. ADJOURN

Next County Board Meetings

Tuesday, October 24, 2023
7:00 p.m.

Tuesday, November 14, 2023
7:00 p.m.

NOTICE OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker; Cassie Richardson

SUBJECT: Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits
DATE: Thursday, October 19, 2023
TIME: 7:00 p.m. (Doors will open at 6:30)

PLACE: **JEFFERSON COUNTY HIGHWAY DEPARTMENT COMMITTEE ROOM**
1425 WISCONSIN DRIVE, JEFFERSON, WI 53549
OR Via Zoom Videoconference

PETITIONERS OR MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS IF THEY CHOOSE NOT TO ATTEND IN PERSON:

You are invited to a Zoom meeting.
When: October 19, 2023 at 07:00 PM Central Time (US and Canada)
Meeting ID: 957 3344 0565
Passcode: Zoning
Register in advance for this meeting:
<https://zoom.us/j/95733440565?pwd=eHZRbHZXWXhlUnlKdkhtOXhoTmtNz09>
After registering, you will receive a confirmation email containing information about joining the meeting.

1. Call to Order
2. Roll Call
3. Certification of Compliance with Open Meetings Law
4. Approval of Agenda
5. Explanation of Public Hearing Process by Committee Chair
6. Public Hearing

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, October 19, 2023, in the **JEFFERSON COUNTY HIGHWAY DEPARTMENT COMMITTEE ROOM, 1425 WISCONSIN DRIVE**, Jefferson, Wisconsin. Members of the public will be allowed to be heard regarding any petition under consideration by the Planning and Zoning Committee. **PETITIONERS, OR THEIR REPRESENTATIVES SHALL BE PRESENT EITHER IN PERSON OR VIA ZOOM.** Matters to be heard are petitions to amend the official zoning map and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files, which include staff finding of fact, are available for viewing between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excepting holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

DECISIONS ON THE CONDITIONAL USES ONLY WILL BE MADE ON OCTOBER 30, 2023.
DECISIONS ON THE REZONINGS WILL BE MADE ON NOVEMBER 14, 2023.

FROM INDUSTRIAL TO BUSINESS

R4495A-23 – Hughes Reynolds Group LLC: Rezone PIN 012-0816-2121-002 (6.8 ac) from Industrial to Business to allow for automotive repair and maintenance at **W1593 Marietta Ave** in the Town of Ixonia. This is in accordance with Sec 11.04(f)3 of the Jefferson County Zoning Ordinance.

FROM AGRICULTURAL A-1 TO A-3, AGRICULTURAL/RURAL RESIDENTIAL

R4496A-23 – Russell & Cheryl Heine: Rezone 1 acre of PIN 002-0714-2813-000 (20 ac) to create a lot around the home at **N5594 Popp Rd** in the Town of Aztalan. This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

R4497A-23 – Mitch & Julia Brock/Scott & Jill Johnson Property: Create a 1-ac building site north of **N3043 Haas Rd** from part of PIN 010-0615-2742-000 (44.461 ac) in the Town of Hebron. This is in accordance with Sec 11.04 (f)8 of the Jefferson County Zoning Ordinance.

CONDITIONAL USE PERMIT APPLICATIONS

CU2105 -23 – Michael Podevels: Conditional use to allow an extensive onsite storage structure in a Community zone at **W110 Rockvale Rd**, Town of Ixonia on PIN 012-0816-2544-006 (0.826 ac). This is in accordance with Sec 11.04(f)9 of the Jefferson County Zoning Ordinance.

CU2106-23 – Tasha Bynum: Conditional home occupation for health and wellness services at **N7010 Kroghville Rd** in the Town of Lake Mills on PIN 018-0713-0542-000 (36.058 ac), located in an A-1 Agricultural zone. This is in accordance with Sec 11.04(f)6 of the Jefferson County Zoning Ordinance.

CU2107-23 – Elmer Rehr Trust: Conditional use for an extensive onsite storage structure in a Residential R-2 zone at **N4209 County Road A**, PIN 022-0613-0841-015 (1.42 ac), Town of Oakland. This is in accordance with Sec 11.04(f)2 of the Jefferson County Zoning Ordinance.

CU2109-23 – Angela J Starr: Conditional use for a home occupation flower shop at **N901 Old 26 Rd**, Town of Koshkonong on PIN 016-0514-1933-000 (5.627 ac) in an A-3 Agricultural/Rural Residential zone. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

CU2108-23 – Seeger Bos Farms, LLC: Conditional use for an ATCP regulated livestock facility in an A-1 Agricultural zone at **N2901 Mode Ln**, Town of Oakland, on PINs 022-0613-3522-000 (36.574 ac), 022-0613-3411-000 (40 ac) and 022-0613-3414-000 (20 ac). This is in accordance with Sec 11.04(f)6 of the Jefferson County Zoning Ordinance.

7. Adjourn

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at this meeting should contact the County Administrator 24 hours prior to the meeting at 920-674-7101 so appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

**Annual Report of the Lake Ripley Management District
2022-2023
By Meg Turville-Heitz, District 16 Supervisor**

The Lake Ripley Management District's mission is to protect and enhance Lake Ripley's water quality and overall ecological health, while maintaining public access and use of the lake that is safe, fair and practical. The board is made up of district residents elected during the annual meeting, a town board appointee, and county board appointee. The district has a full-time Lake District Manager, Lianna Spencer, and several part time employees who conduct various tasks in maintaining the Lake District Preserve, monitoring water quality, providing boater education, and operating the weed harvester.

The Lake District has faced a number of challenges related to aging equipment and need for space, staffing turnover, and human impacts on the watershed.

- The board approved the diversion of a fund intended for the purchase of a replacement pickup truck to the purchase of a used dump truck when the existing dump truck, used to haul the weed harvester and collected weeds, broke down and was deemed unrepairable.
 - The district is now rebuilding its fund for the pickup truck, which isn't getting any younger.
- The board's efforts to acquire property to better house the district and its equipment has fallen through for a variety of reasons.
 - The board continues to seek an appropriate space to house district offices, store equipment and offer meeting and educational space.
- The board approved salary increases to hire new harvester, water quality, and nature preserve technicians.
- More intense rain events and heat have led to an especially difficult weed year (2022) on the lake, drawing a large number of lake residents to the annual meeting.
 - The district worked with the DNR to modify the approved weed harvesting routes to improve boater access and to attempt to help reduce the amount of "prop chop" arriving on landowners' shorelines.
- The district has been trying to address landowner activities that have an impact on the lake, from tree removal to the use of artificial wake enhancement, which can damage shorelines and uproot lake plants. Additionally, the district has been monitoring the progress of a large proposed housing development, Oakland Hills, on the edge of a wetland close to the lake.
 - The district has made progress on achieving Critical Habitat Designation, awaiting only the DNR's final official publication. This designation will offer protection for an area of the lake that serves as a fish spawning and rearing area.
 - The district received a DNR grant to combat phragmites (an invasive plant species) on the southeast side of Lake Ripley.
 - Research on rain events has helped the district pinpoint where the highest contributions of sediment are coming from. During rain events, **350 pounds of sediment per second have been measured flowing into the lake.** Research has shown as well that very little of this sediment is leaving the lake through the outlet.

- The district is working with different partners (County Land and Water Conservation, USDA, engineering firms, etc.) to brainstorm projects along the inlet stream that could improve water quality in Lake Ripley's watershed
 - The board expanded the district's cost-share programs for residents to install rain gardens in the ditches along Ripley Road to help absorb the flow of runoff and capture sediment before it enters the lake. These rain gardens also offer beneficial habitat to insects.
 - The board approved two cost-share projects this year to help improve water quality and improve native habitat.
 - The district received a private grant of \$6,000 to begin monitoring storm water runoff from Ripley Road
 - The board approved several contracts to help with Lake District preserve burns and invasive species removal, including reed canary grass and box elder thickets. A healthier preserve encourages species diversity, better ecosystem functions and provides a space for hiking, bird watching and learning.
 - The district brought to the town a request for an ordinance to limit permanent hunting stands from being placed in the lake preserve, and has offered its comments and recommendations on restrictions on artificial wake enhancement and measures for erosion control.
 - The district has worked with Oakland Hills and is hoping to reach an agreement to accommodate wetland protection measures. The wetlands are critical to controlling and removing sediment from the inlet creek to Lake Ripley and to maintaining water quality.
 - Fish surveys conducted by the district with the DNR have found a good mix of diversity of fish species and insects, showing the lake is in overall good health.
- The district's counsel, Danielle Thompson has moved on to be Corporation Counsel for Jefferson County.
 - The board agreed to new representation by Axley Attorneys.

RESOLUTION NO. 2023-_____

Approving an agreement with Premier Bank for Positive Pay services

Executive Summary

In 2015, the United States government began requiring all U.S. merchants to accept chip and PIN cards as a method of reducing point-of-sale credit card number theft and skimming cybercrimes. Since this time, credit card fraud has been reduced significantly and fraudsters have turned to check fraud as an alternative, often robbing post office boxes to steal uncashed checks and alter them. Jefferson County has recently had discussions with its banking services provider, Premier Bank, regarding check fraud. One very effective method of stopping check fraud before it happens is for the County to transmit an electronic file to its bank that lists the check numbers, payees and amounts, and the bank will perform a three-way match of this information to checks that clear to determine if there are any exceptions. Upon discovering an exception, the County would be notified and have an opportunity to investigate prior to the cash being withdrawn from the County's checking account. This is called positive pay, and Premier Bank has recently begun offering this product to its customers. The Finance Committee considered this resolution at its meeting on October 4, 2023, and recommended forwarding to the County Board to approve entering into an agreement with Premier Bank for positive pay services at a cost of \$360 per year.

WHEREAS, the Executive Summary is incorporated into this resolution, and

WHEREAS, check fraud is recently trending upward among petty criminals, and

WHEREAS, Jefferson County currently receives banking services from Premier Bank, and

WHEREAS, Premier Bank offers a service whereby Jefferson County can upload a list of its checks into Premier Bank's online portal and Premier Bank will match the checks on the list with the checks that clear the bank and report exceptions to Jefferson County, and

WHEREAS, this service will reduce the risk of check fraud and also save time in the Treasurer's office where this is currently being done manually and after the fact, and

WHEREAS, the cost of this service is \$30 per month.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby authorizes the County Administrator to enter into a contract with Premier Bank for Positive Pay services at a cost of \$360 per year.

Fiscal Note: The annual cost of this service is \$360 per year and will be paid for from the County Treasurer's budget. No budget adjustment is necessary.

Referred By:
Finance Committee

10-10-2023

APPROVED: Corporation Counsel: JBW

; Finance Director: 

RESOLUTION NO. 2023-_____

Approving an agreement with Premier Bank to open a Sweep Account

Executive Summary

March of 2023 saw the failure of two major banks. The contributing factor to both failures was a rising interest rate environment which caused fixed-income securities, such as bonds and other fixed-rate debt instruments, to lose value. As customers withdrew cash, banks were forced to sell these securities at a loss in order to cover deposits. The cascading losses and resulting flight to safety of its customers caused the banks to become insolvent.

Since that time Jefferson County has engaged in discussions with Premier Bank regarding the safety of its deposits. Premier Bank offers a product whereby any funds over a target balance are swept overnight into a repurchase agreement that is fully collateralized by securities that are the direct obligation of, or guaranteed by, the United States Government. A repurchase agreement is an agreement whereby the bank agrees to repurchase the securities back from an account holder on the following business day for the cash value of the securities plus any interest earned.

Opening a sweep account with Premier Bank would not only protect Jefferson County's deposits in the event of a bank failure, but Jefferson County will also earn interest at a rate that is competitive with the Local Government Investment Pool currently offered by the State of Wisconsin.

The Finance Committee considered this resolution at its meeting on October 4, 2023, and recommended forwarding to the County Board to approve entering into an agreement with Premier Bank to open a Sweep Account.

WHEREAS, the Executive Summary is incorporated into this resolution, and

WHEREAS, we are currently in an environment of rising interest rates, and

WHEREAS, rising interest rates present a risk of bank failure due to the devaluation of its holdings and potential insolvency, and

WHEREAS, Premier Bank offers a service whereby Jefferson County's deposits will be swept into a repurchase agreement that is fully collateralized by securities that are the direct obligation of, or guaranteed by, the United States Government, and

WHEREAS, this service will reduce the risk of that Jefferson County will experience any loss of deposits in the event that Premier Bank fails, and


WHEREAS, this service will also provide Jefferson County with additional interest income.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby authorizes the County Administrator to enter into a contract with Premier Bank to open a Sweep Account.

Fiscal Note: Bank service fees will apply to this agreement and are based on the amount of deposits and prevailing interest rates. The interest income and bank fees will be posted to the County Treasurer's budget. No budget adjustment is necessary.

Referred By:
Finance Committee

10-10-2023

APPROVED: Corporation Counsel: JBW ; Finance Director: 

RESOLUTION NO. 2023-_____

Denying Claim for damages by Sandy Peterson

Executive Summary

A claim has been made against Jefferson County for damages. The claim has been reviewed by the County’s insurance carrier, WMMIC, and was recommended for disallowance based on the finding that the County has no liability for this claim and is not legally responsible for the alleged damages. This resolution formally denies the claim filed against Jefferson County and directs the Corporation Counsel to give the claimant notice of disallowance. The Finance Committee considered this resolution on October 04, 2023, and recommended forwarding to the County Board to deny the claim for damages by Sandy Peterson.

WHEREAS, the Executive Summary is incorporated into this resolution, and

WHEREAS, the following claim was filed against Jefferson County as follows:

<u>Claimant</u>	<u>Date of Loss</u>	<u>Claim Filed</u>	<u>Description</u>	<u>Alleged Damages</u>
Sandy Peterson	8/21/2023	9/06/2023	Sandy Peterson alleges damage to the windshield of her car when it was allegedly struck by a piece of tar/blacktop that fell off a Jefferson County Highway Department truck traveling on I 94 between Sullivan and Johnson Creek.	\$421.99

WHEREAS, said damages are alleged to be the result of negligence of Jefferson County, its agents, officials, officers or employees, and


WHEREAS, Jefferson County’s insurance carrier, Wisconsin Municipal Mutual Insurance Company, recommends disallowance of the claim on the basis that the County is not legally responsible for the alleged damages.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors hereby disallows said claim and directs the Corporation Counsel to give the claimant notice of disallowance.

Fiscal Note: This matter has been referred to Wisconsin Municipal Mutual Insurance Company (WMMIC) and will be resolved in accordance with the terms of the County’s policy.

Referred By:
Finance Committee

10-10-2023

REVIEWED: Corporation Counsel: JBW ; Finance Director: 

ORDINANCE NO. 2023 - ___

Repealing and Recreating Personnel Ordinance HR0690, Vacation with Pay

Executive Summary

The purpose of repealing and recreating the Vacation with Pay ordinance is to promote employee well-being, work/life balance, and enhance recruitment and retention efforts within Jefferson County. This updated ordinance allows employees to earn more vacation with fewer years of service and incorporates suggestions and input from an employee workgroup. The Human Resources Department recognizes the need for further discussion and review regarding vacation carryover allowance and the associated financial impacts.

The current Vacation with Pay ordinance allows for:

1. Eligibility: 20 hours per week or more
2. Accrual Timing: Same as recommended
3. Requesting Vacation Time: Same as recommended
4. Vacation Accrual:
 - a. New hires: Same as recommended
 - b. 1 – 5 years of service: 2 weeks of vacation
 - c. 6 – 12 years of service: 3 weeks of vacation
 - d. 13 – 18 years of service: 4 weeks of vacation
 - e. 19+ years of service: 5 weeks of vacation
5. Vacation for Part-time employees working on average 24 hours/week:
 - a. Employees working 20 – 23 hours/week receive prorated hours
 - b. Employees working less than 20 hours/week: NEW SECTION. Current employees not eligible.
6. Carryover:
 - a. Standard carryover is 8 hours
 - b. Additional carryover is similar as recommended
7. Payouts: Similar as recommended
8. Vacation Use Exceptions: Same as recommended
9. Forfeiture: Similar as recommended

The Human Resources Committee considered this ordinance on Tuesday, September 26, 2023, and recommended forwarding to the County Board for approval.

WHEREAS, Jefferson County recognizes the importance of work-life balance and values the well-being of its employees; and

WHEREAS, feedback was sought from an employee workgroup to enhance the existing Vacation with Pay ordinance; and

WHEREAS, the recommended ordinance amendments incorporate many of the employee suggestions, including changes to when vacation accrues and vacation eligibility for part-time positions.

NOW, THEREFORE, BE IT ORDAINED by the Jefferson County Board of Supervisors that section HR0690 of the Personnel Ordinance, Vacation with Pay, is hereby repealed and recreated as follows:

Section 1:

HR0690 - VACATION WITH PAY

PURPOSE: Jefferson County recognizes the importance of work-life balance and the value of vacations for our employees' well-being. This vacation ordinance outlines the procedures for requesting, accruing, and using vacation time.

POLICY: Vacation is an earned benefit and part of Jefferson County's comprehensive employee benefit package. During approved vacation time, employees will receive their regular base pay, subject to applicable deductions. If a recognized county holiday falls within an approved vacation period, it will not be counted as a vacation day. If an employee falls ill during their vacation, they should promptly report it to their supervisor and Human Resources. Sick leave may be used if the employee qualifies for leave under the Wisconsin and/or Federal Family and Medical Leave Act (FMLA).

PROCEDURE:


1. **Eligibility:** Regular employees working 24 or more hours per week are eligible for vacation benefits. Excluded are limited-term employees, including emergency help employees, regardless of the expected duration of their assignment.
2. **Accrual Timing:** Vacation is distributed on an annual basis on January 1, calculated based on the years of service, FTE, and hours worked in the previous year.
3. **Requesting Vacation Time:** Employees must request vacation time in advance using their department's designated time-off request system. Requests should be submitted with as much notice as possible, and approval is subject to manager discretion and workload requirements. Employees are encouraged to plan their vacations in consultation with their supervisors to ensure proper coverage. The County will make every effort to accommodate reasonable vacation requests but cannot guarantee that all vacation requests will be approved.
4. **Vacation Accrual:**
 - a. **Vacation upon initial employment or change to a benefited position in first 2 years of Service:**
New employees and employees changing from a non-benefited to a benefited status will receive 2 weeks (80 hours) of vacation, prorated based on the employee's designated Full-Time Equivalent (FTE) work hours and remaining hours for the year. For example, an employee regularly scheduled 40 hours/week and hired on July 1 will receive 40 hours of vacation for the remainder of the year. An employee regularly scheduled 30 hours/week and hired on July 1 will receive 30 hours of vacation for the remainder of the year.
 - b. **Vacation After 2 Years of Service or change to a benefited position after 2 Years of Service:**
After completing 2 full years of service within the previous calendar year, employees will receive 3 weeks (120 hours) of vacation, prorated using the same method of proration as described in subsection 4a. above. For example: A full-time employee has 2 full years of service completed on October 1. The employee will receive prorated vacation in January of the succeeding year based on 9 months at the 2-week rate and 3 months at the 3-week rate, or 90 hours.
 - c. **Vacation After 7 Years of Service or change to a benefited position after 7 Years of Service:**
After completing 7 full years of service within the previous calendar year, employees will receive 4 weeks (160 hours) of vacation using the same method of proration as described in subsection 4a. above.
 - d. **Vacation After 15 Years of Service or change to a benefited position after 15 Years of Service:**
After completing 15 years of service within the previous calendar year, employees will receive 5 weeks (200 hours) of vacation using the same method of proration as described in 4a. above.

5. **Vacation for Part-time Employees Working Less Than 24 Hours/Week:** (Part-time employees regularly working less than 24 hours per week, but 18 or more hours/week, will be eligible for prorated vacation based on their average weekly hours.
 - a. Employees will accrue vacation time based on the average number of hours worked per week, and their accrual will be prorated accordingly as follows:
 - i. Budgeted and regularly working less than 18 hours/week: Not eligible for vacation accrual.
 - ii. Budgeted and regularly working 18 to 23 hours/week: Accrual at a rate equivalent to 50% of prorated status. For example, a full-time employee receives 120 hours of vacation based on their years of services. An employee working 18 hours/week (.45 FTE) would receive 50% of a .45 FTE, or $120 \text{ hours} \times .45 \times .5 = 27 \text{ hours}$ of vacation.
 - b. Vacation for part-time employees will follow the same accrual, approval, payout, forfeiture policies as full-time employees. The carryover limit for part-time employees into the next calendar year will be limited to 8 hours unless 6.b. of this ordinance applies.
6. **Carryover Policy:** Employees are encouraged to utilize their accrued vacation time regularly to maintain a healthy work-life balance. To promote this, the policy includes a carryover provision.
 - a. **Standard Carryover:** Employees may carry over a maximum of 24 hours of unused vacation annually. These hours can be used during the following year or be forfeited.
 - b. **Additional Carryover:** In exceptional cases, where employees have a legitimate reason for being unable to use their vacation hours during the year, they may request additional carryover hours. To request additional carryover, employees must provide a written explanation detailing the circumstances preventing the use of accrued vacation time. The request must be approved by both their department head and the Human Resources Director or their designees.
7. **Vacation Payouts:** Employees who resign or reduce their hours below 24 hours per week (18 hours per week for part-time positions) will be paid out accrued but unused vacation time, excluding employees terminated for cause.
8. **Vacation Use Exceptions:** Under rare and/or catastrophic circumstances, employees who have completed their qualifying period may borrow against *next* year's vacation already accrued with approval of the department head, Human Resources Director, and County Administrator.
9. **Vacation Forfeiture:** The decision to forfeit vacation will be made by the Human Resources Director or their designees.
10. **Review and Amendments:** This vacation ordinance is effective January 1, 2024, and it supersedes any previous policies which are subject to this ordinance. This vacation ordinance will be subject to review periodically and may be amended as needed. Any changes will be communicated to all employees in a timely and transparent manner.

Fiscal Note: Repealing and recreating this ordinance recognizes that vacation hours are part of the total hours budgeted per position and the fiscal impact will be determined based on manager discretion to approve/deny vacation which may require payment for overtime work due to employees using vacation or result in lost productivity.

Referred By:
Human Resources Committee

10-10-2023

REVIEWED: Corporation, Counsel JBW; Finance Director 

RESOLUTION NO. 2023-____

Authorizing the Application and Implementation of a Wisconsin Department of Natural Resources Clean Boats, Clean Waters Grant

Executive Summary

The Wisconsin Department of Natural Resources has a grant program called Clean Boats, Clean Waters which funds staff to provide education to boaters regarding aquatic invasive species laws. In partnership with the Town and City of Lake Mills, the Jefferson County Land and Water Conservation Department will implement this grant program on Rock Lake in 2024. The Town and City of Lake Mills will provide matching funds for the program. The Land and Water Conservation Committee considered this resolution at its meeting on September 20, 2023, and recommended forwarding to the County Board for approval.

WHEREAS, the Executive Summary is incorporated into this resolution, and

WHEREAS, the Land and Water Conservation Department is interested in obtaining a cost-share grant from the Wisconsin Department of Natural Resources to fund a Clean Boats, Clean Waters program on Rock Lake boat launches, and

WHEREAS, the Land and Water Conservation Department attests to the validity and veracity of the statements and representations contained in the grant application, and

WHEREAS, a grant agreement is requested by the Wisconsin Department of Natural Resources to carry out the project.

NOW, THEREFORE, BE IT RESOLVED, by the Jefferson County Board of Supervisors that the Land and Water Conservation Department will meet the financial obligations necessary to fully and satisfactorily complete the project and hereby authorizes and empowers the Land and Water Conservation Department Director to do the following:

1. Sign and submit a grant application and supporting documents to the Wisconsin Department of Natural Resources for financial assistance that may be available
2. Enter into a grant agreement with the Wisconsin Department of Natural Resources
3. Submit quarterly and/or final reports to the Wisconsin Department of Natural Resources to satisfy the grant agreement, as appropriate
4. Submit reimbursement request(s) to the Wisconsin Department of Natural Resources no later than the date specified in the grant agreement

BE IT FURTHER RESOLVED that the Land and Water Conservation Department will comply with all local, state and federal rules, regulations and ordinances relating to this project and the cost-share agreement.

Fiscal Note: The total grant request is \$5,550 and the total Town and City of Lake Mills contribution is \$1,700 which will cover summer staff costs and supplies. The Land and Water Conservation Department budget will cover printing expenses. The grant amount, municipal amount, and corresponding expenses are included in the 2024 budget. No budget adjustment is necessary.

Referred By:
Land and Water Conservation Committee

10-10-2023

REVIEWED: Corporation Counsel: JBW

Finance Director: 

RESOLUTION NO. 2023-_____

**Authorizing the Application and Implementation of a Wisconsin Department of Natural Resources
Lake Monitoring and Protection Network Grant**

Executive Summary

The Wisconsin Department of Natural Resources provides annual support to counties for lake monitoring and aquatic invasive species prevention and management activities referenced as the Lake Monitoring and Protection Network grant. The amount allocated in 2024 for Jefferson County is \$13,003.36 and a grant application is required to be submitted to obtain the funds. This resolution authorizes the Jefferson County Land and Water Conservation Department to submit a grant application and supporting documents to the Wisconsin Department of Natural Resources for financial assistance and comply with all requirements under the grant program. The Land and Water Conservation Committee considered this resolution at its meeting on September 20, 2023, and recommended forwarding to the County Board for approval.

WHEREAS, the Executive Summary is incorporated into this resolution, and

WHEREAS, the Land and Water Conservation Department is interested in obtaining a cost-share grant from the Wisconsin Department of Natural Resources for the purpose of lake monitoring and aquatic invasive species prevention and management activities, and

WHEREAS, the Land and Water Conservation Department attests to the validity and veracity of the statements and representations contained in the grant application, and

WHEREAS, a grant agreement is requested by the Wisconsin Department of Natural Resources to carry out the project.

NOW, THEREFORE, BE IT RESOLVED, by the Jefferson County Board of Supervisors that the Land and Water Conservation Department will meet the financial obligations necessary to fully and satisfactorily complete the project and hereby authorizes and empowers the Land and Water Conservation Department Director to do the following:

1. Sign and submit a grant application and supporting documents to the Wisconsin Department of Natural Resources for financial assistance that may be available
1. Enter into a grant agreement with the Wisconsin Department of Natural Resources
2. Submit quarterly and/or final reports to the Wisconsin Department of Natural Resources to satisfy the grant agreement, as appropriate
3. Submit reimbursement request(s) to the Wisconsin Department of Natural Resources no later than the date specified in the grant agreement

BE IT FURTHER RESOLVED that the Land and Water Conservation Department will comply with all local, state and federal rules, regulations and ordinances relating to this project and the cost-share agreement.

Fiscal Note: The total 2024 grant award will be \$13,003.36 which will cover the cost of staff time spent implementing the grant deliverables. This grant amount and corresponding expenses are included in the 2024 budget. No budget adjustment is necessary.

Referred By:

Land and Water Conservation Committee

10-10-2023

REVIEWED: Corporation Counsel: JBW

Finance Director: 

RESOLUTION NO. 2023-____

Authorizing the Application and Implementation of a Wisconsin Department of Natural Resources Healthy Lakes and Rivers Grant

Executive Summary

The Wisconsin Department of Natural Resources has a grant program called Healthy Lakes and Rivers which assists landowners with conservation practice implementation costs related to the installation of native plant shoreland gardens and rain gardens. These practices protect the quality of the lakes and rivers. The Jefferson County Land and Water Conservation Department applies for the Wisconsin Department of Natural Resources funds on behalf of property owners who want to implement these conservation practices. The Land and Water Conservation Committee considered this resolution at its September 20, 2023, meeting and recommended forwarding to the County Board for approval.

WHEREAS, the Executive Summary is incorporated in this resolution, and

WHEREAS, the Jefferson County Land and Water Conservation Department is interested in obtaining a cost-share grant from the Wisconsin Department of Natural Resources for the purpose of implementing conservation practices within 1,000 feet of Jefferson County lakes and 300 feet of Jefferson County rivers, and

WHEREAS, the Jefferson County Land and Water Conservation Department attests to the validity and veracity of the statements and representations contained in the grant application, and

WHEREAS, a grant agreement is requested by the Wisconsin Department of Natural Resources to carry out the project.

NOW, THEREFORE, BE IT RESOLVED, by the Jefferson County Board of Supervisors that the Jefferson County Land and Water Conservation Department will meet the financial obligations necessary to fully and satisfactorily complete the project and hereby authorizes and empowers the Land and Water Conservation Department Director to do the following:


1. Sign and submit a grant application and supporting documents to the Wisconsin Department of Natural Resources for financial assistance that may be available
2. Enter into a grant agreement with the Wisconsin Department of Natural Resources
3. Submit quarterly and/or final reports to the Wisconsin Department of Natural Resources to satisfy the grant agreement as appropriate
4. Submit reimbursement requests to the Wisconsin Department of Natural Resources no later than the date specified in the grant agreement.

BE IT FURTHER RESOLVED that the Land and Water Conservation Department will comply with all local, state and federal rules, regulations and ordinances relating to this project and the cost-share agreement.

Fiscal Note: The total grant request is \$6,600 of which \$6,000 will partially cover the costs of implementing the practices, with the landowners covering the remaining implementation costs. The remaining \$600 of the grant will offset the cost of existing Land and Water Conservation Department staff who will provide technical assistance for the projects. This grant amount and corresponding expenses are included in the 2024 budget. No budget adjustment is necessary.

Referred By:
Land and Water Conservation Committee

10-10-2023

REVIEWED: Corporation Counsel: JBW Finance Director: 

RESOLUTION NO. 2023-_____

Accepting bid for the Replacement of a Culvert on Interurban Trail Phase III

Executive Summary

The Jefferson County Parks Department is continuing construction of a multi-use recreation trail on utility right-of-way owned by We Energies. The proposed trail is 10.96 miles and is located on the former interurban rail line between the City of Watertown and the City of Oconomowoc. The path cross-section will consist of a 10-foot-wide asphalt surface with 2-foot-wide aggregate shoulders. The project includes 10 miles of trail within Jefferson County, and 1 mile of trail in Waukesha County. The City of Watertown and the City of Oconomowoc are the project boundaries. The trail will act as an extension of the Lake Country Trail and connect to the City of Pewaukee.

This project has completed 2 of 3 phases of construction consisting of 7 miles of trail. The design, engineering, and permitting on phase 3 of this project is over 60% complete. Multiple Federal and State grants have been awarded for the project totaling \$1,735,665.00 allocated to the final phase. Jefferson County has been working directly with the We Energies Engineering department to make sure any structures on the corridor in need of repair or replacement are completed prior to beginning the final phase of work on the trail. One concrete box culvert was identified as requiring replacement before the start of the next phase of the project. This culvert is located east of the river crossing between County Highway F and Rockvale Road. Design and permitting was completed and bids were solicited with 4 vendors responding. The Parks Committee reviewed the submitted bids at its meeting on October 5th, 2023, and recommended forwarding this resolution to the Jefferson County Board of Supervisors to accept the bid of The Wanasek Corp. as the lowest responsible bidder to complete this project.

WHEREAS, the Executive Summary is incorporated into this resolution, and

WHEREAS, Jefferson County has completed phases 1 and 2 of the Interurban Trail project with the final phase 3 of the project moving through the design, engineering, and permitting process, with estimated project completion in 2026, and

WHEREAS, the final phase of the project requires the replacement of a culvert prior to the installation of a recreation bridge on the trail in 2024, and

WHEREAS, Jefferson County worked with its consulting firm KL Engineering to review multiple culvert replacement options that complied with the trail design requirements, were cost effective, and complied with the hydraulic requirements of local zoning ordinances, and

WHEREAS, bids were solicited and received for the replacement of a concrete box culvert with an equivalent corrugated steel culvert and wingwalls, and

WHEREAS, the following bids were received:

Company	Bid Amount
Janke General Contractors Inc	\$ 114,380.00
Musson Bros, Inc	\$ 56,863.16
The Wanasek Corp	\$ 49,900.00
Wondra Construction, Inc	\$ 67,681.00

NOW, THEREFORE, BE IT RESOLVED that The Wanasek Corp is selected as the lowest responsible bidder to remove and replace a concrete box culvert with an equivalent corrugated steel culvert and wingwalls and the County Administrator is authorized to enter into a contract with The Wanasek Corp at a cost not to exceed \$49,900.00.


BE IT FURTHER RESOLVED that funds for phase 3 of the Interurban Trail Project have been reserved in the Other Contingency budget line, and that the County Board of Supervisors hereby authorizes the transfer of \$49,900 plus \$5,000 for project contingency from Other Contingency to the Parks Department, and

BE IT FURTHER RESOLVED that the county administrator is authorized to approve any change orders within 10% of the bid cost using project contingency funds.

Fiscal Note: On March 14, 2023 the County Board of Supervisors authorized \$513,182 in carryover funding for Interurban Trail Phase 3 seed funds. This amount currently resides in the Other Contingency budget line item. This resolution authorizes the Finance Director to move \$54,900 from Other Contingency to the Parks Department for culvert replacement. This is a budget adjustment. County Board approval requires a 2/3 vote (20 of the 30 affirmative votes for passage).

Referred By:
Parks Committee

10-10-2023

REVIEWED: Corporation Counsel: JBW; Finance Director: 

REPORT
TO THE HONORABLE MEMBERS OF THE JEFFERSON COUNTY
BOARD OF SUPERVISORS

The Jefferson County Planning and Zoning Committee, having considered petitions to amend the official zoning map of Jefferson County, filed for public hearing held on September 21, 2023 as required by law pursuant to Wisconsin Statutes, notice thereof having been given, and being duly advised of the wishes of the town boards and persons in the areas affected, hereby makes the following recommendations:

APPROVAL OF PETITIONS
R4490A-23, R4491A-23, R4493A-23 AND R4494A-23

DATED THIS TWENTY-FIFTH DAY OF SEPTEMBER 2023

Blane Poulson, Secretary

THE PRIOR MONTH'S AMENDMENTS, R4488A-23 AND R4489A-23 ARE
EFFECTIVE UPON PASSAGE BY COUNTY BOARD, SUBJECT TO WIS.
STATS. 59.69(5)

ORDINANCE NO. 2023- _____

Amending Official Zoning Map

WHEREAS, the Jefferson County Board of Supervisors has heretofore been petitioned to amend the official zoning map of Jefferson County, and

WHEREAS, Petitions R4490A-23, R4491A-23, R4493A-23, and R4494A-23 were September 21, 2023, and

WHEREAS, the proposed amendments have been given due consideration by the Board of Supervisors in open session,

NOW, THEREFORE, BE IT ORDAINED that the Jefferson County Board of Supervisors does amend the official zoning map of Jefferson County as follows:

FROM A-T, AGRICULTURAL TRANSITION TO R-2, RESIDENTIAL

Rezone 0.262 ac of PIN 016-0513-2443-000 (26.672 ac) at **W7476 Koshkonong Mounds Rd** owned by Robert and Margaret Schaefer to add it to an adjoining R-2 lot at **N996 Vinnie Ha Ha Rd** owned by Dan & Diane Garr, PIN 016-0513-2434-022 (0.196 ac.) The properties are in the Town of Koshkonong. This is in accordance with Sec 11.04(f)2 of the Jefferson County Zoning Ordinance. Rezoning is conditioned upon approval and recording of a final certified survey map for the newly expanded lot, including extraterritorial plat review if necessary. R4490A-23 – Dan & Diane Garr/Robert & Margaret Schaefer Property

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/RURAL RESIDENTIAL

Rezone 4.53 ac from PINs 012-0816-1432-000 (68.75 ac), 012-0816-1514-000 (39.63 ac) & 012-0816-1514-001 (0.375 ac) to create a lot around the existing home at **N8744 River Valley Rd** in the Town of Ixonia. This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance. Rezoning is conditioned upon approval and recording of a final certified survey map for the lot. R4491A-23 – Kevin & Christine Griswold

Rezone to create a 4.56-ac lot around the home and building at **N8497 County Road D** from part of PIN 032-0815-2321-000 (40 ac), Town of Watertown. This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance. Rezoning is conditioned upon approval and recording of a final certified survey map for the lot, including extraterritorial plat review if necessary. R4493A-23 – Kelvin & Vonnie Buske

Rezone to create a 1.26-ac building site from part of PIN 032-0815-3042-000 (38 ac) on **County Road Y** in the Town of Watertown. This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance. The proposal utilizes the last available A-3 zone for the property; therefore rezoning is conditioned upon recording an affidavit acknowledging that fact. It is further conditioned upon road access approval, receipt by Zoning of a suitable soil test, and approval and recording of a final certified survey map for the lot, including extraterritorial plat review if necessary. R4494A-23 – David Kerschke

The above zoning amendments shall be null and void and have no effect one year from the date of County Board approval unless all applicable conditions have been completed.

Fiscal Note: Passage of this ordinance has no immediate fiscal impact.

Referred By:
Planning and Zoning Committee

10-10-2023

REVIEWED: Corporation Counsel JBW Finance Director: 

ORDINANCE NO. 2023-_____
CONSTRUCTION SITE EROSION
AND
SEDIMENT CONTROL ORDINANCE
September 26, 2023

Executive Summary

Over the past few years, questions, inquiries and concerns have been raised by the public and County Board Supervisors about State and Local regulations of agricultural operations and Concentrated Animal Feeding Operations (CAFOs). On July 20, 2022, a joint meeting including the Board of Health, Executive Committee, Land and Water Conservation Committee, Planning and Zoning Committee and Solid Waste Committee was held to discuss the siting process and regulatory framework related to Concentrated Animal Feeding Operations and other agricultural operations. A second joint meeting comprised of the same Committees was held on January 30, 2023 to discuss Air, Surface Water, Groundwater and Health Concerns relating to Animal Operations and their regulations. One topic area discussed by the Joint Committee was the development of an erosion control and stormwater ordinance.

During the joint meeting, the Land and Water Conservation Committee voted to pursue looking into implementing erosion control measures and regulating stormwater runoff. The Joint Committee voted to create a workgroup comprised of three members from the Land and Water Conservation Committee and three members from the Planning and Zoning Committee.

During the summer of 2023, the workgroup met three times to discuss a proposed construction site and erosion control ordinance and a proposed post construction stormwater management ordinance. On July 25, 2023, the Erosion Control and Stormwater Management Work Group voted to approve both ordinances and send them to the Planning and Zoning Committee for review. The draft ordinances were recommended for approval by a vote of 4-0.

Both ordinances utilize the Wisconsin Department of Natural Resources model ordinances for local municipality adoption and regulation. The workgroup had lengthy discussions on the applicability sections of both ordinances and recommended changes to the model ordinances, which have been incorporated into the proposed ordinances being presented to the County Board for approval. Those changes and applicability requirements can be found in Section 3 of the Construction Site Erosion and Sediment Control Ordinance and Section 4 of the Post Construction Stormwater Management Ordinance. The workgroup realized the need for an erosion control ordinance specifically near water resources and crafted the permitting requirements to reflect this by requiring permits near waterways and wetlands. Discussion also occurred around Section 3.(3) Exemptions of the erosion control ordinance with the goal of exempting any project that obtains and follows a permit issued by the Town Building Inspector if that permit includes erosion control regulations and if the site is regularly maintained. The remainder of the ordinances generally follow the DNR model ordinances.

If approved by the County Board of Supervisors, the effective date of both ordinances would be February 1, 2024

On August 28, 2023 and September 25, 2023, the Planning and Zoning Committee reviewed the ordinances. On September 25, 2023, the Planning and Zoning Committee voted to approved the Construction Site Erosion and Sediment Control Ordinance and the Post Construction Stormwater Management Ordinance and forward both ordinances to the County Board by a vote of 5-0.

AN ORDINANCE TO CREATE CHAPTER [NUMBER] OF THE CODE OF ORDINANCES OF THE COUNTY OF JEFFERSON RELATING TO THE CONTROL OF CONSTRUCTION SITE EROSION AND SEDIMENTATION RESULTING FROM LAND DISTURBING CONSTRUCTION ACTIVITIES

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FOREWORD

Use of this ordinance will foster consistent, statewide application of the construction site performance standards for new development and redevelopment contained in subchapters III and IV of ch. NR 151, Wis. Adm. Code.

The governing body of the County of Jefferson does hereby ordain that Chapter [number] of the code of ordinances of Jefferson County is created to read as follows:

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

1. AUTHORITY.

- (1) This ordinance is adopted under the authority granted by s. 59.693 Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 59.69 Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 59.693, Wis. Stats., s. 59.69, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of Jefferson County.
- (3) Jefferson County hereby designates the Planning and Zoning Director to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

2. PURPOSE AND FINDINGS OF FACT

- (1) Jefferson County acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment, phosphorus and other pollutants to the waters which are located in Jefferson County.
- (2) It is the purpose of this ordinance to maintain safe and healthy conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; 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 by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Jefferson County.

3. APPLICABILITY, JURISDICTION, EXEMPTIONS AND WAIVERS

- (1) JURISDICTION

- (a) This ordinance applies to land disturbing construction activity on lands within the boundaries and jurisdiction of Jefferson County.

(2) **APPLICABILITY**

- (a) Erosion Control: Unless otherwise exempted or waived, an erosion control permit under this ordinance shall be required and all provisions of this ordinance shall apply to all land disturbing activities that meet any of the following criteria:

1. Any land disturbing activity:
 - a. Within 300 feet of the ordinary high water mark of a lake, stream or river or within 300 feet of a mapped wetland;
 - b. Equal to or greater than 500 square feet within 301 feet and 1,000 feet of the ordinary high water mark of a lake, stream, river or mapped wetland.

2. Any land disturbing activity equal to or greater than 2,000 square feet, except as provided in sub. (3) Exemptions. This subsection (2)(a)2. does not apply to land disturbing activity involving agricultural facilities or agricultural practices.

3. Disturbs 100 lineal feet or more of road ditch, grass waterway, or other land area where surface drainage flows in a defined channel; including the replacement, repair or removal of any underground pipe, utility or other facility;
4. Laying, boring, repairing, replacing, or enlarging underground pipe, cable, or wire or other facility for a distance of 300 feet or more;

- (b) Notwithstanding the applicability requirements in par. (a), this ordinance applies to construction sites or land disturbing activities of any size that, as determined by the Planning and Zoning Committee or Zoning Administrator, have a high risk of soil erosion or water pollution, or that may have a significant adverse impact on environmentally sensitive areas.

(3) **EXEMPTIONS**

(a) The requirement for the County to issue a permit under this ordinance does not apply to the following:

1. The construction of one and two family residential homes if a town building permit has been issued by the local building inspector which includes as a condition of issuance that all applicable erosion control practices in this ordinance must be complied with and compliance monitored by the Town building inspector to ensure compliance.
 - a. The Jefferson County Zoning Administrator may require issuance of a permit under this ordinance upon finding that all applicable erosion control practices are not being complied with and take appropriate enforcement action pursuant to this ordinance.

2. Agricultural Practices

3. The maintenance and repair of agricultural drainage ditches if completed in accordance with best management practices and obtaining all other necessary permits.
4. Land disturbing activities directly related to the installation and maintenance of private on-site waste treatment systems, regulated under the Jefferson County Private Onsite Waste Treatment Systems Ordinance, if the site is restored and seeded within 5 business days of commencing land disturbance.
5. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
6. A construction project that is exempted by federal statutes or regulations from the requirement to have a state or national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
7. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
8. Any road construction or other land disturbing activity by the County, or any municipality within the County. The municipality shall follow the requirements of this ordinance, but shall be exempt from any fee and permitting requirements.
9. Any land disturbing activity that is designed and certified by the Land and Water Conservation Department or the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture as part of a soil conservation or water pollution control project shall comply with all of the requirements of this ordinance, but shall be exempted from obtaining a permit.

(4) WAIVERS

- (a) The Planning and Zoning Administrator may waive or reduce any or all of the requirements if it is determined that:
 1. The site or activity in question will have no appreciable off-site impact; or
 2. Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the responsible party; or
 3. The specific requirement is not necessary for a particular site to ensure compliance with this Ordinance.
- (b) The responsible party shall demonstrate to the Zoning Administrator 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 responsible party 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.

4. DEFINITIONS

- (1) “Administering authority” means the Jefferson County Planning and Zoning Director or designee, or other Jefferson County employee or agent designated by the Jefferson County Board of Supervisors or County Administrator to administer this ordinance.
- (2) “Agricultural facility” means a structure for which at least 50 percent is dedicated to an agricultural practice.
- (3) “Agricultural practice” means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.
- (4) “Best management practice” or “BMP” means structural or non-structural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (5) “Business day” means a day the office of the Jefferson County is routinely and customarily open for business.
- (6) “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 Jefferson County.
- (7) “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 where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- (8) “Design Storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
- (9) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

- (10) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- (11) “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 that employ equivalent permanent stabilization measures.
- (12) “Governing body” means the Jefferson County Board of Supervisors.
- (13) “Land disturbing construction activity” 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.
- (14) "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 storm water BMPs on the property.
- (15) “Maximum extent practicable” means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with Section (4)(b) of this ordinance.
- (16) “Ordinary high-water mark” means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (17) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (18) “Permit” means a written authorization made by the Jefferson County Planning and Zoning Director to the responsible party to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (19) “Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.: any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (20) “Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.: includes contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.
- (21) “Responsible party” means the landowner, permit applicant, and any other entity performing services subject to the requirements of this ordinance.

- (22) “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (23) “Sediment” means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (24) "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.
- (25) “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (26) “Stop work order” means an order issued by Jefferson County which requires that all construction activity on the site be stopped.
- (27) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (28) “Transportation facility” means a highway, a railroad, 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 s. 85.095 (1)(b), Wis. Stats. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department of Natural Resources pursuant to s. 281.33, Wis. Stats.
- (29) “Waters of the state” includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

5. TECHNICAL STANDARDS

- (1) All BMPs required for compliance with this ordinance shall meet design criteria, standards and specifications based on any of the following:
 - (a) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
 - (b) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
 - (c) Technical standards and methods approved by the Planning and Zoning Director.

6. PERFORMANCE STANDARDS FOR CONSTRUCTION SITES

- (1) **RESPONSIBLE PARTY.** The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with Section 8.
- (2) **EROSION AND SEDIMENT CONTROL PLAN.** A written site-specific erosion and sediment control plan shall be developed in accordance with Section 8 of this ordinance and implemented for each construction site.
- (3) **EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.** The erosion and sediment control plan required under sub. (2) shall include the following:
 - (a) **EROSION AND SEDIMENT CONTROL PRACTICES.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 1. The deposition of soil from being tracked onto streets by vehicles.
 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 4. The discharge of sediment from drainage ways that flow off the site.
 5. The discharge of sediment by dewatering activities.
 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subsection.
 9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
 - (b) **SEDIMENT PERFORMANCE STANDARDS.** In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:
 1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be

given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.
- (c) PREVENTIVE MEASURES. The erosion and sediment control plan shall incorporate all of the following:
 1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 2. Minimization of soil compaction and preservation of topsoil.
 3. Minimization of land disturbing construction activity on slopes of 20 percent or more.
 4. Development of spill prevention and response procedures.
- (d) LOCATION. The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.
- (4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:
 - (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in Section 8.
 - (b) Erosion and sediment control practices shall be maintained until final stabilization.
 - (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

7. PERMITTING REQUIREMENTS, PROCEDURES AND FEES

- (1) PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Planning and Zoning Director.

- (2) **PERMIT APPLICATION AND FEES.** The following items shall be submitted:
 - (a) A completed application form,
 - (b) The applicable fee,
 - (c) An erosion and sediment control plan.
- (3) **PERMIT APPLICATION REVIEW AND APPROVAL.** The Planning and Zoning Department shall review any permit application and any modification to an approved permit that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (a) Within 30 days of the receipt of a complete permit application, as required by sub. (2), the Planning and Zoning Department shall inform the responsible party whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.
 - (b) If the permit application and erosion and sediment control plan are approved, the Planning and Zoning Department shall issue the permit.
 - (c) If the permit application or erosion and sediment control plan is disapproved, the Planning and Zoning Department shall state in writing the reasons for disapproval.
 - (d) The Planning and Zoning Department may request additional information from the responsible party. If additional information is submitted, the Planning and Zoning Department shall have 30 days from the date the additional information is received to inform the responsible party that the erosion and sediment control plan is either approved or disapproved.
 - (e) Failure by the Planning and Zoning Department to inform the responsible party of a decision within 30 days of a required submittal shall be deemed to mean approval of the submittal and the responsible party may proceed as if a permit had been issued.
- (4) **SURETY BOND.** As a condition of approval and issuance of the permit, the Jefferson County Planning and Zoning Director may require the responsible party to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.
- (5) **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:
 - (a) Notify the Planning and Zoning Director within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the Planning and Zoning Director of completion of any BMPs within 14 days after their installation.
 - (c) Obtain permission in writing from the Planning and Zoning Director prior to any modification pursuant to Section 8(2) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.

- (e) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
 - (g) Document all site inspections in a Site Inspection Log, including the date, time, weather conditions, any findings and corrective measures taken.
 - (h) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (i) Allow the Jefferson County Planning and Zoning Director to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan.
 - (j) Keep a copy of the erosion and sediment control plan at the construction site.
- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Planning and Zoning Director in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in Section 5 and 6.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of two years, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Planning and Zoning Director may grant one extension not to exceed one year. The Planning and Zoning Director may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.
- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

8. EROSION AND SEDIMENT CONTROL PLAN

- (1) EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.
- (a) An erosion and sediment control plan shall be prepared and submitted to the Planning and Zoning Director.
 - (b) The erosion and sediment control plan shall be designed to meet the performance standards in Section 5 and 6 and other requirements of this ordinance.

- (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
1. Name(s) and address(es) of the owner and/or developer of the site .
 2. Description of the construction site and the nature of the land disturbing construction activity.
 3. Description of the development/construction schedule and timeline, including start and end dates.
 4. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 5. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
 6. Calculations to show the compliance with the performance standard.
 7. Existing data describing the surface soil as well as subsoils, if needed.
 8. Depth to groundwater, if known.
- (d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.
1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
 2. Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
 3. Boundaries of the construction site.
 4. Drainage patterns and approximate slopes anticipated after major grading activities.
 5. Areas of soil disturbance.

6. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
 7. Location of areas where stabilization BMPs will be employed.
 8. Areas which will be vegetated following land disturbing construction activities.
 9. Areas(s) used for infiltration of post-construction storm water runoff.
- (e) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:
1. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Jefferson County Planning and Zoning Director, structural measures shall be installed on upland soils.
 3. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
 4. Trapping of sediment in channelized flow.
 5. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
 6. Protection of downslope drainage inlets where they occur.
 7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 8. Clean up of off-site sediment deposits.
 9. Proper disposal of building and waste material.
 10. Stabilization of drainage ways.
 11. Installation of permanent stabilization practices as soon as possible after final grading.
 12. Minimization of dust to the maximum extent practicable.
- (f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the

length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

- (2) EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS. The responsible party shall amend the erosion and sediment control plan if any of the following occur:
 - (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
 - (b) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (c) The Planning and Zoning Department notifies the responsible party of changes needed in the erosion and sediment control plan.

9. FEE SCHEDULE

- (1) The fees referred to in other sections of this ordinance shall be established by the Jefferson County Board of Supervisors and may from time to time be modified by resolution. A schedule of the fees established by Jefferson County shall be available for review.

10. INSPECTION

- (1) If land disturbing construction activities are occurring without a permit required by this ordinance, the Planning and Zoning Director may enter the land pursuant to the provisions of ss. 66.0119 (1), (2), and (3), Wis. Stats.
- (2) The Planning and Zoning Director may enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan.

11. ENFORCEMENT

- (1) The Planning and Zoning Director may post a stop work order if any of the following occurs:
 - (a) Land disturbing construction activity regulated under this ordinance is occurring without a permit.
 - (b) The erosion and sediment control plan is not being implemented or maintained in good faith.
 - (c) The conditions of the permit are not being met.
- (2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Planning and Zoning Director may revoke the permit.

- (3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Jefferson County Planning and Zoning Director or if a responsible party violates a stop work order posted under sub. (1), the Planning and Zoning Director may request the Jefferson County Corporation Counsel or retained legal counsel to seek a forfeiture under this ordinance or obtain a cease and desist order in any court with jurisdiction.
- (4) The Planning and Zoning Director may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2) if the circumstances which caused the issuance of the stop work order or permit revocation no longer exist and the Planning and Zoning Director has reasonable assurances that there will be no further violations of the permit conditions or this ordinance.
- (5) After posting a stop work order under sub. (1), the Jefferson County Planning and Zoning Director may issue a notice of intent to the responsible party of the County's intent to perform directly or hire a third party to perform work necessary to comply with this ordinance if the responsible party does not comply with the Planning and Zoning Director's order to perform all work necessary to comply with this ordinance. The Planning and Zoning Director may go on the land and commence the work or authorize a third party to commence the work after issuing the notice of intent. The costs of the work performed under this subsection by or at the request of Jefferson County shall be billed to the responsible party and shall accrue interest at the rate of 12 percent per year. In the event a responsible party fails to pay the amount due, Jefferson County shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.
- (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$200 nor more than \$1000 in addition to the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to seek a forfeiture or a cease and desist order before seeking a court ordered injunction.

12. APPEALS

- (1) BOARD OF ADJUSTMENT The Board of Adjustment created pursuant to s. 59.694 Wis. Stats.:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Planning and Zoning Director in administering this ordinance except for cease and desist orders obtained under Section 11.
 - (b) May authorize, upon appeal, variances from the provisions of this ordinance which are not contrary to the public interest and where

owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

- (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) WHO MAY APPEAL. Appeals to the Board of Adjustment may be taken by any aggrieved person or by any office, department or board of Jefferson County affected by any decision of the Planning and Zoning Director.

13. SEVERABILITY

- (1) If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

14. EFFECTIVE DATE

- (1) This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Jefferson County Board of Supervisors on the ____ day of _____, 2023 .

Fiscal Note: The FTE required to implement both ordinances is approximately .5 FTE, based on the estimated number of permits and staff time required for effective implementation. A 1.0 FTE within the Planning and Zoning Department is being requested for enforcement of this ordinance. Permit fees and revenue associated with both ordinances is estimated as \$30,625 and would be assessed as provided below. Should this ordinance pass, a budget amendment to the 2024 budget will be requested after the 2024 budget is passed on November 14, 2023 to provide the resources to enact this ordinance.


Additional revenues sources have been identified within the Planning and Zoning Department to offset the increase in FTE.

- *3-year Septic Maintenance Fee: The Planning and Zoning Department currently implements the 3-year septic maintenance fee program under Wis. Stat. Chapter 145(20)5. The Department proposes to charge owners of a septic system a fee. The estimated revenue of this fee is \$75,000 annually.*
- *The Planning and Zoning Department proposes to become an agent for the Department of Safety and Professional Services (DSPS) for the review and issuances of certain septic system permits. Currently, certain septic systems are required to obtain a permit from DSPS and the County. This proposal would allow the County to review and issue the permit on behalf of the State. The estimated FTE to implement this services is 0.2 FTE and estimated revenue is \$20,000.*

Construction Site Erosion Control		
	Standard	Shoreland
Less than 500 sq. ft.	75	100
501 sq. ft. to 1,000 sq. ft.	125	175
1,000 sq. ft. or more	150 + \$0.007 per sq. ft.	250 + \$0.007 per sq. ft.
Commercial/Industrial/Business		
Less than 4,000 sq. ft.	200	300
More than 4,000 sq. ft. (base fee plus \$0.007)	250	350
Linear Disturbances		
Less than 300'	150	200
300' to 1,000'	250	300
More than 1,000'	350	400
Post Construction Stormwater Management		
Base Fee	500	
Additional Fee per sq. ft. of new impervious area	0.007/sq. ft.	

Referred By:
 Planning and Zoning Committee

10-10-2023

REVIEWED: Corporation Counsel: JBW ; Finance Director: 

POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE

September 26, 2023

Executive Summary

Over the past few years, questions, inquiries and concerns have been raised by the public and County Board Supervisors about State and Local regulations of agricultural operations and Concentrated Animal Feeding Operations (CAFOs). On July 20, 2022, a joint meeting including the Board of Health, Executive Committee, Land and Water Conservation Committee, Planning and Zoning Committee and Solid Waste Committee was held to discuss the siting process and regulatory framework related to Concentrated Animal Feeding Operations and other agricultural operations. A second joint meeting comprised of the same Committees was held on January 30, 2023 to discuss Air, Surface Water, Groundwater and Health Concerns relating to Animal Operations and their regulations. One topic area discussed by the Joint Committee was the development of an erosion control and stormwater ordinance.

During the joint meeting, the Land and Water Conservation Committee voted to pursue looking into implementing erosion control measures and regulating stormwater runoff. The Joint Committee voted to create a workgroup comprised of three members from the Land and Water Conservation Committee and three members from the Planning and Zoning Committee.

During the summer of 2023, the workgroup met three times to discuss a proposed construction site and erosion control ordinance and a proposed post construction stormwater management ordinance. On July 25, 2023, the Erosion Control and Stormwater Management Work Group voted to approve both ordinances and send them to the Planning and Zoning Committee for review. The draft ordinances were recommended for approval by a vote of 4-0.

Both ordinances utilize the Wisconsin Department of Natural Resources model ordinances for local municipality adoption and regulation. The workgroup had lengthy discussions on the applicability sections of both ordinances and recommended changes to the model ordinances, which have been incorporated into the proposed ordinances being presented to the County Board for approval. Those changes and applicability requirements can be found in Section 3 of the Construction Site Erosion and Sediment Control Ordinance and Section 4 of the Post Construction Stormwater Management Ordinance. The workgroup realized the need for an erosion control ordinance specifically near water resources and crafted the permitting requirements to reflect this by requiring permits near waterways and wetlands. Discussion also occurred around Section 3.(3) Exemptions of the erosion control ordinance with the goal of exempting any project that obtains

and follows a permit issued by the Town Building Inspector if that permit includes erosion control regulations and if the site is regularly maintained. The remainder of the ordinances generally follow the DNR model ordinances.

If approved by the County Board of Supervisors, the effective date of both ordinances would be February 1, 2024.

On August 28, 2023, and September 25, 2023, the Planning and Zoning Committee reviewed the ordinances. On September 25, 2023, the Planning and Zoning Committee voted to approve the Construction Site Erosion and Sediment Control Ordinance and the Post Construction Stormwater Management Ordinance and forward both ordinances to the County Board by a vote of 5-0

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AN ORDINANCE TO CREATE CHAPTER _____ OF THE JEFFERSON COUNTY CODE OF ORDINANCES FOR THE COUNTY OF JEFFERSON RELATING TO THE CONTROL OF POST-CONSTRUCTION RUNOFF

1. AUTHORITY

- (1) This ordinance is adopted by the Jefferson County under the authority granted by s. 59.693, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 59.69, Wis. Stats., that relate to storm water management regulations. Except as otherwise specified in s. 59.693, Wis. Stats., s. 59.69, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed to not limit any other lawful regulatory powers of Jefferson County.
- (3) Jefferson County hereby designates the Jefferson County Planning and Zoning Director to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not preempt more stringent storm water management requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

2. FINDINGS OF FACT

- (1) Jefferson County acknowledges 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.

3. PURPOSE AND INTENT

- (1) **PURPOSE.** The general purpose of this ordinance 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:
 - (a) Further the maintenance of safe and healthful conditions.
 - (b) Prevent and control the adverse effects of storm water; 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.
 - (c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter.
 - (d) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.

- (2) **INTENT.** It is the intent of Jefferson County that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. Jefferson County recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water 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 s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by Jefferson County, it is the intent of this ordinance that the approved storm water management plan be used to identify post-construction management measures acceptable for the community.

4. APPLICABILITY

- (1) **APPLICABILITY**
 - a. Unless otherwise exempted under sub. (2) or waived under sub. 5., a stormwater management plan approval under this ordinance shall be required and all provisions of this ordinance shall apply to all land development activity, whether or not the activity is associated with a subdivision, that meets any of the following criteria:
 - i. Results in the addition of impervious surfaces of 20,000 square feet or greater in total area, including smaller individual sites that are

- part of the common plan of development;
 - ii. one acre or more of land disturbing construction activity occurs during construction,
 - iii. land disturbing construction activity less than one acre, but is part of a larger construction site that disturbs a total of one acre or more;
 - iv. Involves the construction of any new public or private roads;
 - v. Divides an existing parcel into 4 or more lots.
- b. Notwithstanding the applicability requirements in par. (a), this ordinance applies to post-construction sites of any size that, as determined by the Planning and Zoning Committee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, causes undue channel erosion, increases water pollution by scouring or the transportation of particulate matter, or endangerment of property or public safety.

(2) EXEMPTIONS

- a. This ordinance does not apply to the following:
- i. Agricultural facilities and practices
 - ii. Silviculture Activities
 - iii. Routine maintenance for project sites under 1 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility;
 - iv. Land disturbing activities conducted, or contracted by, any state agency, as defined under sec. 227.01 (1), Wis. Stats., but also including the office of district attorney which are subject to the state storm water management plan promulgated or a memorandum of understanding entered into under sec. 281.33 (2), Wis. Stats.;
 - v. Underground utility construction such as water, sewer, and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction;
 - vi. Any land disturbing activity that is designed and/or certified by the Land and Water Conservation Department or the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture as part of a soil conservation or water pollution control project shall comply with all of the requirements of this ordinance, but shall be exempted from obtaining a permit.
- b. Any land disturbing activity that is designed and/or certified by the Land and Water Conservation Department or the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture as part of a soil conservation or water pollution control project shall comply with all of the requirements of this ordinance, but shall be exempted from obtaining a permit, providing a financial guarantee, or permit fees.
- c. Any land disturbing activity that is conducted by or for the County, or by or for any city, town or village on lands located within the County, shall comply with all of the requirements of this ordinance, including obtaining

a permit and submitting a storm water management plan, but shall be exempted from providing a financial guarantee, or paying fees under section 15.

- i. At the discretion of the Planning and Zoning Director, for land disturbing activity that is conducted by or for the County, a qualified employee of the county department, or contracted agent, undertaking the construction activity may be the responsible party for the permit.
- d. Any land disturbing activities conducted on sites which were included as part of a previously completed storm water management plan that was approved under this ordinance shall be exempt from obtaining a permit, provided:
 - i. new activities do not render the existing storm water Best Management Practices (BMPs) less effective; or,
 - ii. new site development exceeds the assumptions made in the calculations used in development of the previous plan.

5. WAIVERS

- (1) The Jefferson County Planning and Zoning Director may waive any or all of the requirements of this ordinance if the Planning and Zoning Director determines that:
 - (a) A requirement is not necessary for a particular site to ensure compliance with the intent of this ordinance; or,
 - (b) Storm water runoff from the land disturbing site activities will have no appreciable off-site impact.
- (2) The applicant shall demonstrate to the Planning and Zoning Director 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 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.

6. JURISDICTION

- (1) This ordinance applies to post construction sites within the boundaries and jurisdiction of Jefferson County.

7. EXCLUSIONS

- (1) This ordinance is not applicable to activities conducted by a state agency, as defined under s.227.01 (1), Wis. Stats.

8. DEFINITIONS

- (1) “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.
- (2) “Administering authority” means a governmental employee that is designated by Jefferson County to administer this ordinance.
- (3) “Agricultural facility” means structure for which at least 50 percent is dedicated to an agricultural practice.
- (4) “Agricultural practice” means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.
- (5) “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 or the most recently published document.
- (6) “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.
- (7) “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.
- (8) “Business day” means a day the office of the Jefferson County Planning and Zoning Department is routinely and customarily open for business.
- (9) “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 Jefferson County Zoning Administrator.
- (10) “Combined sewer system” means a system for conveying both sanitary sewage and storm water runoff.
- (11) “Connected imperviousness” means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.
- (12) “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
- (13) “Development” means residential, commercial, industrial or institutional land uses and associated roads.
- (14) “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.
- (15) “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.
 - (16) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.
 - (17) "Exceptional resource waters" means waters listed in s. NR 102.11, Wis. Adm. Code.
 - (18) "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.
 - (19) "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 that employ equivalent permanent stabilization measures.
 - (20) “Financial guarantee” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Jefferson County Planning and Zoning Director by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
 - (21) “Governing body” means the Jefferson County Board of Supervisors.
 - (22) “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, gravel or paved parking lots and streets are examples of areas that typically are impervious.
 - (23) “In-fill” means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.
 - (24) “Infiltration” means the entry of precipitation or runoff into or through the soil.
 - (25) “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 roadside channels designed for conveyance and pollutant removal only.
 - (26) “Land disturbing construction activity” 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.
 - (27) "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 storm water BMPs on the property.
- (28) “Maintenance agreement” means a legal document that provides for long-term maintenance of storm water management practices.
 - (29) “Maximum extent practicable” means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with Section 9 of this ordinance.
 - (30) “New development” means development resulting from the conversion of previously undeveloped land or agricultural land uses.
 - (31) “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.
 - (32) “Off-site” means located outside the property boundary described in the permit application.
 - (33) “On-site” means located within the property boundary described in the permit application.
 - (34) "Ordinary high-water mark" has the meaning given in s. NR 115.03 (6), Wis. Adm. Code.
 - (35) “Outstanding resource waters” means waters listed in s. NR 102.10, Wis. Adm. Code.
 - (36) "Percent fines" means the percentage of a given sample of soil, which passes through a # 200 sieve.
 - (37) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
 - (38) “Permit” means a written authorization made by the Jefferson County Planning and Zoning Director to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
 - (39) “Permit administration fee” means a sum of money paid to the Jefferson County Planning and Zoning Director by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
 - (40) “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.
 - (41) “Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.
 - (42) “Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.
 - (43) “Post-construction site" means a construction site following the completion of land disturbing construction activity and final site stabilization.
 - (44) “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.
 - (45) “Preventive action limit” has the meaning given in s. NR 140.05 (17), Wis. Adm. Code.
 - (46) “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.
- (47) "Redevelopment" means areas where development is replacing older development.
- (48) "Responsible party" means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.
- (49) "Runoff" means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (50) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
- (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
 - (d) Discharges directly or indirectly to waters of the state.
- (51) "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.
- (52) "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (53) "Stop work order" means an order issued by the Jefferson County Planning and Zoning Director which requires that all construction activity on the site be stopped.
- (54) "Storm water management plan" means a comprehensive plan designed to reduce the discharge of pollutants from storm water, after the site has undergone final stabilization, following completion of the construction activity.
- (55) "Storm water 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.
- (56) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (57) "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.
- (58) "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.

- (59) "TP-40" means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.
- (60) "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, which is incorporated by reference for this chapter.
- (61) "Transportation facility" means a highway, a railroad, 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 s. 85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department of Natural Resources pursuant to s. 281.33, Wis. Stats.
- (62) "TSS" means total suspended solids.
- (63) "Type II distribution" means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published in 1973".
- (64) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public, or private, within this state or its jurisdiction.

9. APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

- (1) Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Jefferson County Planning and Zoning Director'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 responsible party 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.

10. TECHNICAL STANDARDS

- (1) The following methods shall be used in designing the water quality, peak discharge, and infiltration components of storm water practices needed to meet the water quality standards of this ordinance:
 - (a) Consistent with the technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
 - (b) 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 Jefferson County Planning and Zoning Director.

11. PERFORMANCE STANDARDS

- (1) **RESPONSIBLE PARTY.** The responsible party shall comply with this section.
- (2) **STORM WATER MANAGEMENT PLAN.** A written storm water management plan in accordance with Section 13 shall be developed and implemented for each post-construction site.
- (3) **MAINTENANCE OF EFFORT.** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.
- (4) **REQUIREMENTS.** The storm water management plan required under sub. (2) shall include the following:
 - (a) **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:
 - i. BMPs shall be designed in accordance with Table 1. or to the maximum extent practicable as provided in subd. ii. The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards	
Development Type	TSS Reduction
New Development	80 percent
In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and roads

ii. **Maximum Extent Practicable.** If the design cannot meet a total suspended solids reduction performance standard of Table 1., the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.

iii. **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.

(b) **PEAK DISCHARGE.**

- i. By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour; and the 2-year, 24-hour post-construction peak runoff discharge rates to the 1-year, 24-hour; and the 2-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in Table 2. shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS, Wisconsin MSE3 or MSE4 precipitation distribution. On a case-by-case basis, the Jefferson County Planning and Zoning Director may allow the use of TP-40 precipitation depths and the Type II distribution.

Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

- ii. This subsection of the ordinance does not apply to any of the following:
 - a. A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles
 - b. Except as provided under Section 11(3), a redevelopment post-construction site.
 - c. An in-fill development area less than 5 acres.

(c) **INFILTRATION.**

- i. **Best Management Practices.** BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:
 - a. **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 volume, 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.
- b. 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.
 - c. 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.
- ii. Pre-development. The pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.
 - iii. Source Areas.
 - a. Prohibitions. Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in Section 11 (4)(c)vi.:
 - i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21 (2)(a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
 - ii. Storage and loading areas of a tier 2 industrial facility identified in s. NR 216.21 (2)(b).
 - iii. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
 - b. Exemptions. Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:
 - i. Parking areas and access roads less than 5,000 square feet for commercial development.

- ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a.
 - iii. Except as provided under Section 11 (3), redevelopment post-construction sites.
 - iv. In-fill development areas less than 5 acres.
 - v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.
- iv. Location of Practices.
- a. Prohibitions. Infiltration practices may not be located in the following areas:
 - i. Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
 - ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16 (4) or within the separation distances listed in s. NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.
 - iii. Areas where contaminants of concern, as defined in s. NR 720.03 (2), are present in the soil through which infiltration will occur.
 - b. Separation distances.
 - i. 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 Table 3:

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 Infiltration 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

- ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815 shall be

followed.

- c. Infiltration rate exemptions. 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:
 - i. 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.
 - ii. 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.
- v. Alternate Use. Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.
- vi. Groundwater Standards.
 - a. 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.
 - b. Notwithstanding par. a., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
- vii. 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 subd. vi. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
- viii. Maximum Extent Practicable. Where the conditions of subd. iii. and iv. limit or restrict the use of infiltration practices, the

performance standard of Section 11 (4)(c) shall be met to the maximum extent practicable.

(d) PROTECTIVE AREAS.

- i. Definition. In this section, “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 section, “protective area” does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.
 - a. For outstanding resource waters and exceptional resource waters, 75 feet.
 - b. For perennial and intermittent streams identified on a U.S. Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 - c. For lakes, 50 feet.
 - d. For wetlands , 75 feet.
 - e. Wetland boundary delineation shall be made.
 - f. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
 - g. Notwithstanding pars. a. to d., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.
- ii. Applicability. This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to subd. iv.
- iii. Requirements. The following requirements shall be met:
 - a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.
 - b. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. 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.
 - c. BMPs such as filter strips, swales, or wet detention ponds,

that are designed to control pollutants from non-point sources, may be located in the protective area.

- iv. Exemptions. This section does not apply to any of the following:
 - a. Except as provided under Section 11 (3), redevelopment post-construction sites.
 - b. In-fill development areas less than 5 acres.
 - c. Structures that cross or access surface water such as boat landings, bridges, and culverts.
 - d. Structures constructed in accordance with s. 59.692 (1v), Stats.
 - e. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.
- (e) **FUELING AND MAINTENANCE AREAS.** Fueling and vehicle maintenance areas shall have BMPs designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.
- (5) **GENERAL CONSIDERATIONS FOR STORM WATER MANAGEMENT MEASURES.** The following considerations shall be observed in on-site and off-site runoff management:
 - (a) 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.
 - (b) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (6) **BMP LOCATION.**
 - (a) To comply with all performance standards required under this ordinance, BMPs may be located on-site or off-site as part of a regional storm water device, practice or system, but shall be installed in accordance with s. NR 151.003, Wis. Adm. Code.
 - (b) The Jefferson County Planning and Zoning Director may approve off-site management measures provided that all of the following conditions are met:
 - i. The Jefferson County Planning and Zoning Director determines that the post-construction runoff is covered by a storm water management system plan that is approved by Jefferson County Planning and Zoning Director and that contains management requirements consistent with the purpose and intent of this ordinance.

- ii. The off-site facility meets all of the following conditions:
 - a. The facility is in place.
 - b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
 - c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (c) Where a regional treatment option exists such that the Jefferson County Planning and Zoning Director exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Planning and Zoning Director. In determining the fee for post-construction runoff, the Jefferson County Planning and Zoning Director shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (7) **ADDITIONAL REQUIREMENTS.** The Jefferson County Planning and Zoning Director may establish storm water management requirements more stringent than those set forth in this ordinance if the Jefferson County Planning and Zoning Director determines that the requirements are needed to control storm water quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

12. PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (1) **PERMIT REQUIRED.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Jefferson County Planning and Zoning Director prior to commencing the proposed activity.
- (2) **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Planning and Zoning Director a permit application on a form provided by the Planning and Zoning Director for that purpose.
 - (a) Unless otherwise excluded by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.
 - (b) The storm water management plan shall be prepared to meet the requirements of Section 11 and Section 13, the maintenance agreement shall be prepared to meet the requirements of Section 14, the financial guarantee shall meet the requirements of Section 15, and fees shall be those established by the Jefferson County Board of Supervisors as set forth in Section 16.
- (3) **PERMIT APPLICATION REVIEW AND APPROVAL.** The Jefferson County

Planning and Zoning Director shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

- (a) Within 30 business days of the receipt of a complete permit application, including all items as required by sub. (2), the Jefferson County Planning and Zoning Director shall inform the applicant whether the application, storm water management plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
 - (b) If the storm water permit application, storm water management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Jefferson County Planning and Zoning Director shall issue the permit.
 - (c) If the storm water permit application, storm water management plan or maintenance agreement is disapproved, the Jefferson County Planning and Zoning Director shall detail in writing the reasons for disapproval.
 - (d) The Jefferson County Planning and Zoning Director may request additional information from the applicant. If additional information is submitted, the Jefferson County Planning and Zoning Director shall have 30 business days from the date the additional information is received to inform the applicant that the storm water management plan and maintenance agreement are either approved or disapproved.
 - (e) Failure by the Jefferson County Planning and Zoning Director to inform the permit applicant of a decision within 30 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.
 - (f) The Planning and Zoning Director may request a consultant or expert to review applications for post-construction stormwater management permits as required by this ordinance. The cost of all such reviews shall be the responsibility of the applicant.
- (4) **PERMIT REQUIREMENTS.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Jefferson County Planning and Zoning Director may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Jefferson County Planning and Zoning Director to suspend or revoke this permit may be appealed in accordance with Section 18.
- (a) 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.
 - (b) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.

- (c) The responsible party shall notify the Jefferson County Planning and Zoning Director at least 5 business days before commencing any work in conjunction with the storm water management plan, and within 5 business days upon completion of the storm water management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the Jefferson County Planning and Zoning Director so that practice installations can be inspected during construction.
- (d) Practice installations required as part of this ordinance shall be certified "as built" or "record" drawings by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Jefferson County Planning and Zoning Director or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Jefferson County Planning and Zoning Director 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.
- (e) The responsible party shall notify the Jefferson County Planning and Zoning Director of any significant modifications it intends to make to an approved storm water management plan. The Jefferson County Planning and Zoning Director may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.
- (f) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of Jefferson County, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (g) The responsible party authorizes the Jefferson County Planning and Zoning Director to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 15.
- (h) If so directed by the Planning and Zoning Director, 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 storm water management plan.
- (i) The responsible party shall permit property access to the Jefferson County Planning and Zoning Director or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.

- (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Jefferson County Planning and Zoning Director may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (k) The responsible party is subject to the enforcement actions and penalties detailed in Section 17, if the responsible party fails to comply with the terms of this permit.
- (5) **PERMIT CONDITIONS.** Permits issued under this subsection may include conditions established by Jefferson County Planning and Zoning Director in addition to the requirements needed to meet all performance standards required under this ordinance or a financial guarantee as provided for in Section 15 of this ordinance.
- (6) **PERMIT DURATION.** Permits issued under this section shall be valid from the date of issuance through the date the Jefferson County Planning and Zoning Director notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (4)(d).

13. STORM WATER MANAGEMENT PLAN.

- (1) **STORM WATER MANAGEMENT PLAN REQUIREMENTS.** The storm water management plan required under Section 11(2) shall contain at a minimum the following information:
- (a) Name, address and telephone number for the following or their designees:
 - i. landowner
 - ii. developer
 - iii. project engineer for practice design and certification
 - iv. person(s) responsible for installation of storm water management practices
 - v. person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
 - (b) A proper legal description of the property proposed to be developed
 - (c) Pre-development site conditions, including:
 - i. One or more scaled site plans shall be submitted that includes, at a minimum, the following:
 - a. Site location and legal property description
 - b. Predominant soil types and hydrologic soil groups
 - c. Existing cover type and condition
 - d. Topographic contours of the site
 - e. Topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site
 - f. Watercourses that may affect or be affected by runoff from the site

- g. Flow path and direction for all storm water conveyance sections
 - h. Watershed boundaries used in hydrology determinations to show compliance with performance standards
 - i. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site
 - j. Limits of the 100 year floodplain
 - k. Location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wis. Adm. Code.
 - l. Any other information requested by the Planning and Zoning Department
 - ii. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
- (d) Post-development site conditions, including:
- i. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 - ii. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.
 - iii. One or more site plans shall be submitted that includes, at a minimum, the following:
 - a. Post-construction pervious areas including vegetative cover type and condition
 - b. Impervious surfaces including all buildings, structures, and pavement
 - c. Post-construction topographic contours
 - d. Post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site
 - e. Locations and dimensions of drainage easements
 - f. Locations of maintenance easements specified in the maintenance agreement
 - g. Flow path and direction for all storm water conveyance sections
 - h. Location and type of all storm water management conveyance and treatment practices, including the on-site and off- site tributary drainage area
 - i. Location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way

- j. Watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
 - k. Any other information requested by the Planning and Zoning Department
 - iv. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 - v. Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.
 - (e) A description and installation schedule for the storm water management practices needed to meet the performance standards in Section 11.
 - (f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
 - (g) Cost estimates for the construction, operation, and maintenance of each storm water management practice.
 - (h) Other information requested in writing by the Jefferson County Planning and Zoning Director to determine compliance of the proposed storm water management measures with the provisions of this ordinance.
 - (i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.
- (2) **ALTERNATE REQUIREMENTS.** The Jefferson County Planning and Zoning Director may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under this ordinance.

14. MAINTENANCE AGREEMENT.

- (1) **MAINTENANCE AGREEMENT REQUIRED.** The maintenance agreement required under this ordinance for storm water management practices shall be an agreement between the Jefferson County Planning and Zoning Director and the responsible party to provide for maintenance of storm water 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 storm water management practices.

- (2) **AGREEMENT PROVISIONS.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required under this ordinance:
- (a) Identification of the storm water facilities and designation of the drainage area served by the facilities.
 - (b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under this ordinance.
 - (c) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under this ordinance.
 - (d) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water management practices in accordance with the schedule included in par. (b).
 - (e) Authorization for the Jefferson County Planning and Zoning Director to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (f) A requirement on the Jefferson County Planning and Zoning Director 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 storm water management practice into proper working condition.
 - (g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the Jefferson County Planning and Zoning Director of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Jefferson County Planning and Zoning Director.
 - (h) Authorization of the Jefferson County Planning and Zoning Director to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The Jefferson County Planning and Zoning Director shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.

15. FINANCIAL GUARANTEE.

- (1) **ESTABLISHMENT OF THE GUARANTEE.** The Jefferson County Planning and Zoning Director may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Jefferson County Planning and Zoning Director. The financial guarantee shall be in an amount determined by the Jefferson County Planning and Zoning Director to be the estimated cost of construction and the estimated cost of maintenance of the storm water

management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Jefferson County Planning and Zoning Director the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the Jefferson County Planning and Zoning Director that the requirements of this ordinance have not been met.

- (2) **CONDITIONS FOR RELEASE.** Conditions for the release of the financial guarantee are as follows:
 - (a) The Jefferson County Planning and Zoning Director shall release the portion of the financial guarantee established under this section, less any costs incurred by the Jefferson County Planning and Zoning Director to complete installation of practices, upon submission of "as built plans" or "record" drawings by a licensed professional engineer. The Jefferson County Planning and Zoning Director may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (b) The Jefferson County Planning and Zoning Director shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the County, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

16. FEE SCHEDULE.

- (1) The fees referred to in other sections of this ordinance shall be established by the Jefferson County Board of Supervisors and may from time to time be modified by resolution. A schedule of the fees established by Jefferson County shall be available for review.

17. ENFORCEMENT.

- (1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- (2) The Jefferson County Planning and Zoning Director 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.
- (3) Upon receipt of written notification from the Jefferson County Planning and

Zoning Director under sub. (2), the responsible party shall correct work that does not comply with the storm water 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 Jefferson County Planning and Zoning Director in the notice.

- (4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Jefferson County Planning and Zoning Director may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Jefferson County Planning and Zoning Director plus interest and legal costs shall be billed to the responsible party.
- (5) The Jefferson County Planning and Zoning Director is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the corporation counsel to obtain a cease and desist order in any court with jurisdiction.
- (6) The Jefferson County Planning and Zoning Director may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Jefferson County Planning and Zoning Director or by a court with jurisdiction.
- (8) The Jefferson County Planning and Zoning Director is authorized to refer any violation of this ordinance, or a stop work order or cease and desist order issued pursuant to this ordinance, to the corporation counsel for the commencement of further legal proceedings in any court with jurisdiction.
- (9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than \$200 or more than \$1000 per offense, in addition to the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to seek a forfeiture or a cease and desist order before seeking a court ordered injunction.
- (11) When the Jefferson County Planning and Zoning Director determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Jefferson County Planning and Zoning Director or a party designated by the Jefferson County Planning and Zoning Director 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 storm water management plan. The Jefferson County Planning and Zoning Director 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 15 of this ordinance. 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 for the year in which the work is completed.

18. APPEALS.

(1) BOARD OF ADJUSTMENT.

- (a) The Jefferson County Board of Adjustment created pursuant to s. 59.694, Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Jefferson County Planning and Zoning Director in administering this ordinance. 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 ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.
- (b) Board of Adjustment shall follow rules established through the Jefferson County Zoning Ordinance
- (c) WHO MAY APPEAL: Appeals to the board of adjustment may be taken by any aggrieved person or by an officer, department, board or bureau of Jefferson County affect by the decision of the [administering authority]

19. SEVERABILITY

- (1) If any section, clause, provision of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgement.

20. EFFECTIVE DATE

- (1) This ordinance shall be in force and effect from and after its adoption and publication. The above foregoing ordinance was duly adopted by the County Board of Supervisors of Jefferson County on 10th day of October 2023.

Fiscal Note: The FTE required to implement both ordinances is approximately .5 FTE, based on the estimated number of permits and staff time required for effective implementation. A 1.0 FTE within the Planning and Zoning Department is being requested for enforcement of this ordinance. Permit fees and revenue associated with both ordinances is estimated as \$30,625 and would be assessed as provided below. Should this ordinance pass, a budget amendment to the 2024 budget

will be requested after the 2024 budget is passed on November 14, 2023 to provide the resources to enforce this ordinance

Additional revenues sources have been identified within the Planning and Zoning Department to offset the increase in FTE.

- *3-year Septic Maintenance Fee: The Planning and Zoning Department currently implements the 3-year septic maintenance fee program under Wis. Stat. Chapter 145(20)5. The Department proposes to charge owners of a septic system a fee. The estimated revenue of this fee is \$75,000 annually.*
- *The Planning and Zoning Department proposes to become an agent for the Department of Safety and Professional Services (DSPS) for the review and issuances of certain septic system permits. Currently, certain septic systems are required to obtain a permit from DSPS and the County. This proposal would allow the County to review and issue the permit on behalf of the State. The estimated FTE to implement this services is 0.2 FTE and estimated revenue is \$20,000.*

Construction Site Erosion Control		
	Standard	Shoreland
Less than 500 sq. ft.	75	100
501 sq. ft. to 1,000 sq. ft.	125	175
1,000 sq. ft. or more	150 + \$0.007 per sq. ft.	250 + \$0.007 per sq. ft.
Commercial/Industrial/Business		
Less than 4,000 sq. ft.	200	300
More than 4,000 sq. ft. (base fee plus \$0.007)	250	350
Linear Disturbances		
Less than 300'	150	200
300' to 1,000'	250	300
More than 1,000'	350	400
Post Construction Stormwater Management		
Base Fee	500	
Additional Fee per sq. ft. of new impervious area	0.007/sq. ft.	

Referred By:
Planning and Zoning Committee

10-10-2023

REVIEWED: Corporation Counsel: JBW; Finance Director: 

APPOINTMENTS BY COUNTY ADMINISTRATOR

By virtue of the authority vested in me under Sections 59.18(2)(b) of the Wisconsin Statutes, I respectfully request confirmation of the following appointments:

- a. Russell Kutz to the Human Services Board for a three-year term ending November 1, 2026.
- b. Kirk Lund to the Human Services Board for a three-year term ending November 1, 2026.
- c. Art Biermeier to the Jefferson County Library Board for a three-year term ending December 31, 2026.
- d. Art Biermeier to the Bridges Federated Library System Board for a three-year term ending December 31, 2026.
- e. Greg Haasch to the Jefferson County Library Board for a three-year term ending December 31, 2026.
- f. Joseph Naylor to the Veterans Service Commission for a three-year term ending December 14, 2026.
- g. Jim Seidl to the Veterans Service Commission for a three-year term ending December 14, 2026.

AYES _____ NOES _____ ABSTAIN _____ ABSENT _____